

City of Flint, Michigan

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



Meeting Agenda - Final

Monday, July 25, 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****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.

PLEDGE OF ALLEGIANCE**PRAYER OR BLESSING****REQUESTS FOR CHANGES OR ADDITIONS TO AGENDA**

Council shall vote to adopt any amended agenda.

PRESENTATION OF MINUTES**PUBLIC HEARINGS****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

220306 Public Notice/Permit Application/Hamilton Dam

Communication received June 16, 2022, re: The Genesee County Parks & Recreation Commission has applied for a permit to make improvements to the Hamilton Dam.

220307 Flint Golf Club v City of Flint/MTT Docket No. 22-002206

Communication dated July 7, 2022, re: Proof of Service and Petition filed with the Michigan Tax Tribunal by the Flint Golf Club, regarding Parcel Nos. 41-20-326-001, 41-20-303-001 and 41-20-032-001.

220308 Eastridge Commons Realty, LLC v City of Flint/MTT Docket No. 22-002243

Communication dated June 28, 2022, re: Proof of Service and Petition filed with the Michigan Tax Tribunal by Eastridge Commons Realty, LLC, regarding Parcel No. 41-16-401-013.

220309 Flintstone Properties v City of Flint/MTT Docket No. 22-001855

Communication received July 22, 2022, re: Proof of Service and Petition filed with the Michigan Tax Tribunal by Flintstone Properties, regarding Parcel No. 41-18-117-011.

220310 Flint Center Properties, LLC v City of Flint/MTT Docket No. 22-001840

Communication received July 22, 2022, re: Proof of Service and Petition filed with the Michigan Tax Tribunal by Flint Center Properties, LLC, regarding Parcel No. 41-09-476-040.

220311 Notification of Meeting/Public Hearing/Karegnondi Water Authority (KWA)/Fiscal Year 2022-2023 Budget

Notification of KWA Board Meeting and Public Hearing received July 14, 2022, re: The KWA will hold a Board Meeting and Public Hearing on the FY2022-2023 Budget at 10 a.m. August 15, 2022, at the Genesee County Water Treatment Plant, 4414 Stanley Road, Columbiaville.

COMMUNICATIONS (from Mayor and other City Officials)

220312 Weekly Traffic Control Update

Email received July 10 and 15, 2022, from Traffic Engineering and DPW, identifying the latest lane closures and ramp closures for the I-69 and I-475 Reconstruction projects.

220313 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closure permits (10) dated May, June and July 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

220293 Appointment/Building Code Board of Appeals/Emily Doerr

Resolution resolving that the Flint City Council approves the appointment of Emily Doerr (Executive Director of the Michigan State Land Bank, 411 West 1st Avenue, Flint, Michigan, 48503) to serve on the Building Code Board of Appeals for a two-year term, commencing upon resolution approval and expiring July 1, 2024, as recommended by Mayor Sheldon A. Neeley.

220294 Appointment/Building Code Board of Appeals/Jonathan Mason

Resolution resolving that the Flint City Council approves the appointment of Jonathan Mason (Contractor, 302 University Avenue, Flint, Michigan, 48503) to serve on the Building Code Board of Appeals for a one-year term, commencing upon resolution approval and expiring March 1, 2023, as recommended by Mayor Sheldon A. Neeley.

220303 Appointment/Ethics & Accountability Board/William C. Harris

Resolution resolving that 8th Ward Flint City Councilperson Dennis Pfeiffer hereby recommends the appointment of William C. Harris (2222 Colfax Avenue, Flint, MI 48503) to the Ethics and Accountability Board for a six-year (6)-year term, commencing upon resolution adoption, and expiring June 26, 2028. [By way of background, Mr. Harris is replacing Zack Lessner, who resigned from a term that expired June 25, 2022.]

RESOLUTIONS**220288** Year Two/Three-Year Contract/DHT Transportation/Sewage Sludge Transport Services

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to enter into year two of a [three-year] contract with DHT Transportation to provide sludge disposal transportation services, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$250,000.00 [for each of the next two years, pending adoption of each year's respective budget, for a total amount of \$500,000.00] [Sewer Fund Acct. No. 590-550.100-815.550.]

220289 Year Two/Three-Year Contract/Republic Services/Sewage Sludge Cake Disposal

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to enter into year two of the [three-year] contract with Republic Services to provide sewage sludge cake disposal services, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$260,000.00 for FY2023, and \$273,000.00 for FY2024 pending adoption of each year's budget, for a total amount NOT-TO-EXCEED \$533,000.00 [Sewer Fund Acct. No. 590-550.100-815.500.]

- 220290** Metron Farnier/AMI Water Meters/System Upgrade Project
- Resolution authorizing the Division of Purchases and Supplies, upon City Council's approval, to issue a purchase order to Metron Farnier for completion of the AMI water meter upgrade project, as requested by the Water Service Center, in an amount NOT-TO-EXCEED \$438,000,000.00 [Water Infrastructure Improvements for the Nation (WIIN) Grant Fund Acct. No. 496-536.806-802.080.]
- 220291** Macallister Machinery Co., Inc./Dump Trailer/Blight Removal Program
- Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Macallister Machinery Co., Inc. for the purchase of a 14-000-pound capacity dump trailer for blight services, in an amount NOT-TO-EXCEED \$17,250.00, as requested by Blight [Acct. No. 287-732.701-977.000].
- 220292** INA Store, Inc./Dump Trailer/Blight Removal Program
- Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to INA Store, Inc. for the purchase of a 12-000-pound capacity dump trailer for blight services, in an amount NOT-TO-EXCEED \$11,380.00, as requested by Blight [Acct. No. 287-732.701-977.000].
- 220296** Budget Amendment/Transfer of Funds/Grant Acceptance/Charles Stewart Mott Foundation/Public Safety Support Grant/Flint Police Department
- Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to accept the Charles Stewart (C.S.) Mott Foundation Public Safety Support Grant, amend the FY2022 budget, appropriate funding for future fiscal years, for as long as funds are available from the funder, and abide by the terms and conditions of the grant, in the amount of \$850,000.00 to Grant Code PCSM-PSS22 through May 31, 2023.
- 220297** Budget Amendment/Transfer of Funds/Acceptance/State of Michigan First Responder Training & Recruitment Grant
- Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to accept the State of Michigan First Responder Training and Recruitment Grant, amend the FY2022 budget, appropriate funding for future fiscal years, for as long as funds are available from the funder, and abide by the terms and conditions of the Grant Agreement, in the amount of \$170,000.00, to Grant Code SMDT-FRTR22 through September 30, 2022.
- 220298** Budget Amendment/Transfer of Funds/Acceptance/Michigan Economic Development Corp. Blight Elimination Grant
- Resolution resolving that the appropriate city officials, upon City Council's

approval, are hereby authorized to do all things necessary to accept the Michigan Economic Development Corp. Grant, amend the FY2022 budget, appropriate funding for future fiscal years, for as long as funds are available from the funder, and abide by the terms and conditions of the Grant, in the amount of \$1,000,000.00, to Grant Code SMEDC-BLIG22 through December 31, 2023.

- 220299** Partnership Memorandum of Understanding (MOU)/City of Flint/Flint Housing Commission/Choice Neighborhoods Planning Grant

Resolution resolving that the Flint City Council authorizes the City to do all things necessary to enter into a Memorandum of Understanding (MOU) with the Flint Housing Commission to partner with them on the preparation and submission of a Choice Neighborhoods Planning Grant.

- 220301** Pay Increases/Election Workers

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to process election worker pay increases. Funds for said increases have been approved will come from the FY2022-2023 City Clerk Election Division - Election Workers Acct. No. 101-262.110-702.000.

- 220302** Process Payment/Spectacle Productions/Videotaping Services

Resolution resolving that the appropriate city officials, upon City Council approval, are authorized to do all things necessary to process an additional payment to Spectacle Productions, in the amount of \$14,000.00, for the videotaping of various Flint City Council meetings/hearings that took place in late Fiscal Year 2022, with said funds coming from City Council Professional Services Acct. No. 101-101.100-801.000 for FY2022.

- 220304** Collective Bargaining Agreement/City of Flint/AFSCME Council 25/Local 1799/Through June 30, 2024

Resolution resolving that the Flint City Council ratifies the Tentative Collective Bargaining Agreement by and between the City of Flint and AFSCME Council 25, Local 1799 (see attached Draft Collective Bargaining Agreement).

- 220305** Collective Bargaining Agreement/City of Flint/Police Officers Labor Council/Flint Police Department Sergeants/Through June 30, 2024

Resolution resolving that the Flint City Council ratifies the Tentative Collective Bargaining Agreement by and between the City of Flint and Police Officers Labor Council -- Flint Police Department Sergeants (see attached Draft Collective Bargaining Agreement).

RESOLUTIONS (May be Referred from Special Affairs)

LIQUOR LICENSES

INTRODUCTION AND FIRST READING OF ORDINANCES

220272 Ordinance/Amendment/Chapter 31 (General Offenses)/Article III (Blight Violations)/Amendment of Section 31-81

An ordinance to amend the Code of the City of Flint by amending Chapter 31 (General Offenses), Article III (Blight Violations), by amending Section 31-62 (Blight Violation).

220295 Amended Ordinance/Chapter 50/PC-22-9/Jaycee LLC-Jeff Gappy/Rezoning/3402 Richfield Road/From 'D-3' to 'D-5'/Ward 4

An amended ordinance to amend the Code of the City of Flint has been requested by Jaycee LLC-Jeff Gappy (PC-22-9) to change the district boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows: 3402 Richfield Road, Flint MI 48506, Parcel No. 47-33-452-052, legally described as ASSESSOR'S PLAT OF RICHFIELD WOODS LOTS 46 THRU U48 INCL; ALSO LOTS 50 THRU 57 INCL; ALSO LOT 49 EXC WLY 14FT; ALSO LOT 60 EXC ELY 128.5 FT; ALSO LOT 62 EX ELY 128.5 FT, from "D3" Community Business and future zoned "TN-2" Traditional Neighborhood to "D-5" Metropolitan Commercial Service. THE PLANNING COMMISSION RECOMMENDS DENIAL.

SECOND READING AND ENACTMENT 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).]

ADDITIONAL DISCUSSION ITEMS

FINAL COUNCIL COMMENTS

ADJOURNMENT



CITY OF FLINT

RESOLUTION NO.: 220293

PRESENTED: JUL 20 2022

ADOPTED: _____

Resolution Recommending the Appointment of Emily Doerr to the City of Flint's Building Code Board of Appeal

BY THE CITY ADMINISTRATOR:

WHEREAS, Flint City Ordinance Chapter 24 §121-123, adopted on November 15, 2021, establishes the City of Flint Building Board of Appeals as a multiple member body by the Flint City Council and identifies their functions; and

WHEREAS, §24-122 identifies the composition, appointment, and terms of office of the Building Board of Appeals, states that the Board shall consist of five (5) members and two (2) alternates, and identifies qualifications required of members; and

WHEREAS, §24-122 states that members and alternates of the BBOA shall be either a licensed contractor, a licensed architect or professional engineer, two members of the general public with knowledge/experience in building construction, maintenance, or design, a registered building official, plan reviewer, or inspector; and

WHEREAS, Mayor Neeley recommends the appointment of Emily Doerr (Executive Director, Michigan State Land Bank) 411 W 1st Ave, Flint, MI 48503, for a two-year term; and

IT IS RESOLVED, Pursuant to 24-122, that the Flint City Council approves the appointment of Emily Doerr, to the Building Board of Appeals for a two year term commencing immediately upon adoption of this resolution and expiring July 1, 2024.

APPROVED AS TO FORM:


William Kim (Jun 28, 2022 14:58 EDT)

William Kim, Chief Legal Officer

ADMINISTRATION:


CLYDE D EDWARDS (Jun 28, 2022 15:57 EDT)

Clyde D. Edwards, City Administrator

CITY COUNCIL:

City Council



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: June 28, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: Resolutions recommending approval of two members to the City of Flint Building Board of Appeals (BBOA)

PREPARED BY: Suzanne Wilcox, Director of Planning and Development

VENDOR NAME: n / a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Building Code Board of Appeals (BBOA) is established pursuant to Section 6-101 of the Flint City Charter, Chapter 24 of the Flint City Code of Ordinances; the Housing Law of Michigan; the Construction Code Act of 1972; and the International Property Maintenance Code (IPMC) as adopted by Section 24-4 of the Flint Code of Ordinances, as amended. The duties of the BBOA include, but are not limited to: conducting appeals hearings as set forth in MCL 125.451, MCL 125.1501, and Section 111.1 of the IPMC, as adopted by Section 24-4 of the Flint Code of Ordinances, as amended.

Flint City Ordinance Chapter 24 §121-123, adopted on November 15, 2021, establishes the City of Flint Building Board of Appeals as a multiple member body by the Flint City Council, identifies their functions, as well as the composition, appointment, and terms of office of the Building Board of Appeals. Per the ordinance, the BBOA shall consist of five (5) members and two (2) alternates. Members and alternates shall satisfy at least one of the following qualifications: be a licensed building contractor, a licensed architect or professional engineer, two members of the general public with knowledge/experience in building construction, maintenance, or design, or a registered building official, plan reviewer, or inspector. At least three-fourths of the members of the board (including alternates) shall be residents of the City of Flint. Currently only one member of the BBOA has been appointed, and he is a non-resident. All further appointments must be residents of the City of Flint.

The attached resolutions recommend appointments to constitute the Building Board of Appeals. The following recommendations are being made and satisfy the requirements of the ordinance in composition and term.

- Emily Doerr, Executive Director, Michigan State Land Bank
- Lynn Sorenson, Real Estate Holding Company President

FINANCIAL IMPLICATIONS: None

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



CITY OF FLINT

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO:

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) n/a

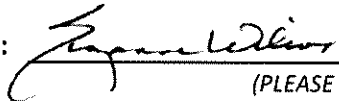
BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): n/a

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

DEPARTMENT HEAD SIGNATURE:  Director, Dept of Planning and Dev.
(PLEASE TYPE NAME, TITLE)

EMILY DOERR

Tenacious and compassionate public sector leader. Optimistic, honest, organized, and energetic. Passionate Flint resident, entrepreneur and tour guide, and engaged nonprofit board member.

CONTACT

PHONE

313.515.1179

EMAIL

doerr.emily@gmail.com

LINKEDIN

www.linkedin.com/in/emilymdoerr

SKILLS

Writing and Management of RFQ and RFP process (both with and w/o federal funds)

Federal / State / County / Local / Foundation grants management (writing, data collection, programmatic and financial reporting)

Working with legal staff to develop templates and draft agreements in timely fashion

Creation of new processes and roles while respecting history and legacy

Reporting to Nonprofit and Government Boards of Directors

Staff management through program transition

ProForma and Budget Development

Construction Management (currently completing online 6-course certificate at Louisiana State University)

EDUCATION

Master of Business Administration,
University of Detroit Mercy
– August 2009 to Dec 2012

Bachelor of Science, Central Michigan
University - Economics and Political
Science, minor in History
– August 2003 to May 2007

June 2020: EPA RRP Certified Renovator

EXPERIENCE

HOUSING DEVELOPMENT / COMMUNITY DEVELOPMENT –
state-level real estate development finance and policy, asset
management, commercial redevelopment, single-family housing
renovation, HOME/CDBG oversight: 6.5 years

Executive Director, Michigan State Land Bank • 10/20 - present
Vice President, Housing Development - Metro Community Development
• 6/18 - 10/20

Community Economic Development Program Manager - City of Flint • 4/16 - 6/18

KEY ACCOMPLISHMENTS

- Lead statewide land bank in policy, advocacy, 50+ development projects, and trainings
- Creation of new dept. at Metro, portfolio mgmt. strategy (54 housing units), and 25,000 SF commercial redevelopment project including new office for Metro.
- Launch of a single-family acquisition/rehab/resale program that includes the CDFI self-financing to help reset the market values in disinvested neighborhoods.
- Strategic and operational lead for \$3.5M annual cycle of City of Flint HOME and CDBG including staff management and Housing Investment Strategy creation.
- Close-out of \$14M+ of housing-related HOME, CDBG, & NSP grants from 2009-14

ECONOMIC DEVELOPMENT – Business Attraction, Retention,
Municipal Development Processes, and Entrepreneurship: 5.5 years

Project Manager, Consumers Energy • 10/15 - 3/16

Business Attraction Manager, Michigan Economic Development Corporation • 8/14 - 10/15

Director, Community and Economic Development, City of Oak Park • 1/13 - 5/14

Small Business / Urban Initiatives Manager - Detroit Regional Chamber • 11/11 - 1/13

Founder, Hostel Detroit • 11/10 - 11/11; Board President November 2010 - Present

KEY ACCOMPLISHMENTS

- Learned Right-of-Way real estate acquisition, sales, and negotiation tactics at Consumers Energy; took 40 hour Real Estate Sales course but left role prior to exam to move to Flint in early 2016 for leadership role in CED Division.
- Attraction of new companies to Michigan totaling 329 new jobs and over \$20M new investment utilizing incentive packages with \$2.5M+ of incentive funds.
- Passed bistro license ordinance through conservative Oak Park City Council allowing restaurants to sell beer/wine for the first time in the city's history; streamlined development process working with Planning Commission and ZBA.
- Worked with Detroit City Council on business permitting and licensing processes.
- Opened Hostel Detroit in April 2011; it has had over 15,000 guests from 83 countries, estimated \$3.2M local economic impact; 2 FT and 3-5 PT staff.

COMMUNITY DEVELOPMENT – County Grants Management and
Statewide Advocacy, Membership, and Training: 4 years

Grants Manager, Wayne Metro Community Action Agency • 1/09 - 11/10

Director of Membership and Special Projects, Community Economic
Development Association of MI (CEDAM) • 11/06 - 1/09

KEY ACCOMPLISHMENTS

- Managed 70 grants simultaneously (total Community Action Agency budget over \$25M including ARRA funds) – liaison between COO and Controller.
- Met weekly with a different state legislator about CEDAM member impact; coordinated Real Estate Development Training series



CITY OF FLINT

RESOLUTION NO.:

220294

PRESENTED:

JUL 20 2022

ADOPTED:

**Resolution Recommending the Appointment of Jonathan Mason to the
City of Flint's Building Code Board of Appeal**

BY THE CITY ADMINISTRATOR:

WHEREAS, Flint City Ordinance Chapter 24 §121-123, adopted on November 15, 2021, establishes the City of Flint Building Board of Appeals as a multiple member body by the Flint City Council and identifies their functions; and


WHEREAS, §24-122 identifies the composition, appointment, and terms of office of the Building Board of Appeals, states that the Board shall consist of five (5) members and two (2) alternates, and identifies qualifications required of members; and

WHEREAS, §24-122 states that members and alternates of the BBOA shall be either a licensed contractor, a licensed architect or professional engineer, two members of the general public with knowledge/experience in building construction, maintenance, or design, a registered building official, plan reviewer, or inspector; and

WHEREAS, Mayor Neeley recommends the appointment of Jonathan Mason (Contractor, Above & Beyond Concepts) 302 University Ave, Flint, MI 48503, resident) for a one-year term; and

IT IS RESOLVED, Pursuant to 24-122, that the Flint City Council approves the appointment of Jonathan Mason, to the Building Board of Appeals for a one year term commencing immediately upon adoption of this resolution and expiring March 1, 2023.

APPROVED AS TO FORM:


William Kim (May 10, 2022 13:59 EDT)

William Kim, Chief Legal Officer

ADMINISTRATION:


CLYDE D EDWARDS (May 10, 2022 14:00 EDT)

Clyde D. Edwards, City Administrator

CITY COUNCIL:

City Council



Jonathan Mason

302 University Avenue Flint, MI 48503

810-444-9968

I, Jon Mason have been a Flint resident, residing in Carriage Town for 5 years. I have been a property owner in Flint for 11 years. I have been in the construction field since 2000. I started my own construction company, Above & Beyond Concepts in 2008. For the last 5 years, I have been putting my focus on projects in Flint neighborhoods.

Carpentry Positions

- 2000-2008
 - Rough framing Crew- Laborer to foreman
- 2008-2012
 - On-site superintendent- Commercial construction projects
- 2012 -2019
 - High-end trim Carpentry
- 2012- current
 - Commercial Property Owner & Small Scale Developer

Awards & Acknowledgements

- Residential Builder License 2008

Professional References

- Derek Dohrman-Homeowner/Small scale developer - dohrman.derek@gmail.com
- Moses Timlin- Community Development- URC- mtimlin@uptownflint.org
- Joe Martin- CEO- URC- jmmartin@mott.org



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: May 10, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: Resolutions recommending approval of two members to the City of Flint Building Board of Appeals (BBOA)

PREPARED BY: Suzanne Wilcox, Director of Planning and Development

VENDOR NAME: n / a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Building Code Board of Appeals (BBOA) is established pursuant to Section 6-101 of the Flint City Charter, Chapter 24 of the Flint City Code of Ordinances; the Housing Law of Michigan; the Construction Code Act of 1972; and the International Property Maintenance Code (IPMC) as adopted by Section 24-4 of the Flint Code of Ordinances, as amended. The duties of the BBOA include, but are not limited to: conducting appeals hearings as set forth in MCL 125.451, MCL 125.1501, and Section 111.1 of the IPMC, as adopted by Section 24-4 of the Flint Code of Ordinances, as amended.

Flint City Ordinance Chapter 24 §121-123, adopted on November 15, 2021, establishes the City of Flint Building Board of Appeals as a multiple member body by the Flint City Council, identifies their functions, as well as the composition, appointment, and terms of office of the Building Board of Appeals. Per the ordinance, the BBOA shall consist of five (5) members and two (2) alternates. Members and alternates shall satisfy at least one of the following qualifications: be a licensed building contractor, a licensed architect or professional engineer, two members of the general public with knowledge/experience in building construction, maintenance, or design, or a registered building official, plan reviewer, or inspector. At least three-fourths of the members of the board (including alternates) shall be residents of the City of Flint. Currently only one member of the BBOA has been appointed, and he is a non-resident. All further appointments must be residents of the City of Flint.

The attached resolutions recommend appointments to constitute the Building Board of Appeals. The following recommendations are being made and satisfy the requirements of the ordinance in composition and term.

- John R. Smith: State of Michigan Fire Marshall Inspector
- Jonathan Mason: Licensed contractor, small scale developer

FINANCIAL IMPLICATIONS: None

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



CITY OF FLINT

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO:

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) 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 Director, Dept of Planning and Dev.
Suzanne Wilcox (PLEASE TYPE NAME, TITLE)

RESOLUTION: 220303

PRESENTED: 7-20-22

ADOPTED:

**RESOLUTION OF APPOINTMENT
TO THE ETHICS & ACCOUNTABILITY BOARD**

BY THE CITY COUNCIL:

The Ethics and Accountability Board was created in June 2018 pursuant to Sections 3-501 through 3-505 of the Flint City Charter; and

Eleven members were appointed at that time to staggering terms; Council members appointed one each and the Mayor appointed two; and

Zack Lessner of the 8th Ward was appointed in 2019 to serve the remainder of a four-year term that expired June 25, 2022, but resigned, March 7, 2022, due to lack of time to devote to the Board.

Councilperson Dennis Pfeiffer, Ward 8, recommends appointing William C. Harris (2222 Colfax Avenue, Flint, MI 48503) to replace Mr. Lessner.

THEREFORE, BE IT RESOLVED that the Flint City Council approves the appointment of William C. Harris to serve a six-year term on the Ethics and Accountability Board, commencing upon resolution adoption, and expiring June 25, 2028.

APPROVED AS TO FORM:

APPROVED BY CITY COUNCIL:

William Kim, Chief Legal Officer

William C. Harris

2222 Colfax Avenue, Flint
Michigan, 48503

(810)-836-1692

billycharris86@yahoo.com

OBJECTIVE

To find a career path that will allow me the ability to achieve in challenges and will allow me to grow.

EDUCATION

Midwest College of Theology
BS Degree in Biblical Studies
and Administration

Mott Community College
Studied General Studies

Carman-Ainsworth HS
Graduated 2004

EXPERIENCE

December 2021 to Present

Sash Promotional Concepts* Senior Marketing/Data Consultant

August 2021 to December 2021

Genesee County/Friend of the Court

November 2019 to August 2021

Specialist *Medication Dispenser, Data Entry Clerk, Cashier,
Trainer *Optum Specialty Pharmacy (United Healthcare acquired
Diplomat Pharmacy in a merger)

April 2018 to November 2019

CSR II · Medication Dispenser, Data Entry Clerk · Diplomat
Specialty Pharmacy

March 2016 to April 2018

AFN Specialist · Access Functional Needs · Michigan Works

January 2012 to Present

Manager · COGIC Publishing House/COGIC Stores

January 2009 to December 2011

Customer Service Advisor * COGIC Publishing House/COGIC
Stores

October 2004 to April 2008

Clerk/Advisor* US Commissioner Hattie Daniels Rush

My responsibilities were a combination of data entry, and customer service relations on both the retail and corporate/pharmaceutical side. I managed teams of people ranging from 10 to 20. Some of my accomplishments: Winning Employee of the Month back to back months; Customer Service Appreciation Awards with Diplomat Pharmacy and United Health. Supervising the AFN Team with Michigan Works high recognitions, Team Lead with DEQ for the State of Michigan during the Water Crisis. Our store having the

highest sales of \$15,000+ a month for the COCOTI De Javan
House eight (8) straight years.

KEY SKILLS

Project Planning
Management
Data Entry
Communication
Public Relations
Community Involvement

COMMUNICATION

Because of my involvement in politics, community involvement and moving into the customer service field: I have learned and developed proper ways to work with people and conduct myself in respectful ways and to engage people of different backgrounds, political affiliations, and even religious beliefs. I have always been confidential in my conversation with people, ***and I have been told on several occasions that people not only trust what I say: but they also believe that I will follow through with what I say as well.***

LEADERSHIP

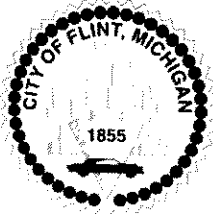
My leadership skills come into play as an Associate Minister at the Greater Holy Temple Ministries, as the Departmental Head of Evangelism for the Church and the Dioceses. I have been the Delivery Coordinator Manager for the Third Ward of the City of Flint during the Flint Water Crisis. I was the Assoc. Director of the Community Engagement Team with Blight Control for two years: along with being a long-standing Manager of a Successful Christian Publishing Store for more than 8 years. During my 3.5 years at Diplomat Pharmacy (2018 to 2019) and then Optum Pharmacy (2019 to 2021) I was responsible for training new employees in taking payment, refills, and identifying problems and issues with customers and doctor's and hospital offices. I was responsible for setting up deliveries on a customer basis and on the basis with multiple medical staff, hospitals, and universities. I was also tasked with company growth by reaching out to clients who did not have the financial means to afford medication and help them find grants, and funds to help pay for their medications. I also handled financial transactions daily. I stayed in constant communication with various levels and departments in the company to make sure that orders were correct, and that shipments were going to the right place to cut down on wasteful practices and expenditures for the company; and I achieved a 0.001 error rate in shipments and all error across the board.

Five years of experience as an Area Manager
Communicative Skills
Problem Solving Skills
Support and develop employees

- *Excellent verbal and written communication skills
- * Demonstrate ability in marketing
- *Positive employment relations
- *Maintains a high level of integrity
- *Ability to lead and develop a team
- *Conduct & Maintain training sessions
- *Ability to work with and train teams

REFERENCES

I have a list of Reference which can be produced at any time.



RESOLUTION NO.: 220288

PRESENTED: JUL 20 2022

ADOPTED: _____

PROPOSAL# 21000605

BY THE CITY ADMINISTRATOR:

RESOLUTION TO DHT TRANSPORT, LLC FOR SEWAGE SLUDGE TRANSPORTATION SERVICES

WHEREAS, Water Pollution Control generates approximately 12,000 wet tons of biosolids cake and grit ("Residuals") from its wastewater treatment process annually. Residuals must be transported off plant site to a landfill or other disposal site every weekday. The services are to be provided with fixed rates, for a period of three fiscal years. The contracts will be in effect for FY2022, FY2023, and FY2024. Three bids were reviewed and a split award is recommended.

WHEREAS, WPC recommends the lowest qualified bidder, DHT Transport, LLC, Reese, MI be awarded the bid for transportation services in the amount of \$250,000 for FY2022 (approved by City Council on June 14, 2021 via Resolution #210264) \$250,000 for FY2023, and \$250,000 for FY2024, totaling \$750,000.

Account Number	Account Name	Amount
590-550.100-815.550	Sludge Disposal Services	FY23 Total \$250,000.00
		FY24 Total \$250,000.00
	FY23/FY24 GRAND TOTAL	\$500,000.00

IT IS RESOLVED, that appropriate City Officials, are hereby authorized to enter into year two (2) of the contract with DHT Transportation to provide sludge disposal transportation services for FY23 (07/01/22-06/30/23) in an amount not-to-exceed \$250,000.00, and year three (3) of the contract for FY24 (07/01/23-06/30/24), pending budget adoption, in an amount not-to-exceed \$250,000.00.

APPROVED AS TO FORM:

William Kim
William Kim (Jul 12, 2022 16:46 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan
Robert J.F. Widigan (Jul 12, 2022 16:33 EDT)

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS (Jul 12, 2022 17:38 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: 07/05/2022

BID/PROPOSAL: Proposal 21000605

AGENDA ITEM TITLE: Sewage Sludge Cake Hauling/Transport Services

PREPARED BY: Krystal Wallace, Water Pollution Control

VENDOR NAME: DHT Transportation

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Water Pollution Control (WPC) generates approximately 13,000 wet tons of biosolids cake and grit ("residuals") from its wastewater treatment process annually. Residuals must be transported off plant site to a landfill or other disposal site every weekday. The services are to be provided with fixed rates, for a period of three fiscal years. The Contracts will be in effect for FY2022, FY2023, and FY2024. Three Bids were reviewed and a split award is recommended.

WPC recommends the lowest qualified bidder; DHT Transportation be awarded the bid for sludge cake hauling/transportation services in the amount of \$250,000.00 for each of the next three fiscal years, FY 2022, 2023, & 2024, a three-(3) year total of \$750,000.00.

FINANCIAL IMPLICATIONS: None

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

Dept.	Name of Account	Account Number	Grant Code	Amount
DPW-WPC	Sludge Disposal Services	590-550.100-815.550		\$250,000.00
		FY2023 GRAND TOTAL		\$250,000.00

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 230005691

ACCOUNTING APPROVAL: *Krystal Wallace* Date: 07/05/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐
(If yes, please indicate how many years for the contract) 3 YEARS, \$250,000.00 per year

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

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

AUTHORIZED SIGNATURE: *Jeanette Best*
(Jeanette Best, WPC Manager)



PROPOSAL# 21000605

RESOLUTION NO.: 210264
PRESENTED: JUN - 9 2021
ADOPTED: JUN 14 2021

BY THE CITY ADMINISTRATOR:

RESOLUTION TO DHT TRANSPORTATION FOR SEWAGE SLUDGE TRANSPORT SERVICES

WHEREAS, Water Pollution Control (WPC) generates approximately 13,000 wet tons of biosolids cake and grit ("residuals") from its wastewater treatment process annually. Residuals must be transported off plant site to a landfill or other disposal site every weekday. The services are to be provided with fixed rates, for a period of three fiscal years. The contracts will be in effect for FY2022, FY2023, and FY2024. Three bids were reviewed and a split award is recommended.

WPC recommends the lowest qualified bidder, DHT Transportation be awarded the bid for transportation services in the amount of \$250,000 for each of the next three fiscal years FY2022, FY2023, and FY2024, totaling \$750,000.

Account Number	Account Name	Amount
590-550.100-801.500	Sludge Disposal Services	\$250,000.00
	FY2022 GRAND TOTAL	\$250,000.00

IT IS RESOLVED, that the appropriate City Officials are authorized to do all things necessary to enter into a contract with DHT Transportation to provide sludge disposal transportation services for FY2022, pending budget adoption, for the amount of \$250,000.00.

APPROVED AS TO FORM:

Angela Wheeler
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

Shelbi Frayer
Shelbi Frayer, Chief Financial Officer

FOR THE CITY OF FLINT:

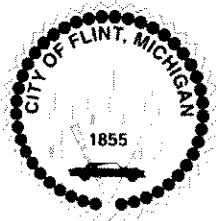
Clyde D. Edwards
Clyde D. Edwards (May 24, 2021 11:42 EDT)
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

Kate Fields
Kate Fields, City Council President

APPROVED AS TO PURCHASING:

Jennifer Ryan
Jennifer Ryan (May 25, 2021 15:21 EDT)
Jenn Ryan, Deputy Finance Director

RESOLUTION NO.: 220289PRESENTED: JUL 20 2022

ADOPTED: _____

PROPOSAL# 21000605

BY THE CITY ADMINISTRATOR:


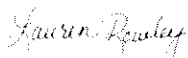
RESOLUTION TO REPUBLIC SERVICES FOR SEWAGE SLUDGE CAKE DISPOSAL

WHEREAS, Water Pollution Control generates approximately 12,000 wet tons of biosolids cake and grit ("Residuals") from its wastewater treatment process annually. Residuals must be transported off plant site to a landfill or other disposal site every weekday. The services are to be provided with fixed rates, for a period of three fiscal years. The contracts will be in effect for FY2022, FY2023, and FY2024. Three bids were reviews and a split award is recommended.

WHEREAS, WPC recommends the lowest qualified bidder, Republic Services be awarded the bid for disposal (landfill) services in the amount of \$247,000 for FY2022 (approved by City Council on June 14, 2021 via Resolution #210263) \$260,000 for FY2023, and \$273,000 for FY2024, totaling \$780,000.

Account Number	Account Name	Amount
590-550.100-815.550	Sludge Disposal Services	FY23 Total \$260,000.00
		FY24 Total \$273,000.00
	FY23/FY24 GRAND TOTAL	\$533,000.00

IT IS RESOLVED, that appropriate City Officials, , are hereby authorized to enter into year two (2) of the contract with Republic Services to provide sewage sludge cake disposal services for FY23 (07/01/22-06/30/23) in an amount not-to-exceed \$260,000.00, and year three (3) of the contract for FY24 (07/01/23-06/30/24), pending budget adoption, in an amount not-to-exceed \$273,000.00.

APPROVED AS TO FORM:
William Kim (Jul 12, 2022 16:44 EDT)**William Kim, City Attorney****APPROVED AS TO FINANCE:**
Robert J.F. Widigan (Jul 12, 2022 16:34 EDT)**Robert J.F. Widigan, Chief Financial Officer****FOR THE CITY OF FLINT:**CLYDE D EDWARDS
CLYDE D EDWARDS (Jul 12, 2022 17:37 EDT)**Clyde Edwards, City Administrator****APPROVED BY CITY COUNCIL:**
_____**APPROVED AS TO PURCHASING:****Lauren Rowley, Purchasing Manager**



CITY OF FLINT

STAFF REVIEW FORM

TODAY'S DATE: 07/05/2022

BID/PROPOSAL: Proposal 21000605

AGENDA ITEM TITLE: Sewage Sludge Cake Disposal Services

PREPARED BY: Krystal Wallace, Water Pollution Control

VENDOR NAME: Republic Services for Cake Disposal

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Water Pollution Control (WPC) generates approximately 13,000 wet tons of biosolids cake and grit ("residuals") from its wastewater treatment process annually. Residuals must be transported off plant site to a landfill or other disposal site every weekday. The services are to be provided with fixed rates, for a period of three fiscal years. The Contracts will be in effect for FY2022, FY2023, and FY2024. Three Bids were reviewed and a split award is recommended.

WPC recommends the lowest qualified bidder; Republic Services be awarded the three year bid for Disposal Services (Landfill) services in the amount of \$247,000.00 (FY 2022), \$260,000.00 (FY2023), and \$273,000.00 (FY 2024), a three-(3) year total of \$780,000.00.

FINANCIAL IMPLICATIONS: None

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

Dept.	Name of Account	Account Number	Grant Code	Amount
DPW-WPC	Sludge Disposal Services	590-550.100-815.550		\$260,000.00
FY2023 GRAND TOTAL				\$260,000.00

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 230005693

ACCOUNTING APPROVAL: [Signature] Date: 07/05/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐

(If yes, please indicate how many years for the contract) - 3 YEARS, See Above in Description

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

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

AUTHORIZED SIGNATURE: [Signature]
(Jeanette Best, WPC Manager)



PROPOSAL# 21000605

RESOLUTION NO.: 210263
PRESENTED: JUN - 9 2021
ADOPTED: JUN 14 2021

BY THE CITY ADMINISTRATOR:

RESOLUTION TO REPUBLIC SERVICES FOR SEWAGE SLUDGE CAKE DISPOSAL

WHEREAS, Water Pollution Control (WPC) generates approximately 13,000 wet tons of biosolids cake and grit ("residuals") from its wastewater treatment process annually. Residuals must be transported off plant site to a landfill or other disposal site every weekday. The services are to be provided with fixed rates, for a period of three fiscal years. The contracts will be in effect for FY2022, FY2023, and FY2024. Three bids were reviewed and a split award is recommended.

WPC recommends the lowest qualified bidder, Republic Services be awarded the bid for disposal (landfill) services in the amount of \$247,000 for FY2022, \$260,000 for FY2023, and \$273,000 for FY2024, totaling \$780,000.

Account Number	Account Name	Amount
590-550.100-801.500	Sludge Disposal Services	\$247,000.00
	FY2022 GRAND TOTAL	\$247,000.00

IT IS RESOLVED, that the appropriate City Officials are authorized to do all things necessary to enter into a contract with Republic Services to provide sewage sludge cake disposal services for FY2022, pending budget adoption, for the amount of \$247,000.00.

APPROVED AS TO FORM:

Angela Wheeler
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

Shelbi Frayer
Shelbi Frayer, Chief Financial Officer

FOR THE CITY OF FLINT:

Clyde D Edwards
Clyde D Edwards (May 24, 2021 14:45 EDT)
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

Kate Fields
Kate Fields, City Council President

APPROVED AS TO PURCHASING:

Jennifer Ryan
Jenn Ryan, Deputy Finance Director



RESOLUTION NO.: 220290

PRESENTED: JUL 20 2022

ADOPTED: _____

PROPOSAL# 22000529

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO METRON FARNIER FOR COMPLETION OF THE WIIN AMI WATER
METER/SYSTEM UPGRADE PROJECT**

WHEREAS, The Division of Purchases & Supplies has solicited proposals for the completion of the AMI Water meter upgrade project as requested by the Water Service Center.

WHEREAS, Metron-Farnier, LLC, Boulder, CO, was the lowest responsive bidder from two (2) solicitations submitted which met the needs of the department.

Funding will come from the following account(s):

Account Number	Account Name/ Grant Code	Amount
496-536.806-802.080	WIIN Meter Replacement FEPA18WIIN-1	FY23 Total \$ \$438,000.00
	FY23 GRAND TOTAL	\$ 438,000.00

IT IS RESOLVED, that the Division of Purchases and Supplies is hereby authorized to issues a purchase order to Metron-Farnier LLC for the completion of the AMI water meter upgrade project in an amount not-to-exceed \$438,000.00 for FY23 (07/01/22-06/30/23).

APPROVED AS TO FORM:

William Kim
William Kim (Jul 12, 2022 16:45 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan
Robert J.F. Widigan (Jul 12, 2022 16:33 EDT)

Robert J.F Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

Clyde D Edwards
CLYDE D EDWARDS (Jul 12, 2022 17:37 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: July 12, 2022

BID/PROPOSAL# 22-529 AMI Meters

AGENDA ITEM TITLE: Issuance of a Purchase Order to Metron Farnier for completion of the WIIN AMI water meter/system upgrade project

PREPARED BY: Yolanda Gray, Department of Public Works Accounting Supervisor

VENDOR NAME: Metron Farnier

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The City of Flint solicited proposals for the completion of the WIIN AMI water meter /system upgrade. Metron Farnier was the lowest qualified bidder from two solictiations for said requirements. Funding for said services will come from account 496-536.806-802.080, in an amount not to exceed \$438,000.00

FINANCIAL IMPLICATIONS:

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

Dept.	Name of Account	Account Number	Grant Code	Amount
496	Meter Replacement	536.806-802.080	FEPA18WIIN-1	\$438,000.00
FY23 GRAND TOTAL				\$438,000.00

PRE-ENCUMBERED? YES ☒ NO ☐ **REQUISITION NO:** 230006108

ACCOUNTING APPROVAL: Yolanda Gray **Date:** 7-12-22

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐

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

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)

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

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

DEPARTMENT HEAD SIGNATURE: [Signature] **(PLEASE TYPE NAME, TITLE)** 7/14/22



CITY OF FLINT, MICHIGAN
Department of Public Works
Water Service Center

Clyde Edwards
City Administrator

Michael J Brown
Director

Paul Simpson
Supervisor

Sheldon Neeley
Mayor

To: Lauren Rowley
Purchasing Manager

From: Paul Simpson 
Water Service Center Supervisor

Date: June 29, 2022

RE: P22-529 AMI Meter Selection

On June 16, 2022, I received copies of sealed proposals for P22-529 AMI Meters, from Metron Farnier and SLC Meter. Metron Farnier followed instructions and per bid documents scheduled a presentation to discuss its meters on June 22, 2022, while no contact was made from SLC Meter. Metron Farnier has been selected as the qualified bidder and reviewing its presentation. Also noted, Metron Farnier was also the lowest bidder.

Respectfully submitted,



Paul Simpson
Water Service Center Supervisor



RESOLUTION NO.: 220291

PRESENTED: JUL 20 2022

ADOPTED: _____

BID# 23000006

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO MACALLISTER MACHINERY CO, INC. FOR DUMP TRAILER FOR BLIGHT
REMOVAL PROGRAM**

WHEREAS, The Division of Purchases & Supplies solicited bids for blight trailers per the request of the Blight Services Division. Two (2) bids were received.

WHEREAS, Upon review of the bids, the Blight Division determined that purchasing the two (2) dump trailers submitted for this bid, would be in the best interest for the City to assist in combating blight, which would entail awarding both vendors.

WHEREAS, Macallister Machinery Co., Inc. submitted a bid for a 14,000 pound capacity dump trailer at a cost of \$17,250.00.

Funding for this purchase will come from the following ARPA account:

Account Number	Account Name/ Grant Code	Amount	
287-732.701-977.000	EQUIPMENT/FUSDT-CSLFRF	FY23 Total	\$ 17,250.00
	FY23 GRAND TOTAL		\$ 17,250.00

IT IS RESOLVED, that the Division of Purchases & Supplies is hereby authorized to issue a purchase order to Macallister Machinery Co., Inc. for the purchase of a 14,000 pound capacity dump trailer for blight services in an amount not-to-exceed \$17,250.00 for FY23 (07/01/22-06/30/23).

APPROVED AS TO FORM:

William Kim
William Kim (Jul 13, 2022 13:54 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan
Robert J.F. Widigan (Jul 13, 2022 10:54 EDT)

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS (Jul 13, 2022 17:23 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager



CITY OF FLINT

Department of Public Works & Utilities

Sheldon A. Neeley
Mayor

W A. Brown
Blight Department

July 12, 2022

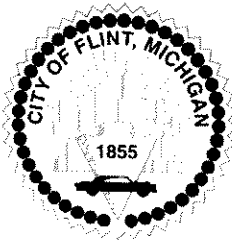
TO: Lauren Rowley
Purchasing Manager

FROM: W. Arnold Brown
City Services Manager

SUBJECT: RECOMMENDATION FOR Dump Trailer
PROPOSAL #23000006

I have carefully reviewed the two proposals received from our bid opening. I would recommend that we select both bids. The INA Store Inc which totaled the amount of \$11,380.00 as well as the bid from Macallister Rentals in the amount of \$17,250.00. Both units will be utilized in our Blight Department efforts. The total of both units \$28,630.

If you have any questions or concerns, feel free to give me a call at 810 213-3897



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES

For Dump Trailer

BID #23000006

Approximate Annual Quantities – Not Guaranteed

Furnish as requested for the period 7/1/22 – 6/30/23

Bidder #1: **INA Store Inc.**

Bridgeport, MI

Capacity	<i>12,000 lbs & 6 cu yards</i>
Dimensions	<i>Box 144" x 82" x 24" tall with 16' over all length</i>
Grand Total	<i>\$11,380.00</i>

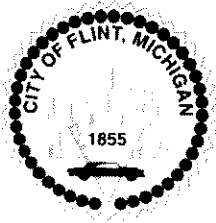
Bidder #1: **MacAllister Rentals**

Lansing, MI

Capacity	<i>14,000 lbs GVWR</i>
Dimensions	<i>7ft w x14ft L</i>
Grand Total	<i>\$17,250.00</i>

A SPECIAL NOTE FROM THE PURCHASING DIVISION

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



RESOLUTION NO.: 220292

PRESENTED: JUL 20 2022

ADOPTED: _____

BID# 23000006

BY THE CITY ADMINISTRATOR:

RESOLUTION TO INA STORE INC. FOR DUMP TRAILER FOR BLIGHT REMOVAL PROGRAM

WHEREAS, The Division of Purchases & Supplies solicited bids for blight trailers per the request of the Blight Services Division. Two (2) bids were received.

WHEREAS, Upon review of the bids, the Blight Division determined that purchasing the two (2) dump trailers submitted for this bid, would be in the best interest for the City to assist in combating blight, which would entail awarding both vendors.

WHEREAS, INA Store Inc., submitted a bid for a 12,000 pound capacity dump trailer at a cost of \$11,380.00.

Funding for this purchase will come from the following ARPA account:

Account Number	Account Name/ Grant Code	Amount
287-732.701-977.000	EQUIPMENT/FUSDT-CSLFRF	FY23 Total \$ 11,380.00
	FY23 GRAND TOTAL	\$ 11,380.00

IT IS RESOLVED, that the Division of Purchases & Supplies is hereby authorized to issue a purchase order to INA Store, Inc. for the purchase of a 12,000 pound capacity dump trailer for blight services in an amount not-to-exceed \$11,380.00 for FY23 (07/01/22-06/30/23).

APPROVED AS TO FORM:

William Kim
William Kim (Jul 13, 2022 12:54 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan
Robert J.F. Widigan (Jul 13, 2022 10:54 EDT)

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D. EDWARDS
CLYDE D. EDWARDS (Jul 13, 2022 17:31 EDT)

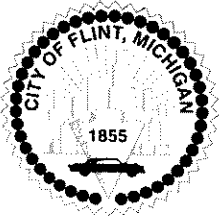
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager



CITY OF FLINT

Department of Public Works & Utilities

Sheldon A. Neeley
Mayor

W A. Brown
Blight Department

July 12, 2022

TO: Lauren Rowley
Purchasing Manager

FROM: W. Arnold Brown
City Services Manager

SUBJECT: RECOMMENDATION FOR Dump Trailer
PROPOSAL #23000006

I have carefully reviewed the two proposals received from our bid opening. I would recommend that we select both bids. The INA Store Inc which totaled the amount of \$11,380.00 as well as the bid from Macallister Rentals in the amount of \$17,250.00. Both units will be utilized in our Blight Department efforts. The total of both units \$28,630.

If you have any questions or concerns, feel free to give me a call at 810 213-3897



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES
For Dump Trailer
BID #23000006

Approximate Annual Quantities – Not Guaranteed
Furnish as requested for the period 7/1/22 – 6/30/23

Bidder #1: **INA Store Inc.**
Bridgeport, MI

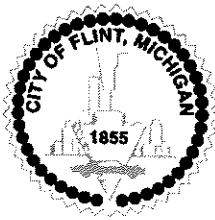
Capacity	<i>12,000 lbs & 6 cu yards</i>
Dimensions	<i>Box 144" x 82" x 24" tall with 16' over all length</i>
Grand Total	<i>\$11,380.00</i>

Bidder #1: **MacAllister Rentals**
Lansing, MI

Capacity	<i>14,000 lbs GVWR</i>
Dimensions	<i>7ft w x14ft L</i>
Grand Total	<i>\$17,250.00</i>

A SPECIAL NOTE FROM THE PURCHASING DIVISION

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



RESOLUTION NO.: 220296

PRESENTED: JUL 20 2022

ADOPTED: _____

RESOLUTION TO ACCEPT THE CHARLES STEWART MOTT FOUNDATION PUBLIC SAFETY SUPPORT GRANT TO THE FLINT POLICE DEPARTMENT, AND AMEND THE FY22 BUDGET IN THE AMOUNT OF \$850,000

BY THE CITY ADMINISTRATOR:

WHEREAS, the Charles Stewart Mott Foundation has awarded the City of Flint, grant number 2022-10600 in the amount of \$850,000.00 to support public safety, including funding for the cold case unit, gun bounty, intelligence center, police overtime, and witness protection program; and

WHEREAS, the Charles Stewart Mott Foundation notified the City of Flint of its approval of this grant award on June 16, 2022; and

WHEREAS, the grant period is from June 1, 2022 through May 31, 2023.

IT IS RESOLVED that the appropriate City Officials are hereby authorized to do all things necessary to accept the Charles Stewart Mott Foundation Public Safety Support Grant, amended the FY22 budget, appropriate funding for future fiscal years, for as long as funds are available from the funder, and abide by the terms and conditions of the grant, in the amount of \$850,000.00, to grant budget code PCSM-PSS22 through May 31, 2023.

Account Number	Grant Code	Account Name	Amount
296-301.821-702.010	PCSM-PSS22	Wages - Full-Time (Non-Exempt)	\$139,907.04
296-301.821-706.000	PCSM-PSS22	Holiday Pay	\$5,381.04
296-301.821-710.100	PCSM-PSS22	Unemployment Compensation (SUTA)	\$1,888.75
296-301.821-710.200	PCSM-PSS22	FICA (Social Security)	\$0.00
296-301.821-710.300	PCSM-PSS22	Medicare	\$2,028.65
296-301.821-713.000	PCSM-PSS22	Workers Compensation	\$7,065.24
296-301.821-714.300	PCSM-PSS22	Employer Health Care Savings Plan (HCSP)	\$4,500.00
296-301.821-716.100	PCSM-PSS22	MERS Hybrid Defined Contribution Pension	\$4,574.96
296-301.821-717.100	PCSM-PSS22	MERS Hybrid Defined Benefit Pension	\$9,415.74
296-301.821-718.010	PCSM-PSS22	Health Insurance Premiums	\$25,594.14



RESOLUTION NO.: _____

PRESENTED: _____

ADOPTED: _____

296-301.821-718.300	PCSM-PSS22	Life Insurance	\$316.68
296-301.821-718.400	PCSM-PSS22	Optical Insurance	\$109.20
296-301.821-718.500	PCSM-PSS22	Dental Insurance	\$932.10
296-301.821-719.100	PCSM-PSS22	Accrued Absences	\$1,521.78
296-301.821-977.000	PCSM-PSS22	Equipment	\$93,025.68
296-301.821-703.000	PCSM-PSS22	Police Overtime	\$250,239.00
296-301.821-801.000	PCSM-PSS22	Professional Services	\$223,500.00
296-301.821-969.100	PCSM-PSS22	Grant Administration	\$80,000.00

APPROVED AS TO FORM:


William Kim (JUL 12 2012 14:29 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:

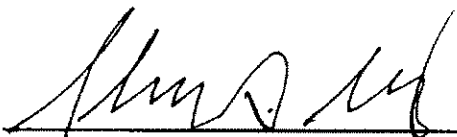

Robert J. E. Widigan (JUL 12 2012 16:34 EDT)

Robert Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:


CLYDE D. EDWARDS
(JUL 12 2012 17:15 EDT)

Clyde D. Edwards, City Administrator



Mayor, Sheldon A. Neeley

APPROVED BY COUNCIL:

Flint City Council



RESOLUTION NO.: _____

PRESENTED: _____

ADOPTED: _____

RESOLUTION STAFF REVIEW


Date: July 11, 2022

Agenda Item Title:

RESOLUTION TO ACCEPT THE CHARLES STEWART MOTT FOUNDATION PUBLIC SAFETY SUPPORT GRANT TO THE FLINT POLICE DEPARTMENT, AND AMEND THE FY22 BUDGET IN THE AMOUNT OF \$850,000.00

Prepared by:

Lottie Ferguson, Mayor's Office


(Lottie Ferguson is not a City of Flint employee)

Background/Summary of Proposed Action:

The Charles Stewart Mott Foundation has granted \$850,000.00 to the Flint Police Department for the period June 1, 2022, through May 31, 2023. The foundation notified the City of Flint of their approval of this award on June 16, 2022.

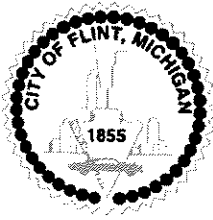
The grant is to be expended for (1) staffing and salary expenses, (2) overtime expenses, (3) software and equipment expenses, (4) professional services, and (5) administrative and general expenses, as detailed in the budget. The grant is being awarded to the Flint Police Department in one payment. This payment will be issued to the City of Flint upon receipt of its acceptance of funds.

Expenditure	Amount
Wages and Fringes (Intel Center)	\$203,235.32
Equipment (Intel Center)	\$93,025.68
Police Overtime	\$250,239.00
Professional Services	\$223,500.00
Grant Administration	\$80,000.00
<i>Grant Total</i>	<i>\$850,000.00</i>

Financial Implications:

The \$850,000.00 added to the budget for FY22 in department 296-301.821 with grant code PCSM-PSS22.

Budgeted Expenditure: Yes _____ No X _____



RESOLUTION NO.: _____

PRESENTED: _____

ADOPTED: _____

Please explain, if no: This is a new grant that was not awarded when the budget was created.

Pre-encumbered: Yes _____ No ☒ X _____

Requisition #: _____

Other Implications: No other implications are known at this time.

Staff Recommendation: Staff recommends approval of this resolution.

APPROVAL Jennifer Ryan
Jennifer Ryan J-8 17 2022 15 39 EDT



June 16, 2022

The Honorable Sheldon Neeley
Mayor
City of Flint
1101 S. Saginaw Street
Flint, MI 48502-1420

Project: Flint Police Department Public Safety Support
(Grant No. 2022-10600)

Dear Mayor Neeley:

We are pleased to inform you that the Charles Stewart Mott Foundation has approved a grant in the amount of \$850,000 to the City of Flint for the above-referenced project for the period June 1, 2022, through May 31, 2023.

Grant Payments

This grant will be paid upon receipt of your acceptance.

This letter or your proposal may set forth specific goals or objectives that your organization expects to achieve during the grant period. For accounting purposes, the Mott Foundation is not requiring that your organization achieve any specific goal or objective as a condition (or barrier) to your receipt and retention of the grant funds, except for the following:

- No conditions

The Mott Foundation reserves the right to discontinue, modify or withhold any payments that might otherwise be due under this grant or any other outstanding grant, to require a refund of any unexpended grant funds, or both, if, in the Mott Foundation's judgment, any of the following occur with respect to this grant or any other grant from the Mott Foundation to your organization:

1. Grant funds have been used for purposes other than those contemplated by this commitment letter.

2. Such action is necessary to comply with the requirements of any law or regulation affecting either your organization's or the Mott Foundation's responsibilities under the grant.
3. Your organization ceases to conduct this project, or circumstances change such that it becomes impractical or impossible for you to carry out this project.
4. Your organization's performance under this grant has not been satisfactory, as determined by the Mott Foundation in its reasonable discretion. Although the Mott Foundation expects your organization to work toward achieving the goals and objectives described in your proposal, unless a specific condition (or barrier) is identified above, the failure to obtain any specific goal or objective will not, alone, be cause for the Mott Foundation to determine that your organization's performance has not been satisfactory, but may be relevant in determining whether your overall performance has (or has not) been satisfactory.
5. The Mott Foundation has not received and approved all reports due from your organization prior to the payment date.

The Mott Foundation's judgment on these matters will be final and binding.

Mott Foundation Contact Person and Resources

Please direct all correspondence and questions relating to this grant to Jennifer Acree, Program Officer.

For general information regarding Mott Foundation grant procedures and other grant related questions, we encourage you to visit the Grantee Resources section of our website at www.mott.org/grantee-resources.

Another resource available to grantees is the Grantee Portal. The Grantee Portal provides real-time information on your grant's reporting requirements and due dates. By using the Grantee Portal, you may view a copy of this commitment letter, download copies of forms and upload required reports directly to the Mott Foundation. For more information about the Grantee Portal, contact your program officer or login at <https://mott.fluxx.io>. The grant's primary project contact, Lottie Ferguson, can login at <https://mott.fluxx.io> with her registered email address.

Use of Grant

Under United States law, Mott Foundation grant funds may be expended only for charitable, scientific, literary, religious or educational purposes, as specified in section 170(c)(2)(B) of the Internal Revenue Code of 1986, as amended. This grant is to be expended solely in support of the objectives detailed in your proposal submitted June 3, 2022.



Your organization shall not, directly or indirectly, engage in, support or promote violence or terrorist activities.

Your organization confirms that this project is under its complete control. Your organization further confirms that it has and will exercise control over the process of selecting any consultant, that the decision made or that will be made on any such selection is completely independent of the Mott Foundation, and further, that there does not exist an agreement, written or oral, under which the Mott Foundation has caused or may cause the selection of a consultant.

Mott Foundation grant funds may not be used for lobbying expenditures.

Mott Foundation grant funds may not be used for re-granting to secondary organizations.

Your organization may charge this grant only for expenditures incurred or services performed during the grant period specified in this letter.

Your organization may charge this grant only for line item expenditures that were included in your approved budget as referenced in the "Reports" section of this letter. The addition of new line items must have the prior written approval of the Mott Foundation.

Expenditures may not exceed the approved budget amount for the following line item(s):

Indirect Costs Grant Administration 10% (\$80,000)

Grant Accounting

Your organization is required to maintain financial records for expenditures and receipts relating to this grant, retaining these records and other supporting documentation for five years after the grant's termination date.

Your organization is also required to permit the Mott Foundation to have reasonable access to your files, records and personnel during the term of this grant and for five years thereafter for the purpose of making financial audits, verifications or program evaluations.

Unless a specific condition (or barrier) is listed in the "Grant Payments" section of this letter, the Mott Foundation does not intend, in its own financial statements, to treat this grant as a "conditional contribution" described under Financial Accounting Standards Board (FASB) Accounting Standards Update (ASU) 2018-08. Your organization should make its own determination as to how to account for this grant in your financial statements and is not required (under FASB ASU 2018-08) to adopt the same accounting treatment as the Mott Foundation.



Reports

The Mott Foundation requires the following report(s) to be submitted for this grant:

Report Type:	For Period Ending:	Due on or Before:
Verbal Report	August 31, 2022	September 1, 2022
Verbal Report	November 30, 2022	December 1, 2022
Verbal Report	February 28, 2023	March 1, 2023
Final Report	May 31, 2023	July 1, 2023

The report must include the following parts, which must be submitted together:

1. A **narrative report** summarizing what was accomplished by the expenditure of funds during the reporting period. Your grant proposal indicated that your organization will work toward achieving certain goals and objectives during the grant period, and the narrative report should include a description of progress made toward achieving the following reporting objectives:
 - Data on crime trends during the grant period.
 - Description of proactive crime reduction strategies to address hot spots and/or trends.
 - Community policing tactics deployed to work with residents to reduce crime.
 - Number of cold cases investigated and resolved.
 - Number of guns purchased and destroyed.
 - Data documenting response times to 911 calls.
 - Description of equipment purchases and deployment for public safety.
 - Number of hours of police overtime supported by grant funds.
 - Number of individuals supported through the witness protection program.
2. A **financial report** showing the approved budget, expenditures against each line item since the start of the grant and balances remaining (or overruns) for each line item. For the final report, you must explain all overrun variances that exceed both one thousand dollars (\$1,000) and ten percent (10%) of the budgeted line item amount.

Your organization must report against the approved budget of \$850,000 submitted on June 3, 2022 (which may be greater than the amount of the Mott Foundation grant). If the approved budget covers multiple years, each report should include cumulative expenditures since the beginning of the grant period. The report must also include a summary of all funding received for this project (listed by source and grant period).

Unless a specific condition (or barrier) is listed in the "Grant Payments" section of this letter, the Mott Foundation is not requiring that your organization achieve any of the reporting objectives listed above as a condition (or barrier) to your receipt and retention of the grant funds. Rather, the reporting objectives are meant to capture your progress in achieving the goals and objectives identified in your grant proposal.



Reports and other grant requirements should be submitted online via the Mott Foundation's Grantee Portal. A default portal account has been setup for the primary project contact. The project contact can login at <https://mott.fluxx.io> with their registered email address. Please contact your program officer if you need assistance or to change the project contact. Standard reporting templates and other forms are available for download via the Grantee Portal.

Undisbursed Funds

Your organization is required to return any undisbursed project funds on a prorata basis to the Mott Foundation within two months after the end of this grant. The prorata refund is computed by multiplying the total undisbursed project funds by the ratio of Mott Foundation funding to total funding received for this project for the grant period. Any refund of less than \$100 will be waived.

Compliance with Laws

Your organization may not use any portion of the grant funds to undertake any activity for any purpose other than one specified in section 170(c)(2)(B) of the Internal Revenue Code. Further, the Mott Foundation reserves the right to discontinue, modify or withhold any payments that might otherwise be due under this grant or to require a refund of any unexpended grant funds if, in the Mott Foundation's judgment, such action is necessary to comply with the requirements of any law or regulation.

Public Information

The Mott Foundation will include information on this grant in its periodic public reports. The Mott Foundation also welcomes grantees to make announcements of grants upon return of this signed commitment letter. A copy of any release should be sent to the Mott Foundation's Communications department prior to its dissemination. The department is available to provide assistance in your communications efforts.

Acceptance

This letter contains the entire agreement between your organization and the Charles Stewart Mott Foundation, and there are no conditions or stipulations, oral or written, governing the use of the grant funds other than those contained in this letter.

If your organization agrees to the grant conditions as stated, please return, **via electronic mail to JPowell@mott.org**, one complete copy of this letter with an **electronic signature** of an appropriate representative of your organization in the space provided. In countersigning this letter, this individual represents to the Mott Foundation that he/she has the authority to sign this letter on the organization's behalf.



The Honorable Sheldon Neeley
June 16, 2022
Page 6 (Grant No. 2022-10600)

This grant may be withdrawn if the Mott Foundation has not received your acceptance within one month from the date of this letter.

On behalf of the Mott Foundation, I would like to extend our best wishes for the success of this endeavor.

Sincerely,



Mary A. Gailbreath
Vice President-Administration and Secretary/Treasurer

MAG:amc

Our organization acknowledges that appropriate personnel have read and understand this letter, that its terms and conditions are acceptable to us, and that we will comply with those terms and conditions.

Name of Grantee: City of Flint

Printed Name of Authorized Signer: _____

Authorized Signature: _____

(This must be an original signature of an authorized representative of the organization)

Title: _____

Date Signed: _____





RESOLUTION NO.: 220297
PRESENTED: JUL 20 2022
ADOPTED: _____

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE STATE OF MICHIGAN
FIRST RESPONDER TRAINING AND RECRUITMENT GRANT AND AMEND THE
FY22 BUDGET IN THE AMOUNT OF \$170,000**

BY THE CITY ADMINISTRATOR:

WHEREAS, the State of Michigan has awarded the City of Flint \$170,000.00 of the First Responders Training and Recruitment grant.

WHEREAS, the funds will be utilized in compliance with the grant agreement and approved grant budget through the end of the grant. The grant covers training and recruitment for the City of Flint Police Department;

WHEREAS, the grant period is from February 15, 2022 through September 30, 2022.

IT IS RESOLVED, that the appropriate City Officials are authorized to do all things necessary to accept the State of Michigan First Responder Training and Recruitment Grant, amend the FY22 budget, appropriate funding for future fiscal years, for as long as funds are available from the funder, and abide by the terms and conditions of the grant agreement, in the amount of \$170,000.00, to grant code SMDT-FRTR22 through September 30, 2022.

APPROVED AS TO FORM:


2022 JUN 20 10:35:27
William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:


2022 JUN 20 10:35:27
Robert J. F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS (JUL 11, 2022 14:14:07)
Clyde D. Edwards, City Administrator

APPROVED BY CITY COUNCIL:

City Council



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 05/25/2022

AGENDA ITEM TITLE:

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE STATE OF MICHIGAN FIRST RESPONDER TRAINING AND RECRUITMENT GRANT AND AMEND THE FY22 BUDGET IN THE AMOUNT OF \$170,000.00

PREPARED BY:

Angela Bothell - Finance Accounting Coordinator – Finance Department

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The State of Michigan has awarded \$170,000.00 to the City of Flint, Police Department for the period February 15, 2022 through September 30, 2022.

The grant is to be expended for First Responder Training and Recruitment. This grant is awarded to the Flint Police Department on a reimbursable basis. Payments will be issued upon receipt of proof of expenditures.

FINANCIAL IMPLICATIONS:

The \$170,000.00 will be added to the budget in department 296-301.820 with grant code SMDT-FRTR22

BUDGETED EXPENDITURE: YES ☐ NO ☒

IF NO, PLEASE EXPLAIN: This is a new grant that was not awarded when the budget was created.

Account Number	Grant Code	Account Name	Amount
296-301.820-958.000	SMDT-FRTR22	Education, Training, & Recruitment	\$170,000.00
		FY-2022 Grant Total	\$170,000.00

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


FINANCE APPROVAL: Jennifer Ryan Jennifer Ryan (Jul 12, 2022 09:15:00) **Date:** 07/12/2022



CITY OF FLINT

OTHER IMPLICATIONS: No other implications are known at this time.

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

APPROVAL: 
Lottie Ferguson (Jul 12, 2022 09:14 EDT)



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RACHAEL EUBANKS
STATE TREASURER

May 19, 2022

Chief Executive Officer
City of Flint
cedwards@cityofflint.com

VIA EMAIL

Congratulations on being a successful applicant for a grant from the State of Michigan's First Responder Training and Recruitment Grant program!

With more than 400 municipal governments submitting nearly \$30,000,000 in requests and funding limited to \$5,000,000, competition among the many worthwhile proposals was extraordinary. We are pleased to announce City of Flint has been chosen to receive a grant award in the amount of \$170,000.00.

To accept this grant, an acceptance must be submitted through the State of Michigan E-Signature process, which you will receive further instructions about accessing in a separate e-mail within two business days. The acceptance must be signed by the award recipient's chief executive officer and acknowledge the following:

- The amount of the award listed in this letter.
- The grant will be distributed on a reimbursement basis only after adequate documentation has been provided to the Michigan Department of Treasury in accordance with procedures that can be found on the [First Responder Training and Recruitment Grants web page](#).
- The grant proceeds will be used only in accordance with the purposes for which they are awarded.

The Michigan Department of Treasury looks forward to receiving your acceptance letter and working with you toward the successful implementation of your First Responder Training and Recruitment Grant program activities.

If you have questions regarding the award or need additional information or clarification, please contact Dave Finks at finksdl@michigan.gov or Jim Mills at millsj@michigan.gov.



RESOLUTION NO.: 220298

PRESENTED: JUL 20 2022

ADOPTED: _____

RESOLUTION TO ACCEPT THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION BLIGHT ELIMINATION GRANT TO THE CITY OF FLINT, AND AMEND THE FY23 BUDGET IN THE AMOUNT OF \$1,000,000.00

BY THE CITY ADMINISTRATOR:

WHEREAS, the Michigan Economic Development Corporation (MEDC) has awarded the City of Flint, grant number 352571 in the amount of \$1,000,000.00 to support blight elimination activities that “clean up, restore and preserve blighted areas throughout Flint”; and

WHEREAS, the grant period is from July 1, 2022, through December 31, 2023.

IT IS RESOLVED that the appropriate City Officials are hereby authorized to do all things necessary to accept the Michigan Economic Development Corporation grant, amended the FY22 budget, appropriate funding for future fiscal years, for as long as funds are available from the funder, and abide by the terms and conditions of the grant, in the amount of \$1,000,000.00, to grant budget code SMEDC-BLIG22 through December 31, 2023.

Account Number	Grant Code	Account Name	Amount
296-171.719-702.010	SMEDC-BLIG22	Wages - Full-Time (Non-Exempt)	\$233,102.48
296-171.719-706.000	SMEDC-BLIG22	Holiday Pay	\$4,800.00
296-171.719-710.100	SMEDC-BLIG22	Unemployment Compensation (SUTA)	\$1,684.80
296-171.719-710.200	SMEDC-BLIG22	FICA (Social Security)	\$7,737.60
296-171.719-710.300	SMEDC-BLIG22	Medicare	\$1,809.60
296-171.719-713.000	SMEDC-BLIG22	Workers Compensation	\$9,420.32
296-171.719-714.300	SMEDC-BLIG22	Employer Health Care Savings Plan (HCSP)	\$6,000.00
296-171.719-716.100	SMEDC-BLIG22	MERS Hybrid Defined Contribution Pension	\$4,080.96
296-171.719-717.100	SMEDC-BLIG22	MERS Hybrid Defined Benefit Pension	\$8,399.04
296-171.719-718.010	SMEDC-BLIG22	Health Insurance Premiums	\$34,125.52
296-171.719-718.300	SMEDC-BLIG22	Life Insurance	\$422.24
296-171.719-718.400	SMEDC-BLIG22	Optical Insurance	\$145.60



RESOLUTION NO.: _____

PRESENTED: _____

ADOPTED: _____

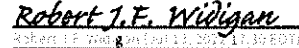
296-171.719-718.500	SMEDC-BLIG22	Dental Insurance	\$1,242.80
296-171.719-719.100	SMEDC-BLIG22	Accrued Absences	\$2,029.04
296-171.719.977.000	SMEDC-BLIG22	Equipment	\$165,000.00
296-171.719-801.000	SMEDC-BLIG22	Professional Services	\$380,000.00
296-171.719-752.000	SMEDC-BLIG22	Supplies	\$40,000.00
296-171.719-969.100	SMEDC-BLIG22	Indirect Cost Allocation	\$100,000.00

APPROVED AS TO FORM:


W. Kim - 04/18/12, 2012 11:29 EDT

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:

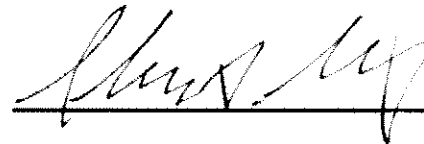

Robert J.F. Widigan - 04/18/12, 2012 11:30 EDT

Robert Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:


CLYDE D EDWARDS - 04/18/12, 2012 11:31 EDT

Clyde D. Edwards, City Administrator



Mayor, Sheldon A. Neeley

APPROVED BY COUNCIL:

Flint City Council



RESOLUTION NO.: _____

PRESENTED: _____

ADOPTED: _____

RESOLUTION STAFF REVIEW

Date: July 12, 2022

Agenda Item Title:

RESOLUTION TO ACCEPT THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION BLIGHT ELIMINATION GRANT TO THE CITY OF FLINT, AND AMEND THE FY23 BUDGET IN THE AMOUNT OF \$1,000,000.00.

Prepared by:

Lottie Ferguson, Mayor's Office


Lottie Ferguson, Mayor's Office

Background/Summary of Proposed Action:

The Michigan Economic Development Corporation has granted \$1,000,000.00 to the City of Flint for the period July 1, 2022, through December 31, 2023. This grant is specifically for blight elimination activities and to help decrease illegal dumping occurring in communities and neighborhoods. The attempt to take a proactive stance against blight and dumping is vital to improving neighborhood conditions, decreasing crime and attracting investors. This effort to restore, protect, and preserve valuable vacant spaces, will continue collaboration with community partners who will work together to clear blighted areas through demolition, clean up of illegal dumping, and other proactive measures to prevent blight across the city.

The grant is to be expended for (1) staffing and salary expenses, (2) supplies, (3) equipment purchases, (4) professional services, and (5) administrative and general expenses, as detailed in the budget. Half of the payment will be issued to the City of Flint upon authorization and execution of the grant agreement. Additional funds shall only be disbursed after verification that the initial payment has been expended, in full.

Expenditure	Amount
Wages and Fringes	\$315,000.00
Equipment	\$165,000.00
Supplies	\$40,000.00
Professional Services	\$380,000.00
Indirect Cost Allocation	\$100,000.00
<i>Grant Total</i>	<i>\$1,000,000.00</i>



RESOLUTION NO.: _____

PRESENTED: _____

ADOPTED: _____

Financial Implications:

The \$1,000,000.00 added to the budget for FY23 in department 296-171.719 with grant code SMEDC-BLIG22.

Budgeted Expenditure: Yes No ☒ X

Please explain, if no: This is a new grant that was not awarded when the budget was created.

Pre-encumbered: Yes No ☒ X Requisition #: _____

Other Implications: No other implications are known at this time.

Staff Recommendation: Staff recommends approval of this resolution.

APPROVAL Martita Moffett-Page
Martita Moffett-Page (JUL 13, 2022 17:02 EDT)

**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION
GRANT WITH
CITY OF FLINT**

The Michigan Economic Development Corporation (the "MEDC") enters into a binding agreement (the "Agreement") with City of Flint (the "Grantee"). As used in this Agreement, the MEDC and Grantee are sometimes individually referred to as a "Party" and collectively as "Parties."

Grantee: City of Flint
1101 South Saginaw Street
Flint, Michigan 48502

- I. **NATURE OF SERVICES.** The purpose of this Agreement is to provide funding to the Grantee to clean up, restore and preserve blighted areas throughout Flint, Michigan (the "Grant Activities").

II. **PERFORMANCE SCHEDULE.**

Starting Date: July 1, 2022

Ending Date: December 31, 2023

The term of this Agreement (the "Term") shall commence on the Starting Date and shall continue until the occurrence of an event described in Section IX of this Agreement.

- III. **INCORPORATION BY REFERENCE.** The following documents are incorporated by reference as binding obligations, term, and conditions of the Agreement.

Exhibit A: Grantee's Budget

In the event of any inconsistency between the provisions of Exhibit A and this Agreement, the provisions of this Agreement shall control.

IV. **PAYMENT SCHEDULE INFORMATION.**

- A. The MEDC agrees to pay the Grantee a sum not to exceed One Million Dollars (\$1,000,000) (the "Grant"). A disbursement of 50% of the funds may be made following Grant Agreement execution and authorization by the Grant Administrator. Additional funds shall only be disbursed after verification that the previous payment has been expended, in full, in accordance with the Agreement.

- B. Payment(s) under this Agreement shall be made by the MEDC to Grantee upon receipt and approval by the Grant Administrator of Grantee's billing statement(s) stating that the work for which payment is requested has been appropriately performed. Grantee shall provide Grantee's billing statement(s) to Grant Administrator or at Grant Administrator's direction. Grant Administrator shall provide Grantee with appropriate submission instructions of Grantee's billing statement(s).
 - C. MEDC requires that payments under this Agreement be processed by electronic funds transfer (EFT). Grantee is required to register to receive payments by EFT at the State Integrated Governmental Management Applications (SIGMA) Vendor Self Service (VSS) website (www.michigan.gov/VSSLogin).
 - D. The Grantee agrees that all funds shown in the Budget, described in Exhibit A, are to be spent as specified. This Agreement does not commit the MEDC to approve requests for additional funds during or beyond this Grant period.
 - E. Changes in the Budget will be allowed only upon prior review and written approval by the Grant Administrator.
 - F. Grantee's billing statement(s) may be subject to a final audit prior to the release of final payment.
- V. **MEDC GRANT ADMINISTRATOR.** The Grantee must communicate with the MEDC representative named below or his or her designee regarding this Agreement. The Grant Administrator may be changed, at any time, at the discretion of the MEDC.

Kristyn Blackmer (the "Grant Administrator")
Michigan Economic Development Corporation
300 North Washington Square
Lansing, Michigan 48913
blackmerk1@michigan.org

VI. **GRANTEE DUTIES.**

- A. The Grantee agrees to submit documentation of the expenditures of funds in accordance with Exhibit A and submit quarterly progress reports in a form and to the satisfaction of the MEDC, that provides at a minimum the status of the project and an accounting of all funds expended on Grant Activities during that quarter.

VII. RELATIONSHIP OF THE PARTIES.

- A.** Due to the nature of the services described herein and the need for specialized skill and knowledge of Grantee, the MEDC is entering into this Agreement with Grantee. As a result, neither Grantee nor any of its employees or agents is or shall become an employee of the MEDC due to this Agreement.
- B.** Grantee will provide the services and achieve the results specified in this Agreement free from the direction or control of the MEDC as to means and methods of performance.
- C.** The MEDC is not responsible for any insurance or other fringe benefits, including, but not limited to, Social Security, Worker's Compensation, income tax withholdings, retirement or leave benefits, for Grantee or its employees. Grantee assumes full responsibility for the provision of all such insurance coverage and fringe benefits for its employees.
- D.** All tools, supplies, materials, equipment, and office space necessary to carry out the services described in this Agreement are the sole responsibility of Grantee unless otherwise specified herein.
- E.** Grantee shall retain all control of its employees and staffing decisions independent of the direction and control of the MEDC.

VIII. ACCESS TO RECORDS. During the Term, and for seven (7) years after the Ending Date, the Grantee shall maintain reasonable records, including evidence that the services actually were performed and the identity of all individuals paid for such services, and shall allow access to those records by the MEDC or their authorized representative at any time during this period.

IX. TERMINATION. This Agreement shall terminate upon the earlier of the following:

- A.** The Ending Date.
- B.** Termination by the MEDC, by giving thirty (30) calendar days prior written notice to the Grantee. In the event that the Legislature of the State of Michigan the State Government, or any State official, commission, authority, body, or employee or the federal government (a) takes any legislative or administrative action which fails to provide, terminates, or reduces the funding necessary for this Agreement; or (b) takes any legislative or administrative action, which is unrelated to the source of funding for the Grant, but which affects the MEDC's ability to fund and administer this Agreement and other MEDC programs, provided, however, that in the event such action results in an immediate absence or termination of funding, cancellation may be made effective immediately upon delivery of notice to the Grantee.

C. Termination by the MEDC pursuant to Section XIX of this Agreement.

- X. **MEDC EMPLOYEES.** The Grantee will not hire any employee of the MEDC to perform any services covered by this agreement without prior written approval from the Chief Executive Officer of the MEDC.
- XI. **CONFIDENTIAL INFORMATION.** Except as required by law, the Grantee shall not disclose any information, including targeted business lists, economic development analyses, computer programs, databases, and all materials furnished to the Grantee by the MEDC without the prior written consent of the MEDC. All information described in this Section shall be considered "Confidential Information" under this Agreement. Confidential Information does not include: (a) information that is already in the possession of, or is independently developed by, Grantee; (b) becomes publicly available other than through breach of this Agreement; (c) is received by Grantee from a third party with authorization to make such disclosures; or (d) is released with MEDC's written consent.
- XII. **PUBLICATIONS.** Except for Confidential Information, the MEDC hereby agrees that researchers funded with the Grant shall be permitted to present at symposia, national, or regional professional meetings, and to publish in journals, theses, or dissertations, or otherwise of their own choosing, the methods and results of their research. Grantee shall at its sole discretion and at its sole cost and expense, prior to publication, seek intellectual property protection for any Inventions (as described in Section XIII) if commercially warranted. Grantee shall submit to the MEDC a listing of articles that Grantee has submitted for publication resulting from work performed hereunder in its quarterly report to the MEDC. Grantee shall acknowledge the financial support received from the MEDC, as appropriate, in any such publication.
- XIII. **INTELLECTUAL PROPERTY RIGHTS.** Grantee shall retain ownership to the entire right, title, and interest in any new inventions, improvements, or discoveries developed or produced under this Grant, including, but not limited to, concepts know-how, software, materials, methods, and devices ("Inventions") and shall have the right to enter into license agreements with industry covering Inventions.
- XIV. **CONFLICT OF INTEREST.** Except as has been disclosed to the MEDC, Grantee affirms that neither the Grantee nor its Affiliates or their employees has, shall have, or shall acquire any contractual, financial business, or other interest, direct or indirect, that would conflict in any manner with Grantee's performance of its obligations under this Agreement or otherwise create the appearance of impropriety with respect to this Agreement.

Grantee further affirms that neither Grantee nor any affiliates or their employees has accepted or shall accept anything of value based on an understanding that the actions of the Grantee or its affiliates or either's employees on behalf of the MEDC

would be influenced. Grantee shall not attempt to influence any MEDC employee by the direct or indirect offer of anything of value. Grantee also affirms that neither Grantee, nor its Affiliates or their employees has paid or agreed to pay any person, other than bona fide employees and consultants working solely for Grantee or its Affiliate, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the execution of this Agreement.

In the event of change in either the interests or services under this Agreement, Grantee will inform the MEDC regarding possible conflicts of interest which may arise as a result of such change. Grantee agrees that conflicts of interest shall be resolved to the MEDC's satisfaction or the MEDC may terminate this Agreement. As used in this Paragraph, "conflict of interest" shall include, but not be limited to, conflicts of interest that are defined under the laws of the State of Michigan.

- XV. INDEMNIFICATION AND GRANTEE LIABILITY INSURANCE.** Each party to this Agreement will remain responsible for any claims arising out of that party's performance of this Agreement, as provided for in this Agreement or by law. This Agreement is not intended to either increase or decrease either party's liability to or immunity from tort claims. This Agreement is not intended to give, nor will it be interpreted as giving, either party a right of indemnification either by contract or at law for claims arising out of the performance of this Agreement.
- XVI. TOTAL AGREEMENT.** This Agreement, together with Exhibit A incorporated herein, is the entire agreement between the Parties superseding any prior or concurrent agreements as to the services being provided, and no oral or written terms or conditions which are not contained in this Agreement shall be binding. This Agreement may not be changed except by mutual agreement of the Parties reduced to writing and signed.
- XVII. ASSIGNMENT/TRANSFER/SUBCONTRACTING.** Except as contemplated by this Agreement, the Grantee shall not assign, transfer, convey, subcontract, or otherwise dispose of any duties or rights under this Agreement without the prior specific written consent of the MEDC. Any future successors of the Grantee will be bound by the provisions of this Agreement unless the MEDC otherwise agrees in a specific written consent. The MEDC reserves the right to approve subcontractors for this Agreement and to require the Grantee to replace subcontractors who are found to be unacceptable.
- XVIII. COMPLIANCE WITH LAWS.** The Grantee is not and will not during the Term be in violation of any laws, ordinances, regulations, rules, orders, judgments, decrees, or other requirements imposed by any governmental authority to which it is subject, and will not fail to obtain any licenses, permits, or other governmental authorizations necessary to carry out its duties under this Agreement.
- XIX. DEFAULT.** The occurrence of any one or more of the following events or conditions shall constitute an "Event of Default" under this Agreement, unless a

written waiver of the Event of Default is signed by the MEDC: (a) any representation, covenant, certification, or warranty made by the Grantee shall prove incorrect at the time that such representation, covenant, certification, or warranty was made in any material respect; (b) the Grantee's failure generally to pay debts as they mature, or the appointment of a receiver or custodian over a material portion of the Grantee's assets, which receiver or custodian is not discharged within sixty (60) calendar days of such appointment; (c) any voluntary bankruptcy or insolvency proceedings are commenced by the Grantee; (d) any involuntary bankruptcy or insolvency proceedings are commenced against the Grantee, which proceedings are not set aside within sixty (60) calendar days from the date of institution thereof; (e) the Grantee's failure to comply with the reporting requirements hereof; (f) the Grantee's failure to comply with any obligations or duties contained herein; and on (g) Grantee's use of the Grant funds for any purpose not contemplated under this Agreement.

XX. AVAILABLE REMEDIES. Upon the occurrence of any one or more of the Events of Default, the MEDC may terminate this Agreement immediately upon notice to the Grantee. The termination of this Agreement is not intended to be the sole and exclusive remedy in case any Event of Default shall occur and each remedy shall be cumulative and in addition to every other provision or remedy given herein or now or hereafter existing at law or equity.

XXI. REIMBURSEMENT. If this Grant is terminated as a result of Section XIX(h) hereof, the MEDC shall have no further obligation to make a Grant disbursement to the Grantee. The Grantee shall reimburse the MEDC for disbursements of the Grant determined to have been expended for purposes other than as set forth herein as well as any Grant funds, which were previously disbursed but not yet expended by the Grantee.

XXII. NOTICES. Any notice, approval, request, authorization, direction, or other communication under this Agreement shall be given in writing and shall be deemed to have been delivered and given for all purposes: (a) on the delivery date if delivered by electronic mail or by confirmed facsimile; (b) on the delivery date if delivered personally to the Party to whom the same is directed; (c) one business day after deposit with a commercial overnight carrier, with written verification of receipt; or (d) Three business days after the mailing date, whether or not actually received, if sent by U.S. mail, return receipt requested, postage, and charges prepaid, or any other means of rapid mail delivery for which a receipt is available. The notice address for the Parties shall be the address as set forth in this Agreement, with the other relevant notice information, including the recipient for notice and, as applicable, such recipient's facsimile number or electronic mail address, to be as reasonably identified by notifying Party. The MEDC and Grantee may, by notice given hereunder, designate any further or different addresses to which subsequent notices shall be sent.

XXIII. ACCESS TO RECORDS AND INSPECTION RIGHTS. During the Term, there will

be frequent contact between the Grant Administrator and the Grantee. Until the end of the Term, to enable the MEDC to monitor and ensure compliance with the terms of this Agreement, the Grantee shall permit the MEDC to visit the Grantee, and any other location where books and records of the Grantee are normally kept, to inspect the books and records, including financial records and all other information and data relevant to the terms of this Agreement, including the expenditure of the Grant disbursements; provided, however, that such audit right shall survive the end of the Term by three (3) years. At such visits, the Grantee shall permit any employee or agent of the MEDC to make copies or extracts from information and to discuss the affairs, finances, and accounts of the Grantee related to this Agreement with its officers, employees, or agents. The MEDC shall have the right to remove, photocopy, photograph, or otherwise record in any way any part of such books and records with the prior written consent of the Grantee, which consent shall not be unreasonably withheld.

XXIV. GOVERNING LAW. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced, and governed under the laws of the State of Michigan without regard to the doctrines of conflict of laws. The terms of this provision shall survive the termination or cancellation of the Agreement.

XXV. COUNTERPARTS AND COPIES. The Parties hereby agree that the faxed signatures of the Parties to this Agreement shall be as binding and enforceable as original signatures; and that this Agreement may be executed in multiple counterparts with the counterparts together being deemed to constitute the complete agreement of the Parties. Copies (whether photostatic, facsimile or otherwise) of this Agreement may be made and relied upon to the same extent as though such copy was an original.

XXVI. JURISDICTION. In connection with any dispute between the Parties under this Agreement, the Parties hereby irrevocably submit to jurisdiction and venue of the Michigan circuit courts of the State of Michigan located in Ingham County. Each Party hereby waives and agrees not to assert, by way of motion as a defense or otherwise in any such action any claim; (a) that it is not subject to the jurisdiction of such court; (b) that the action is brought in an inconvenient forum; (c) that the venue of the suit, action, or other proceeding is improper; or (d) that this Agreement or the subject matter of this Agreement may not be enforced in or by such court.

XXVII. SEVERABILITY. All of the clauses of this Agreement are distinct and severable and, if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or provision of this Agreement. To the extent possible, the illegal, void, or unenforceable provision shall be revised to the extent required to render the Agreement enforceable and valid, and to the fullest extent possible, the rights and responsibilities of the Parties shall be interpreted and enforced to preserve the Agreement and the intent of the Parties. Provided, if application of this section should materially and adversely alter

or affect a Party's rights or obligations under this Agreement, the Parties agree to negotiate in good faith to develop a structure that is as nearly the same structure as the original Agreement (as may be amended from time to time) without regard to such invalidity, illegality, or unenforceability.

XXVIII. PUBLICITY. At the request and expense of the MEDC, the Grantee will cooperate with the MEDC to promote the Grant Activities through one or more of the placement of a sign, plaque, media coverage, or other public presentation at the project or other location acceptable to the Parties.

XXIX. SURVIVAL. The terms and conditions of sections VII, VIII, XI, XV, XVII, XXIV, XXVI, and XXVII shall survive termination of this Agreement.

The signatories below warrant that they are empowered to enter into this Agreement.

GRANTEE ACCEPTANCE:

City of Flint

Dated: _____

Sheldon A. Neeley
Mayor

Approval as to Form:

Dated: _____

William Kim
City Attorney

MEDC ACCEPTANCE:

Michigan Economic Development Corporation

Dated: _____

Christin Armstrong
Secretary

EXHIBIT A
Grantee's Budget

1. Grantee: City of Flint		2. Project Title: Blight Elimination Initiative			
3. Project Cost Elements		4. Funding Sources			
Activities	Other/Additional Notes	Michigan Enhancement Grant	Local Funding	Other Funding	Total
Equipment:		\$			
General Admin Costs Necessary to Implement the Project (staff costs, etc.):		\$			
Consultants/Outside Contractors		\$			
Supplies:		\$			
Additional General Admin (10% Max)		\$			
Total		\$	\$	\$	\$



CITY OF FLINT

220299

RESOLUTION NO.: _____

PRESENTED: JUL 20 2022

ADOPTED: _____

**AUTHORIZATION AND EXECUTION OF
A PARTNERSHIP MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN AND AMONG THE CITY OF FLINT AND THE FLINT HOUSING COMMISSION TO PURSUE A
CHOICE NEIGHBORHOODS PLANNING GRANT**

BY THE CITY ADMINISTRATOR:

WHEREAS, the City of Flint, as it moves forward with the implementation of the recently adopted Master Plan, seeks to partner with the Flint Housing Commission to develop a neighborhood revitalization-pilot project that will redevelop a target area including the River Park Townhomes located on Carpenter Rd. between Webster Road and the Flint River; and

WHEREAS, the Flint Housing Commission, in partnership with the City will seek Choice Neighborhoods funding for the target area neighborhood revitalization pilot project in order to accomplish the comprehensive goals set forth in the MOU; and

WHEREAS, the FHC is committed to helping Flint grow and helping FHC residents to prosper by providing housing in pleasant communities at sensible rents. FHC seeks to partner with the City to revitalize the River Park neighborhood and to improve living conditions for the residents of River Park as outlined in the MOU; and

WHEREAS, the Board of Commissioners of the Flint Housing Commission have reviewed the comprehensive goals of the MOU and understand that the execution of the MOU, hereby binds the Commission to the terms set forth.

THEREFORE, BE IT IS RESOLVED, that the Flint City Council authorizes the City to do all things necessary to enter into a Memorandum of Understanding with the Flint Housing Commission to partner with them on the preparation and submission of a Choice Neighborhoods Planning Grant.

APPROVED AS TO FORM:


William Kim (Jul 13, 2022 11:52 EDT)

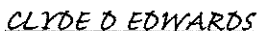
William Kim
City Attorney

APPROVED AS TO FINANCE:


Robert J.F. Widigan (Jul 14, 2022 10:50 EDT)

Robert J.F. Widigan
Chief Financial Officer

FOR CITY OF FLINT:


CLYDE D EDWARDS (Jul 14, 2022 12:26 EDT)

Clyde Edwards
City Administrator

CITY COUNCIL:

Flint City Council



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: July 12, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: RESOLUTION TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE FLINT HOUSING COMMISSION, TO PURSUE A CHOICE NEIGHBORHOODS PLANNING GRANT.

PREPARED BY: Suzanne Wilcox, Director, Department of Planning and Development

VENDOR NAME: Flint Housing Commission

BACKGROUND/SUMMARY OF PROPOSED ACTION:

In accordance with the Master Plan, the City is applying for a Choice Neighborhoods Planning Grant, from the U.S. Department of Housing and Urban Development (HUD). The Flint Housing Commission (FHC) will be the primary applicant along with the City as a co-applicant. This grant will provide resources for the Housing Commission and the City to develop a vision for the transformation of the neighborhoods around the distressed public housing development River Park Townhomes located on East Carpenter.

River Park is a public housing development owned and operated by FHC. It is situated along the City limit on Carpenter Road, between Webster Road and the Flint River. The development is isolated from employment and retail opportunities, and has limited transit access. The area suffers from high crime and poverty. It is segregated with respect to race and income, and residents are not integrated into the broader community.

The neighborhoods surrounding River Park vary widely in current conditions. While the area immediately surrounding River Park is severely distressed, there are other neighborhoods in the target area that are stable and include better transit, employment, and development opportunities. The target area is still being developed, but it is likely that it will include neighborhoods between Carpenter Road and Stewart Avenue, on the north and south, and Dupont St. and the Flint River to the west and east.

The Choice Neighborhoods Planning Grant will enable the City and FHC to work with residents and community groups to develop a vision for revitalizing the River Park development and surrounding community in accordance with the Master Plan. The grant funds will support activities such as: community meetings, developing partnerships with housing providers and social service providers, identifying potential sites for new affordable housing to replace units at River Park, developing a relocation strategy for HUD-assisted residents at River Park, and developing a comprehensive transformation plan that could be submitted to HUD to compete for up to \$30 million to support redevelopment.

The attached Memorandum of Understanding between the City and FHC formalizes the cooperative relationship between these two entities to carry out the required activities, if funded.

FINANCIAL IMPLICATIONS: This is a reimbursable grant. This grant has a 5% cash match requirement (\$25,000).



CITY OF FLINT

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

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO:

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐
(If yes, please indicate how many years for the contract) 2 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) n/a



CITY OF FLINT

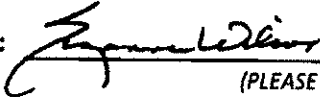
BUDGET YEAR 1

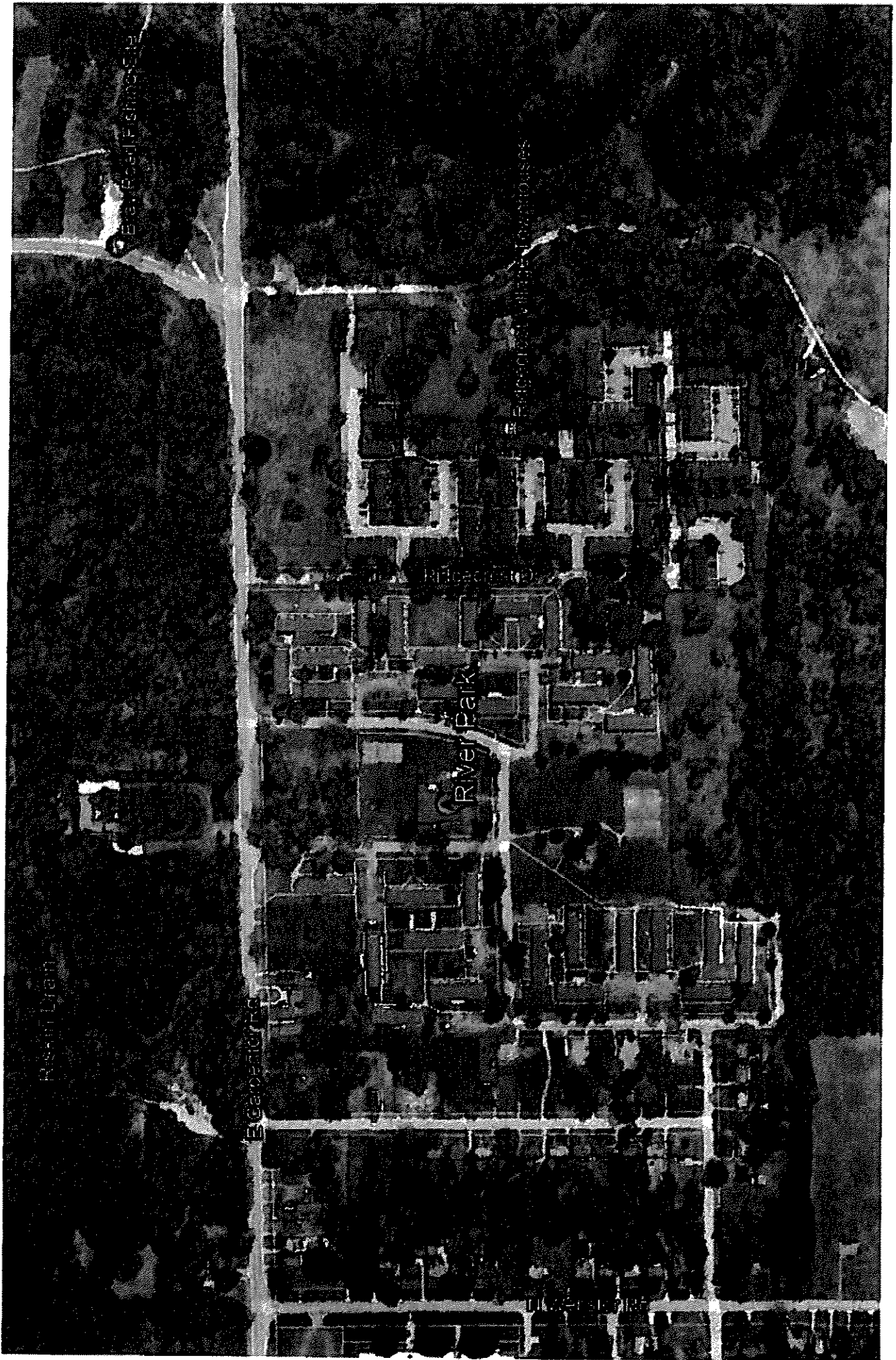
BUDGET YEAR 2

BUDGET YEAR 3

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

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

DEPARTMENT HEAD SIGNATURE:  Director, Dept of Planning and Dev.
(PLEASE TYPE NAME, TITLE)



**Partnership Memorandum of Understanding
between and among the
City of Flint
and
Flint Housing Commission**

Choice Neighborhoods Planning Grant

July 15, 2022

The City of Flint (The City), as it moves forward with the implementation of the recently adopted Master Plan, seeks to develop neighborhood revitalization pilot projects along the South Saginaw Street Corridor; to demonstrate that the place types visualized in the Master Plan-in particular the Traditional Neighborhood, Green Neighborhood, Mixed Residential, and City Corridor-can become a reality in Flint. The Flint Housing Commission, in partnership with the City of Flint will seek Choice Neighborhoods funding for a planning grant for the River Park neighborhood revitalization pilot project in order to accomplish the following comprehensive goals:

- Reductions in violent crime, and improvements in public safety.
- The elimination of neighborhood blight.
- A diversified housing stock, with stable single family neighborhoods and high quality multifamily housing in appropriate locations.
- Correcting the mistakes made decades ago when public housing developments were built in isolated neighborhoods.
- Creating mixed income, mixed race neighborhoods where all types of people choose to live and have affordable housing opportunities.
- A vibrant target area with multiple transportation options.
- A strong foundation of commercial activity, particularly in north Flint
- Quality educational and employment opportunities, through improved and coordinated supportive services such as job training, early childhood education, and case management.
- To responsibly manage the transition of areas that are currently occupied but identified in the Master Plan as Community Open Space and Recreation.

The Flint Housing Commission (FHC) is committed to helping Flint grow and helping FHC residents to prosper by providing housing in pleasant communities at sensible rents. FHC seeks to partner with The City to revitalize the River Park neighborhood redevelopment area and to improve living conditions for the residents of River Park Townhomes, a severely distressed public housing project in the proposed target neighborhood, with the following specific goals:

- To responsibly manage the transition of areas that are currently occupied but identified in the Master Plan as Community Open Space and Recreation.
- To demolish severely distressed public housing buildings at River Park
- To provide high quality affordable replacement housing for 100% of current residents of River Park, in neighborhoods that are 1) safe, 2) integrated with other stable residential areas, 3) integrated with employment opportunities and quality retail establishments, and 4) well served by transit.

- To develop a framework to ensure that FHC assisted residents at River Park receive high quality supportive services throughout the revitalization process, including relocation assistance, case management, and self-sufficiency programs.
- To improve the educational and employment opportunities available to current residents of River Park.
- To ensure that FHC properties and residents contribute to, and are part of, the revitalization of the River Park Target Area.

It is therefore mutually agreed that:

- I. The parties to this MOU shall assume the following roles:
 - a. Lead Applicant: Flint Housing Commission
 - b. Co-Applicant: City of Flint
2. All parties to the MOU commit to working collaboratively throughout the entirety of the Choice Neighborhoods Planning Grant period.
3. The Flint Housing Commission as current and target public housing development owner shall be the Lead Applicant and will have primary responsibility for managing the Choice Neighborhoods Planning Grant and leading the activities supported under the grant. Specific responsibilities of the Housing Commission include:
 - a. Conducting a household-level needs assessment for residents of Atherton East, with the support of the City of Flint.
 - b. Conducting a formal market assessment of the River Park Target Area to evaluate the feasibility of multifamily housing development.
 - c. Completing a Phase I environmental assessment of a potential replacement housing site.
 - d. Producing the Transformation Plan, with the support and involvement of the City of Flint.
 - e. Development of a relocation strategy for residents of River Park.
4. The City of Flint as Co-Applicant, shall work in close partnership with the Flint Housing Commission on the following activities:
 - a. Supporting the Flint Housing Commission to conduct a household-level needs assessment for residents of River Park.
 - b. Assisting in the development of a relocation strategy for residents of River Park
 - c. Working closely with the Housing Commission on the development of the Transformation Plan.
5. The City and FHC will be jointly responsible for:
 - a. Creating a Steering Committee of residents and community leaders to ensure community involvement in the planning grant activities.
 - b. Identifying an appropriate location for replacement housing.
 - c. Identifying a housing developer with capacity to implement the housing component of the Transformation Plan.
 - d. Identifying a supportive services provider with capacity to implement the people component of the Transformation Plan.
 - e. Presenting the completed Transformation Plan to their governing bodies (the Housing Commission and the Planning Commission) for approval.

CITY OF FLINT

FLINT HOUSING COMMISSION

Clyde Edwards, City Administrator

Harold Ince, Director Flint Housing Commission

RESOLUTION NO.: 220301

PRESENTED: JUL 20 2022

ADOPTED: _____

RESOLUTION TO INCREASE ELECTION WORKER PAY

BY THE CLERK:

Whereas, in the FY2022-2023 City Clerk Election Division budget, funding in the amount of \$300,000.00 was allocated to cover election worker pay and associated costs for the August 2, 2022 and November 8, 2022 elections; and

Whereas, said funding has been made available to increase the election day pay for election workers as follows:

Technical Supervisors – increase from \$190.00 to \$235.00

Chairpersons – increase from \$185.00 to \$225.00;

Laptop Specialists – increase from \$185.00 to \$225.00;

Election Inspectors – increase from \$160.00 to \$200.00.

THEREFORE, BE IT RESOLVED, that the appropriate City Officials are authorized to do all things necessary to process the election worker pay increases. Funds for said increases have been approved and will come from the FY22-23 City Clerk Election Division – Election Workers Acct. No. 101-262.110-707.000.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

William Kim
Chief Legal Officer

Robert J.F. Widigan
Chief Financial Officer

Sheldon A. Neeley, Mayor

APPROVED BY CITY COUNCIL

RESOLUTION NO.: 220302

PRESENTED: JUL 20 2022

ADOPTED: _____

**RESOLUTION TO SPECTACLE PRODUCTIONS FOR THE VIDEOTAPING OF
FLINT CITY COUNCIL MEETINGS**

BY THE CLERK:

Whereas, the Flint City Council entered into a \$35,000.00 contract with Spectacle Productions for the video recordings of all City Council meetings for the fiscal year of July 1, 2021 – June 30, 2022; and

Whereas, due to an increase in the number of hours of each bi-monthly City Council and committee meeting, as well as in addition to an increase in the number of special City Council meetings called and the convening of Investigative and Annual Budget Hearings during the 2022 fiscal year, an additional \$15,000.00 was added to the Spectacle Productions Contract in February of 2022; and

Whereas, pending invoices from FY2022, in the amount of \$14,000.00, need to be paid in order to continue ensuring that the public is well informed about local legislative initiatives and city-related matters by way of Flint City Council meetings.

THEREFORE, BE IT RESOLVED, that the appropriate City Officials are authorized to do all things necessary to process an additional payment to Spectacle Productions, in the amount of \$14,000.00, for the videotaping of various Flint City Council meetings/hearings that took place in late Fiscal Year 2022, with said funds coming from City Council Professional Services Acct. No. 101-101.000-801.000, for a total Spectacle Productions Contract amount of \$64,000.00 for FY2022.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

William Kim
Chief Legal Officer

Robert J.F. Widigan
Chief Financial Officer

APPROVED BY CITY COUNCIL



©Joyce McClane -COF 02-01-20



CITY OF FLINT

ACCOUNTING APPROVAL:

Jennifer Cuf

Date:

7/6/2022

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): X APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE:

Shirley M. Brown

(PLEASE TYPE NAME, TITLE)



RESOLUTION NO.: 220304

PRESENTED: JUL 20 2022

ADOPTED: _____

**RESOLUTION TO APPROVE COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE CITY OF FLINT AND AFSCME COUNCIL 25, LOCAL 1799**

BY THE CITY ADMINISTRATOR:

Pursuant to the Michigan Local Financial Stability and Choice Act, MCL 141.1541 - .1575, Emergency Manager Darnell Early imposed terms and conditions of employment between the City of Flint and AFSCME Council 25, Local 1799 on July 16, 2014. The City of Flint and AFSCME Council 25, Local 1799 have negotiated a successor Collective Bargaining Agreement.

WHEREAS, the parties have reached a Tentative Agreement regarding a successor Collective Bargaining Agreement. The Tentative Agreement is attached.

WHEREAS, the membership of AFSCME Council 25, Local 1799 have ratified the Tentative Agreement.

WHEREAS, City Administrator Clyde Edwards recommends that the Flint City Council ratify the Tentative Agreement.

THEREFORE, IT IS RESOLVED that the Flint City Council **RATIFIES** the Tentative Agreement between the City of Flint and AFSCME Council 25, Local 1799.

APPROVED AS TO FORM:




William Kim, City Attorney

APPROVED AS TO FINANCE:



Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:



Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

City Council President

THE CITY OF FLINT

and

**MICHIGAN AFSCME COUNCIL 25,
LOCAL 1799**

COLLECTIVE BARGAINING AGREEMENT

**Effective through
June 30, 2024**

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PREAMBLE

THIS AGREEMENT, effective immediately upon its ratification by the parties, is between the City of Flint ("City" or "Employer") and Local 1799, affiliated with Michigan AFSCME Council 25, and chartered by the American Federation of State, County, and Municipal Employees, AFL-CIO, ("Union").

WHEREAS, it is the general purpose of this Agreement to promote the mutual interests of the City and its Employees and to provide for the operation of the services provided by the City under methods which will further, to the fullest extent possible, the safety of the Employees, economy and efficiency of operation, elimination of waste, realization of maximum quantity and quality of output, cleanliness, protection of property and avoidance of interruptions to production. The parties to this Agreement will cooperate fully to secure the advancement and achievement of these purposes, and

WHEREAS, it is the intent and purpose of this Agreement to assure sound and mutually beneficial working and economic relations between the parties hereto, to provide an orderly and peaceful means of resolving any misunderstandings or differences which may arise, and to set forth herein the basic and full agreement between the parties concerning rates of pay, wages, hours of employment, and other conditions of employment.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

ARTICLE 1 RECOGNITION

Section 1. The City recognizes the Union as the exclusive bargaining representative for the classified supervisory Employees of the City, excluding temporary employees, interim employees, elected officials, appointed officials, confidential employees, administrative employees, executive employees, Golf clubhouse Aides, school crossing guards, and those employees represented by other certified bargaining units, for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment.

Section 2. When new classifications or positions are created, the Human Resources/Labor Relations Director shall, as soon as practical, give notice to the Union of the Bargaining Unit status of such new classifications or positions. If the Union disagrees with the Human Resources/Labor Relations Director's determination, the parties agree to meet and confer regarding such status within four (4) weeks of notification of same.

Section 3. New Employees who are disciplined or discharged during their initial hire probationary period shall not be entitled to Union representation except if disciplined or discharged for Union activity. The Union shall, however, represent probationary Employees for rates of pay, wages, hours of employment and other conditions of employment.

ARTICLE 2
PLEDGE AGAINST DISCRIMINATION AND COERCION

Section 1. The provisions of this Agreement shall be applied equally to all Employees in the Bargaining Unit without discrimination as to age, sex, sexual orientation, sexual identity, marital status, race, color, creed, national origin, physical disability, or political affiliation. The Union shall share equally with the Employer the responsibility for applying this provision of the Agreement.

Section 2. The Employer shall not interfere with the right of any Employee within the Bargaining Unit to become a member of the Union, nor shall the Employer exercise any discrimination, interference, restraint, or coercion against any Employee attempting to exercise their rights within the terms of this Agreement or under the authority of any applicable law, or against any Employee because of their Union membership, or against any Union officer because of their position or activity as such.

Section 3. The Union recognizes its responsibility as bargaining agent and agrees to represent all Employees in the Bargaining Unit without discrimination, interference, or coercion.

ARTICLE 3
MANAGEMENT RIGHTS AND RESPONSIBILITIES

The Union recognizes that, except as specifically limited or abrogated by the terms and provisions of this Agreement and in addition to the reservation of management rights above, all rights to manage, direct and supervise the operations of the City and the Employees are vested solely and exclusively in the City, including but not limited to the right to hire new Employees and direct the working force, to discipline, suspend, discharge for cause, transfer or lay off Employees, require Employees to observe City and Departmental rules and regulations, to decide the services to be provided to the public, the type and location of work assignments, schedules of work and the methods, process and procedures by which such work is performed.

ARTICLE 4
WORK RULES

The Employer shall have the right to make and enforce reasonable, written Work Rules and Regulations. The Employer shall provide the Union seven (7) days' written notice of the creation or revision of a Work Rule or Regulation. The Union shall have the opportunity to meet and confer regarding any new or revised Work Rule or Regulation. However, any delay in implementation of a Work Rule or Regulation will be at the sole prerogative of the Employer. Complaints as to the reasonableness of any Work Rule or Regulation, or any complaint involving discrimination in the application of any Work Rule and Regulation shall be resolved through the grievance procedure.

ARTICLE 5
SUBCONTRACTING

Section 1. Before the Employer contracts out an item of work which involves labor which

could be performed by Bargaining Unit Members, the Employer shall give the Union notice of intent to contract together with the request for quote or bid no later than the date that said bid package or request for quotes is made available to potential contractors.

Section 2. The Union may bid or submit a proposal on the contract for the work on an equal basis as other bidders.

Section 3. Upon the Union's written request, the parties will meet and confer regarding any plan by the Employer to contract out Bargaining Unit work.

Section 4. The Employer will take every step available to insure that Employees affected by contracting of work are advised of employment opportunities in other City departments.

ARTICLE 6 CHECK-OFF/DUES DEDUCTIONS

Section 1. Membership in the Union is not compulsory. Employees have the right to join, not join, maintain or discontinue their membership in the Union as they see fit. However, within thirty (30) days of employment, subject to applicable law, all Employees covered by this Agreement, desiring to maintain membership in the Union shall pay the applicable Union's dues. The Union agrees not to solicit Union membership and not to conduct activities, except as otherwise provided for by the terms in this Agreement, during working hours of the Employees or in any manner that may interfere with Employees engaged in work.

Section 2. During the period of time covered by this Agreement, the Employer agrees to deduct from the wages of Employees who are members of the Union, all Union membership dues and initiation fees uniformly required; provided, however, that the Union shall present to the Employer signed, written authorizations properly executed by each Employee allowing such deductions and payments to the Union. Previously signed authorizations shall continue to be effective as to current Employees. Any future increase in Union dues and/or initiation fees shall not require Employees to sign new authorization forms. The City has no obligation to deduct dues upon expiration of this Agreement.

Section 3. Dues and initiation fees will be authorized, levied and certified in accordance with the Constitution and By-laws of the Union. Each Employee hereby authorizes the Union and the Employer without recourse, to rely upon and to honor certificates by the Treasurer of the Union, regarding the amounts to be deducted and the legality of the adopting action specifying the amounts of such Union dues and/or initiation fees.

Section 4. At the Employer's option, the Union shall reimburse the Employer an amount equal to two percent (2%) for all dues amounts remitted to the Union. If the Union fails to reimburse the Employer within forty-five (45) days of the dues remittance by the Employer to the Union, the Employer shall have no further obligation to continue dues check-off.

Section 5. Union dues shall be deducted in equal installments each pay period during the life of this Agreement. As to Employees hired thereafter, said deduction shall commence the first pay

period following the Employer's receipt of the signed, written authorization allowing such deductions and payments to the Union.

Section 6. Local 1799, AFSCME, and/or Michigan AFSCME Council 25, shall indemnify, defend, and save the Employer harmless against any and all claims, demands, suits, or other forms of liability that may arise out of, or by reason of, action taken or not taken by the Employer for the purpose of complying with any of the provisions of this Article or Article 7, Union Business.

Section 7. The total of all sums deducted by the Employer shall be remitted to the Treasurer of AFSCME Council 25 not later than ten (10) days after such deductions are made, together with an itemized statement.

Section 8. In the event the Union requests that the Employer deduct monies in excess of the amounts deducted as of the date of execution of this Agreement, such request shall be effective only upon written assurance by the Union that the additional amounts have been authorized pursuant to and under the Union's Constitution.

Section 9. The Employer shall not be liable for the remittance or payment of any sums other than those constituting actual deductions made; and if for any reason it fails to make a deduction for any Employee as above provided, it shall make that deduction from the Employee's next pay in which such deduction is normally deducted after the error has been called to its attention by the Employee or the Union.

Section 10. If during the term of this Agreement the Union determines that dues and service charges are to be deducted on a percentage formula basis, the initial cost increase incurred in implementing such a plan shall be borne by the Union.

ARTICLE 7 UNION BUSINESS

Section 1. Union Offices.

The names of Employees elected or appointed to Union offices, e.g. Officers, Stewards, or Committee Members, shall, within thirty (30) days of the Employee's election or appointment, be certified, in writing, by the Union to the Director of Human Resources/Labor Relations. The Director of Human Resources/Labor Relations shall be promptly notified in writing of any changes occurring during the Employee's term of office.

Section 2. Union Stewards.

- A. A maximum of five (5) Stewards shall be elected or appointed to represent Employees and process grievances, across all shifts and locations of the Employer.
- B. The Union President shall assign areas to the respective Stewards. The activity of Stewards shall be confined to the work areas which they are appointed and any deviation from this may result in disciplinary action by the Employer. However, if an Employee, for good cause, cannot utilize the services of the Steward appointed

to the Employee's area of employment, the Employee may apply to the Union President or nearest Steward for assistance.

- C. If the Employer reduces the number of its primary work locations, the number of Stewards will be reduced accordingly.
- D. Stewards shall, upon written authorization, be afforded the necessary time to reasonably investigate and process grievances during their regularly scheduled working hours without loss of time or pay. Such authorization shall not be unreasonably withheld. However, their activities shall be confined to the areas which they represent and any deviation from this may result in disciplinary action by the Employer.

Section 3. Union President.

- A. The Union President will be released from their job function with pay for a maximum of sixteen (16) hours every week, unless additional time is granted by the Director of Human Resources/Labor Relations.
- B. This release time is for the purpose of allowing the Union President to participate at MERC hearings, grievance hearings, negotiations, meetings to clarify and revise the Employer's Personnel Rules and Regulations, and to perform any other related duties as required.
- C. The Union President's release time shall be upon timely written request to and approval by the Director of Human Resources/Labor Relations, or by a mutual written agreement between the Director of Human Resources/Labor Relations and the Union President. Approval of such requests shall not be unreasonably withheld.
- D. The Union President may designate any or all of the weekly release time to another authorized Union representative.
- E. Unused release time may not be carried over or accumulated for subsequent periods.

Section 4. Constitution.

Copies of the Union's current Local, Council and International Constitutions shall be furnished to the Director of Human Resources/Labor Relations.

Section 5. Attendance at Conferences, Conventions or Seminars.

- A. Employees certified by the Union may be granted, subject to the Director of Human Resources/Labor Relations' approval, with notice to the Department or Division Head, unpaid leave to attend Union conferences, conventions or seminars. Such approval will not be unreasonably withheld.
- B. Employees may use accrued PTO for the period of such leave.

- C. The Union shall provide written notice at least ten (10) days prior to a conference, convention or seminar, notifying the Director of Human Resources/Labor Relations of the Employees certified by the Union to attend, and of the date, time, place and purpose of the conference, convention, or seminar.

Section 6. Bargaining Team.

- A. A maximum of three (3) members of the Union's Bargaining Team shall be released during their normal work shift without loss of pay, for the purpose of meeting with the Employer's Bargaining Team to negotiate a new Collective Bargaining Agreement between the parties.
- B. The Human Resources/Labor Relations Director shall be notified in writing of the names of the Employees serving as members of the Union's Bargaining Team prior to the commencement of the first negotiation session.

Section 7. Visits By Union Representatives.

- A. Union Representatives, Council and International Representatives of the American Federation of State, County, and Municipal Employees shall have reasonable access to the premises of the Employer at any time during working hours to conduct business relating to administration of this Agreement; provided, the Union Representative provides advance notice of any desired meeting and secures prior authorization from the appropriate supervisor before entering a work area.
- A. The supervisor will arrange a time and place for properly requested meetings without undue delay.

**ARTICLE 8
DEFINITIONS**

Section 1. Employment Status.

- A. Regular Employee. Regular Employee shall mean full-time hourly rate Bargaining Unit Employees who are regularly scheduled to work a normal work week or who are regularly scheduled to work eighty (80) hours per payroll period in a continuous operation.
- B. Part-Time Employee. Part-time Employee shall mean Bargaining Unit Employees who are regularly scheduled to work less than a normal work week.
- C. Provisional Appointment. A provisional appointment shall mean an appointment of a current (Regular or Part-time) Employee to a position for an interim period while the position is being permanently filled. Upon termination of a provisional appointment, the Employee shall be entitled to return to his/her prior employment status.

- D. Dual Classification Position. Dual Classification Position shall mean a combination of two (2) different job classifications, requiring the services of one (1) Employee, who is qualified for both classifications, and who may be required to perform in both classifications.

Section 2. Normal Work Week and Shift.

- A. A normal work week shall consist of forty (40) work hours in a calendar week.
- B. A normal work shift shall consist of eight (8) to twelve (12) consecutive hours (excluding any meal break) and shall have a regularly scheduled starting and quitting time.
- C. This Section does not constitute a guarantee of a set amount of work hours. Work schedules may be any configuration of hours and days, and may include weekends, evenings, or a reduction of hours in any work week or shift.

Section 3. Continuous Operations. A continuous operation is defined as an operation regularly scheduled seven (7) days per week.

Section 4. Regular Pay Period. The regular pay period shall include the first full-shift scheduled to begin after 12:01 a.m. Sunday and shall run to include the last full-shift scheduled to begin on or before 12:00 a.m. the second following Sunday, representing a two (2) week duration.

ARTICLE 9
PART-TIME EMPLOYEES

Section 1. The Employer shall have the right to utilize Part-Time Employees to augment the work force. Part-Time Employees shall be adequately trained (as determined by the Employer) before they are assigned to a job classification.

Section 2. Part-time Employees shall be entitled only to the benefits specifically enumerated under this Agreement, and such benefits shall accrue and become payable under the conditions specified herein.

Section 3. Part-time Employees who become Regular Employees, in the same or similar job classification, will be placed on the appropriate Compensation Schedule based on their City Seniority earned as Part-Time Employee, and shall receive full credit for all such City Seniority in determining future rate increases and fringe benefits as a Regular Employee.

ARTICLE 10
GRIEVANCE AND ARBITRATION PROCEDURE

Section 1. The grievance procedure shall serve as the exclusive means for the amicable settlement of any dispute or grievance arising under the provisions of this Agreement, including

the application, meaning or interpretation of same. The parties shall seek to secure at the lowest possible administrative level, equitable solutions to all grievances.

Section 2. Grievance Procedure.

Step 1.

Employees with a grievance shall within ten (10) work days of the event giving rise to the grievance, or within ten (10) work days of when the Employee should have been reasonably aware of the events giving rise to the grievance, discuss the grievance with their immediate supervisor, either individually or with their Union Steward, to try and resolve the grievance informally.

If the grievance is not satisfactorily resolved, the Employee and/or the Union may submit the grievance, in writing on a form provided by the Union, to the Employee's division supervisor, or their designee, within three (3) work days of informal grievance meeting specified above. The written grievance shall state the facts giving rise to the grievance, the names of the employees involved, the provisions of this Agreement alleged to have been violated, the contentions of the Employee(s) and/or Union with respect to the provisions alleged to have been violated, the relief sought, the date, and the signatures of the Union. The division supervisor, or their designee, shall respond in writing within five (5) work days of receiving the Step 1 written grievance. If the Employee's immediate supervisor or division supervisor is the Department Head, the grievance may be initiated at Step 2.

Step 2.

If the grievance has not been satisfactorily resolved at Step 1, the grievance may be presented in writing, as described in Step 1, by the Union Steward to the appropriate Department Head, within five (5) work days after the division supervisor's written response was due. The Union Steward will attach the division supervisor's written response, if any, to the Step 2 grievance. The Department Head or the Union may request, in writing, a meeting to discuss the Step 2 grievance. Such meeting must be held within five (5) work days of receipt of the Step 2 grievance.

The Department Head, or their designee, shall provide a written response to the Union within five (5) work days following receipt of the Step 2 grievance or the Step 2 meeting, whichever is later.

Step 3.

If the grievance has not been satisfactorily resolved at Step 2, it may be appealed by the Union to the Director of Human Resources/Labor Relations, in writing, within seven (7) work days after the Department Head's response was due.

The Director of Human Resources/Labor Relations will schedule a meeting to hear grievance appeals at least one (1) day per month. Grievance appeals that are submitted to the Director of Human Resources/Labor Relations will be reviewed during the following month's meeting. Two (2) representatives of the City, designated by the Director of Human Resources/Labor Relations, and two (2) representatives of the Union, designated by the Local President, will attend such meetings. The purpose of the meeting shall be to attempt to mutually resolve the grievance or to develop alternative solutions to avoid future grievances.

If the grievance is resolved, the settlement shall be put in writing by a Labor Relations Representative and copies of the settlement shall be given to all parties by the next month's meeting.

If the grievance is not resolved, the Director of Human Resources/Labor Relations, or their designee, will notify the Union, in writing, within ten (10) work days following the Step 3 meeting, that the grievance is denied and shall set forth the reasons for the denial.

Step 4.

Either party may submit the grievance to arbitration by notifying the other party in writing of their desire to arbitrate, within ten (10) work days from the date the Step 3 written response from the Director of Human Resources/Labor Relations, or their designee, was due. Such written notice shall identify all of the provisions of the Agreement allegedly violated, state the issues involved, and the relief requested. Within ninety (90) calendar days of the Union's desire to arbitrate to the Human Resources/Labor Relations Director, AFSCME Council 25 must notify the Director of Human Resources/Labor Relations in writing to request an arbitrator be notified of their assignment pursuant to Section 3 below or indicate that the grievance is being withdrawn without precedent. Failure by Council 25 to notify the Human Resources/Labor Relations Director within this ninety (90) calendar day period will result in the Employer's grievance answer being deemed acceptance of the determination made by the City on the grievance.

Section 3. Selection of the Arbitrator. The Union and the Employer shall maintain a panel of three (3) mutually selected arbitrators. Each panel arbitrator shall be assigned a grievance to arbitrate on a rotating basis. If a panel arbitrator is unable to arbitrate a grievance, the next panel arbitrator shall arbitrate the grievance. Either party may remove no more than one (1) arbitrator from the panel during any six (6) month period by giving ten (10) days' written notice to the other party. In the event a panel arbitrator is removed from the list or becomes unable to arbitrate grievances, the parties will promptly select a replacement panel arbitrator. If the parties are unable to mutually select a replacement arbitrator to serve on the arbitration panel, the services of the

Federal Mediation and Conciliation Service ("FMCS") will be utilized by the parties for the purpose of making the selection of an arbitrator to serve on the panel. If the method of arbitrator selection proposed by the FMCS is a striking of proposed names from a list, the Union shall strike first from the initial list, and the parties shall alternate in striking first on all lists of names thereafter.

Section 4. Jurisdiction and Power of Arbitrator. The Arbitrator shall have no power to alter, add to, or subtract from the terms of this Agreement. Nor shall the arbitrator have power to establish or modify any classification or wage plan (except as provided in Article 29, Pay Level - Reclassification and Reallocation, Section 3, or to rule on any claim arising under an insurance plan/policy or retirement plan). The Arbitrator shall render their decision in writing and set forth their findings and conclusions only on the cause at issue. In the event either party desires more than the basic finding of the Arbitrator, such as a transcript, the cost shall be borne by the party making the request.

Section 5. Arbitration Procedure. The arbitration hearing shall be held in accordance with the Uniform Arbitration Act, MCL 691.1681 et seq., and the rules established by the Arbitrator. At the time of the arbitration hearing, both the City and the Union shall have the right to examine and cross-examine witnesses. Upon request of either the City or the Union, or the Arbitrator, a transcript of the hearing shall be made. At the close of the hearing, the Arbitrator shall afford the City and the Union a reasonable opportunity to furnish briefs. The Arbitrator's decision must be rendered in writing within forty-five (45) days of the closing of the record or the date on which post-hearing briefs are submitted.

Section 6. Cost of Arbitration. Each party shall pay its own costs of processing grievances through the grievance and arbitration procedure. The fee of the Arbitrator, their travel expenses, and the cost of any room or facilities and the expenses of the arbitration shall be borne equally by the parties. The expense of a stenographer and/or a transcript, if any, shall be borne by the party requesting it or equally among the parties requesting it if more than one party or the Arbitrator requests it. The fees and wages of representatives, counsel, witnesses, or other persons attending the hearing on behalf of a party and all other expenses shall be borne by the party incurring the same. Provided, however, the wages of the grievant (if not discharged), City Employees serving as witnesses for the City or Union, and one (1) Union representative employed by the City, will be paid for time spent in Arbitration, if that time is during the Employee's regularly scheduled work hours.

Section 7. Finality of Arbitrator's Decision. The Arbitrator's decision, when made in accordance with their jurisdiction and authority established by this Agreement, shall be final and binding upon the Union, the Employee or Employees involved, and the City.

Section 8. General Provisions.

- A. The time limits set forth in this Article may only be extended by mutual written consent.
- B. The Union will make a reasonable investigation of any grievance before it is

reduced to the formality of a written complaint, in order to ascertain that the grievance is justified and there are reasonable grounds to believe the claim is true in fact. The grievance complaint shall set forth all the facts necessary to understand the issues involved, and it shall be free from charges or language not germane to the real issue or conducive to subsequent calm deliberation. The Union and the Employer shall avoid publicizing any grievance or complaints founded thereon prior to the final determination of the issue.

- C. If an Employee files a grievance directly with the Employer, the Employer will notify the Union upon its filing.
- D. In no case shall claims involving wages be valid for more than thirty (30) days retroactively from the date the grievance is first presented in Step 1 of the Grievance Procedure.
 - i. All claims for back wages shall be limited to the amount of wages that the Employee would otherwise have earned at their regular rate, less either any Unemployment Compensation not refunded by the Employee, Worker's Compensation, or any interim earnings that the Employee may have received during the period of back pay.
 - ii. No decision in any case shall require a retroactive wage adjustment in any other case, unless such case has been designated as a representative case by mutual written agreement of the parties.
- E. Failure of the Union to proceed with the grievance to the next step within the allotted time limit shall be deemed acceptance of the last determination made by the City.
- F. Failure of the City to respond to a grievance within the allotted time limit shall automatically advance the grievance to the next step of the procedure.
- G. The grievant(s) and witnesses who are Employees of the City shall be relieved of their duties when scheduled to work, and shall appear and testify at any step of the grievance procedure when their presence and testimony is required by either party. Time spent by such grievant(s) and witnesses in meeting the terms of this Provision, if and only if during normal working hours, shall be considered as time worked.
- H. An Employee who is allegedly aggrieved shall be entitled to Union representation during the Grievance Procedure.
- I. Class Action and Policy Grievance. A matter involving three (3) or more Employees and the same question may be submitted by the Chief Steward, or his designee, as a policy or class action grievance, in writing, within ten (10) work days of the event giving rise to the grievance. Such written grievance shall be submitted at Step 3, to the Director of Human Resources/Labor Relations, with a copy of the grievance submitted to the Department Head. Large groups of aggrieved employees may be identified by a general description

rather than by name (e.g., all third shift employees, all third shift Police Department employees).

- J. Grievances regarding discharges or suspensions of ten (10) or more work days shall be submitted in writing at Step 3 of the Grievance Procedure within ten (10) work days of the effective date of the discharge or suspension.
- K. The parties agree in those instances in which a supervisor “waives” or “passes” on a grievance at the request of the union and/ or the aggrieved Employee, or on their own volition, the waiver shall have no effect on the procedural and/or substantive matters of that grievance, and is without precedent to any other grievance.

ARTICLE 11 DISCIPLINE

Section 1. Disciplinary action issued by the Employer will be for cause.

Section 2. Violations of policies, rules, regulations, orders, appropriate laws or ordinances, and/or Articles of this Agreement, shall be regarded as cause for disciplinary action, up to and including, discharge. Discipline (suspensions or discharge) may result from an accumulation of minor infractions as well as for a single serious infraction. Verbal warnings may be given by the Employer in instances when it is determined that formal discipline is not warranted. Depending on the nature, frequency and severity of the offense, the City shall adhere to progressive discipline in order to provide the Employee with an opportunity to correct offending behavior. Formal progressive discipline shall generally include a written reprimand, suspension(s) and termination, in that order. The offense subject to discipline progression need not be identical to previous offenses, and the severity of the offense may remove it from progressive discipline altogether. Factors to consider in instituting discipline, progressive or otherwise, include but are not limited to, the severity of the offense, the frequency of offenses, whether the Employee has taken responsibility and accountability for their actions, the time interval between offenses, and the work history of the Employee.

ARTICLE 12 SENIORITY

Section 1. Definitions.

- A. City Seniority: The Employee’s original date of hire, by Employer, adjusted for time not worked/paid. City Seniority shall be used for determining step increases in pay and/or paid time off (PTO) accrual(s).
- B. Departmental Seniority: The date the Employee joined their current Division/Department, adjusted for time not worked/paid.

When a Department, Division or Section of a Division is transferred to another Department, seniority in classification in the previous Department shall be credited

to the affected Employees.

- C. Classification Seniority: The date the Employee was promoted, by Employer, adjusted for time not worked. Classification Seniority shall be used for layoffs, scheduled PTO time and shift preference where applicable.

Section 2. Computation.

Seniority shall not be credited for time not worked/paid, except under the following:

- A. Military leave time as required by law.
- B. Workers' compensation, for the period when an Employee is receiving benefits under the statute, up to a maximum of one (1) year.
- C. An Employee who is promoted out of Local 1799 but within their regular promotional series, shall continue to accrue seniority for a maximum period of time equal to their seniority earned in Local 1799. Thereafter, their seniority shall be retained but will not accumulate.
- D. An employee who is transferred or promoted out of Local 1799 but not within a regular promotional series, shall retain seniority earned in Local 1799 but will not accumulate additional seniority within Local 1799.

Section 3. Loss of Seniority.

An Employee shall lose their seniority for the following reasons:

- 1. Resignation
- 2. Discharge not subsequently reversed
- 3. Retirement
- 4. Absence for three (3) consecutive days on which the Employee was scheduled to work, without proper notification to the Employer. Because of unreported absence, the Employee is considered to have resigned (voluntary quit) and is no longer in the employ of the City. In proper cases exceptions shall be made upon the Employee producing convincing proof of their inability to give such notice.
- 5. Failure to report for work within seven (7) days from the date of mailing of notice of recall.
- 6. Failure to return to work upon expiration of an authorized leave of absence, subject to Paragraph 4 above.

7. Failure to return to work from a leave caused by the Employee's disability, within one (1) year of the commencement of such leave. If an Employee on a leave caused by the Employee's disability returns to work, but fails to remain in active employment with the Employer for at least six (6) consecutive months, the Employer will consider any subsequent period on a leave caused by the Employee's disability a continuation of the original period of leave for purposes of application of this Paragraph; provided that, if the Employee can demonstrate by clear and convincing evidence that a subsequent period of disability is caused by a different injury or condition, that subsequent period will not be deemed a continuation of the original period of leave for purposes of application of this Paragraph.
8. Layoff for a continuous period equal to the length of seniority, or two (2) years, whichever is less.
9. The Employee fails to return on the specified date following an approved disability leave. In proper cases, exceptions may be made upon the Employee presenting convincing proof of their inability to return on the required date.
10. The Employee has been on an approved disability leave for a period of twenty-four (24) weeks or for a period of time equal to the length of their seniority at the time the approved disability leave commenced, whichever is less.

Section 4. Superseniority.

The Local President and Chairperson of the Grievance Committee shall, for the purpose of layoff only, head the seniority list in their classifications during their terms of office. The provision of this subsection shall not apply if the Local President or Chairperson of the Grievance Committee changes after the date a notice of layoff is initiated.

**ARTICLE 13
LAYOFF, RECALL, ASSIGNMENT**

Section 1. When Layoff May Be Made.

Employees may be laid off at the discretion of the Employer. Employees who are to be laid off shall be given written notice of layoff a minimum of five (5) working days prior to the effective date of layoff. The Employer will provide five (5) working days' notice to Employees being reduced or transferred if possible.

Section 2. Procedure.

In the event of layoff, the following procedure will be followed:

- A. Provisional Employees with the affected job classification shall be laid off first.
- B. Probationary Employees within the affected job classification will be laid off next.

- C. Thereafter, Employees shall be laid off according to their Classification Seniority.
- D. Ties in classification seniority shall be broken by total City seniority.
- E. In cases where an Employee has been bumped from their promotional unit or classification, said Employee will have the option of returning to that promotional unit or classification when a vacancy occurs to which said Employee has seniority rights.
- F. In cases when an Employee has been promoted or transferred out of their class series, including into another Bargaining Unit recognized by the City, or to exempt status, the Employee may exercise the option of bumping back into their previous position, Classification Seniority permitting, in lieu of the above bumping rights. This right shall not exist where the Employee's previous classification was part of a recognized training series.
- G. When need arises to lay off an Employee serving a provisional or probationary promotional period, such Employee shall be restored to the job classification from which they were promoted, and layoff shall be made in the manner prescribed above. Time served in the probationary position shall be credited as though served in the lower classification should layoff occur in that class. An Employee serving in a provisional appointment shall not earn Classification Seniority for layoff/recall purposes in a classification from which the Employee would have been laid off but for the provisional appointment.
- H. Employees may elect a layoff in lieu of the bumping rights set out in the above paragraphs, in which event such Employees shall be placed on the layoff list for the classification from which they are laid off.

Section 3. Recall.

Employees will be recalled in the reverse order of layoff, by Employer. In accordance with the Article entitled Seniority, failure to report to work within five (5) working days from the date of mailing of notice of recall will be considered a voluntary quit. Notice of recall may be by personal contact, telephone or written communication and may be confirmed by certified mail from the Human Resources office to the Employee's address on file in the Personnel Human Resources office. The Employer may, at its discretion, make an exception to this return to work within five (5) working days rule when it believes it is warranted by the circumstances. Such discretion shall not be arbitrary or capricious. In the event the Employee is not reached by telephone or in person, and a certified letter is sent, and no response is received by the City from the Employee within five (5) working days from the date the certified letter was sent, the Employee shall be bypassed on the recall list and another Employee who can be contacted shall be recalled. Once an Employee turns down recall to a classification in a promotional unit they need not be contacted for future openings in that classification in that same promotional unit unless such Employee notifies the Human Resources/Labor Relations Director in writing that they would now accept the appointment.

Section 4. Layoff List.

- A. An Employee who is laid off or reduced shall be placed on the layoff list for the appropriate classification for a period of up to two (2) years, or the length of the Employee's City Seniority, whichever is earliest.
- B. An Employee unable to return to work because of a continuing disability after thirteen (13) payroll periods from the date of disability will be placed on the layoff list for the Employee's classification. The Employee will remain on the layoff list for a period of one (1) year or the length of the Employee's City Seniority, whichever is less, from the date of disability. At any time during said period that the Employee has recovered, and a position in their classification becomes available and is not accepted by the Employee, the Employee shall be considered as having voluntarily quit. If no position has become available during said period the Employee's name shall be removed from the layoff list.

**ARTICLE 14
SHIFT/WORK WEEK SELECTION PROCEDURE**

Section 1.

- A. For shift preference purposes, shifts are designated as:
 - i. First shift: Any shift during which the starting time is on/after 4:00 A.M. and on/before 11:59 A.M.;
 - ii. Second shift: Any shift during which the starting time is on/after 12:00 P.M. and on/before 7:59 P.M.;
 - iii. Third shift: Any shift during which the starting time is on/after 8:00 P.M. and on/before 3:59 A.M.
- B. The Employer may, in its discretion, change the definition of "shifts" for a location, classification, or department, or other division of the City.

Section 2. In those areas in which work rules have been established providing for permanent shift assignment, the following procedure shall be used in shift preference determination:

- A. The selection of shift/work week assignment within the area shall be based upon Classification Seniority.
- B. The shift/work week preference shall be exercised during the period January 1 through January 15. An Employee must provide written notice of their desire to exercise shift/work week preferences to the appropriate supervisor at least thirty (30) days before January 1st.
- C. The shift/work week preference changes shall take effect to coincide with a pay period.
- D. Shift/work week preference may also be exercised in the event of a permanent vacancy in the area without regard to Section 2(B).

- E. For the purpose of this Section, ties will be broken by Classification Seniority in the Department, and then by City Seniority.
- F. If possible, Employees will receive at least five (5) work days' notice of changes in their shift/work week assignments.

Section 3. The Employer may, in its discretion, override shift preference elections if the Employer reasonably determines that a different personnel allocation is needed on a shift or shifts.

ARTICLE 15 VETERANS RIGHTS AND BENEFITS

The Employer shall follow all state and federal laws and regulations regarding the employment rights of members and veterans of the United States uniformed services.

ARTICLE 16 PAID TIME OFF (PTO)

Section 1. Accrual of PTO Time.

- A. PTO shall be computed and accrued on the basis of each payroll period that a Regular Employee or Part-time permanent Employee has at least seventy-two (72) hours of straight-time pay. If a Regular Employee or Part-time permanent Employee has at least forty (40) hours of straight-time pay in a payroll period, but less than seventy-two (72) hours, the Employee shall accrue PTO at one-half (½) the amount shown in the Schedule below. PTO shall be based on City Seniority as defined in the Seniority Article of this Agreement and shall be accrued on the following basis:

<i>Years of City Seniority</i>	<i>Maximum Hours Accrued Per Payroll Period</i>	<i>Maximum Annual Accumulation</i>	<i>Maximum Accumulated Hours</i>
Less than 2	4.61	119.86	378
2 thru 10	6.15	159.9	378
11 thru 15	7.69	199.94	450
16 thru 19	9.23	239.98	450
20 and Over	10.77	280.02	450

- B. PTO may be cumulative but may not exceed the maximums set forth above. Any excess PTO shall be forfeited.

Section 2. General.

- A. Accumulation of PTO shall begin at the date of employment, but may not be used until an Employee has completed six (6) months of employment. Employees terminating within the first six (6) months of their employment shall forfeit any right to payment for accumulated PTO. An Employee who is involuntarily called into the uniformed services of the United

States may receive payment for accumulated PTO computed under the terms of this Article from the date of employment, even if the Employee has worked less than six (6) months.

- B. PTO shall not be paid where other Employer-paid benefits received by an Employee would result in cumulative payments exceeding the straight-time hourly rate for a normal work week.
- C. Employees requesting PTO to take any examination administered by the Employer, or its designee, may be given time off as PTO, or without pay if that time off does not interfere with operations in the Employees' Department(s).

Section 3. PTO Payout on Termination, Retirement, Death.

- A. Upon retirement, death, or termination of employment (including at time of layoff and discharge upon exhausting any appeals), an Employee shall be compensated for their accrued PTO, up to a maximum of three hundred (300) hours, at the time their employment is terminated, the Employee is laid off or the Employee retires, at the rate of one hundred percent (100%) of the Employee's current straight time hourly rate. Any PTO in excess of three hundred (300) hours shall be forfeited.
- B. PTO Conversion Holding Bank. If a "holding bank" was established for an Employee by Article 15 of the 2014-16 collective bargaining agreement, its balance shall be paid out to the Employee at retirement, death, or termination of employment (including discharge upon exhausting any appeals) at the rate of 100% of the Employees' straight time hourly rate in effect on August 1, 2014.
- C. Payments under subsections (A) or (B) of this Section shall be made within sixty (60) days after the Employee terminates employment. Such payments shall not be included as final average compensation for the purpose of computing retirement benefits.
- D. Payments under subsections (A) or (B) of this Section shall be paid to a deceased Employee's life insurance beneficiary.

Section 4. Scheduled PTO.

- A. All requests for scheduled PTO shall be determined at the discretion of the Division Head or designee, dependent on the needs of the Department and the seniority of the Employees. Where possible, the Division Head or designee shall give preference to seniority Employees in granting requests.
- B. Schedules shall be developed by the Division Head on the basis of Departmental Seniority. Within the discretion of the Division Head, the Employee may be required to work all or part of scheduled PTO that the Employee would normally have been on scheduled PTO, and in lieu of scheduled PTO, shall be paid the PTO pay provided in this Article, which PTO pay shall be in addition to the compensation received for the time actually worked during said period.

- C. Employees requesting scheduled PTO must make a written request to the Division Head twenty-four (24) hours before commencement of the PTO. The Division Head will respond to the Employee's request as soon as practicable.

Section 5. Unscheduled PTO for Health-Related Conditions.

- A. PTO for health-related conditions shall be taken in increments of at least one (1) hour or up to the Employee's accrued PTO balance, whichever is less; provided, however, in areas where work crews are assigned at the start of the normal work shift, the appointing authority may require that PTO be used in at least four (4) hour increments at the start of the normal work shift.
- B. Departmental rules may require that the Employee notify their Department prior to the start of their normal work shift of any disability or illness which will cause their absence. In all other cases, the Employee shall notify their Department of such disability or illness within one-half (½) hour after the start of their normal work shift.
- C. Notification to the Division Head and request for PTO for health-related conditions may be made by telephone, and the appropriate Division Head or authorized representative, will cause a written request to be filed. If an Employee has advance knowledge of a health condition necessitating PTO, the Employee shall, before the PTO begins, file a written request for PTO with the appropriate Division Head or authorized representative.
- D. Any Employee who has exhausted their available PTO shall have any additional lost time due to their health taken without pay.
- E. When an Employee is absent from work for a period of three (3) or more consecutive work days, the Employer may require a certificate from a licensed physician, noting the cause of such absence to be furnished before the leave request is granted for purposes of compensation. The Employee may also be required by the Department Head or authorized representative to be examined by the City Physician to determine whether the Employee has recovered sufficiently from the condition causing their absence to return to work.
- F. A certificate from a licensed physician noting the cause of the absence may be required by the Department Head of any Employee who has taken PTO for health-related conditions on three (3) or more occasions within the fiscal year. Work rules may be modified to exceed the limits set forth above.
- G. Employees who are absent or late without just cause may be subject to discipline.

Section 6. Unscheduled PTO for Non-Health Related Conditions.

- A. Employees who are absent or late without just cause may be subject to discipline.

- B. Employees requesting PTO for non-health related reasons must request and receive approval from the Employer at least twenty-four (24) hours before the requested PTO would begin. If an Employee is absent and advance notice is not given, the Employer may require proof that the Employee could not provide prior notice.
- C. Employees requesting PTO for non-health related reasons who are unable to provide at least twenty-four (24) hours' notice to the Employer shall provide notice as soon as practicable, but in no instance later than one-half (½) hour prior to the Employee's scheduled starting time.

Section 7. Disability Insurance Program.

- A. The Employer will provide a short-term disability insurance program for Employees with extended absences. Such program will provide an eligible Employee (as determined by the insurance carrier/provider) with a wage continuation equivalent to sixty percent (60%) of the Employee's straight time rate, up to a maximum of one thousand two hundred fifty dollars (\$1,250.00) per week in gross pay, commencing after the fifteenth (15th) calendar day waiting period, and extending for no more than twenty-four (24) weeks.
- B. Eligibility for benefits under this program will be subject exclusively by the terms and conditions of the insurance carrier, and determined by the processes and policies of the insurer, which will be selected in the sole discretion of the Employer. Employees are bound by the terms and conditions of the carrier which are not subject to the Grievance Procedure.
- C. The Employer may establish administrative rules to facilitate the disability insurance program at its sole discretion.
- D. The Employer may choose to utilize the benefits of both a short-term and long-term insurance policy, or be self-insured, in order to provide this benefit.
- E. The Employer may also determine in its sole discretion to change insurance companies, or discontinue the program in its entirety should the Employer's cost of providing the benefit be substantially increased from the original premium.
- F. Accumulated PTO may be utilized, at the written request of the Employee, in order to receive pay during the waiting period. Employees are not eligible to receive any other pay including, but not limited to, holiday pay during the waiting period.
- G. Seniority and other benefits will not accumulate during the disability period, except for any time an Employee receives PTO.

**ARTICLE 17
NEUTRAL MEDICAL OPINIONS**

When the Employer's physician has determined that an Employee is either able or unable to work and the Employee's private physician disagrees, the Employer may seek a third,

independent medical opinion. The Employee will cooperate in any examination needed for that third opinion. However, nothing in this Article restricts the Employer from exercising its right to determine whether an Employee is fit for duty.

ARTICLE 18 WORKERS' COMPENSATION

Employees shall be covered by the Workers' Disability Compensation Act and applicable related state regulations. If an injury is deemed compensable under the Workers' Disability Compensation Act:

- A. The Employer shall provide health, dental, optical, and life insurance coverage on the same terms and with the same benefit levels as offered to current Regular Employees while an Employee is on Workers' Compensation leave for up to six (6) months. The Employee must continue to pay their portion of the premiums as otherwise required by the contract.
- B. If an Employee on Workers' Compensation returns to work but fails to remain in active employment with the Employer for at least six (6) consecutive months, the Employer will consider any subsequent period on Workers' Compensation a continuation of the original period of leave for purposes of application of the six (6) month limitation for health, dental, optical, and life insurance coverage; provided that, if the Employee can demonstrate by clear and convincing evidence that a subsequent period of disability is caused by a different injury or condition, that subsequent period will not be deemed a continuation of the original period of leave for purposes of application of this Paragraph.
- C. When an Employee returns to work from a compensable injury or illness, the Employee shall receive Seniority credit for the period during which Workers' Compensation was paid.
- D. If recognized as a job-related injury, the Employee will be paid full wages for the balance of the Employee's regular shift. In addition, for the next seven (7) calendar days or less thereafter, that the Employee is off work, the Employee will be compensated the difference between what is paid by Workers' Compensation and eighty percent (80%) of the Employee's regular rate of pay.
- E. After the period of coverage set forth in Section 1(A)-(D), the Employer shall provide only those insurance coverages mandated by the Patient Protection and Affordable Care Act, and the Employee shall be responsible for all costs thereof, to the extent permitted by law.

ARTICLE 19 BEREAVEMENT LEAVE

Section 1. When a death occurs in the Employee's immediate family (defined as spouse, parents, step-parents, children, or step-children), the Employee, upon written request, will be granted bereavement leave for the first five (5) scheduled working days immediately following the date of the death.

Section 2. When a death occurs to any of the Employee's parents-in-law, brothers, sisters, sisters-in-law, brothers-in-law, grandparents, grandparents-in-law, sons-in-law, daughters-in-law, grandchildren, or other relatives permanently residing in the Employee's home, the Employee, upon written request, will be granted bereavement leave for the first three (3) scheduled working days immediately following the date of the death; provided, they attend the appropriate death related service. The Employee's supervisor may require evidence of attendance in the form of a sympathy card or obituary notice.

Section 3. If the funeral is delayed, such as for an autopsy or while the body is being shipped, etc., the bereavement leave shall be delayed accordingly; provided, documentation of the delay is furnished upon request.

Section 4. If the Employee is notified of the death during their scheduled work shift, and requests to be excused immediately, the Employee shall be released as soon as possible, and shall have the option of having the remainder of their shift charged to their accrued PTO, or of having the remainder of their shift counted as the first day of the bereavement leave to which they may be entitled.

Section 5. If a death occurs under these provisions while an Employee is on PTO, upon written notice the Employee's status shall be changed from PTO to bereavement leave.

Section 6. Employees granted bereavement leave under this Article shall, after making written request for bereavement leave and submitting proof of their relationship to the deceased, receive the amount of wages they would have earned by working the straight-time hours on the scheduled days of work they missed due to bereavement leave.

Section 7. Employees may be granted additional time off for travel or otherwise by use of accrued PTO, upon the written approval of their supervisor or Department Head. The decision of the supervisor or Department Head about use of accrued PTO for such purpose shall not be arbitrary.

ARTICLE 20 JURY DUTY

Section 1. Time spent by an Employee on jury duty, during their normal work shift, before any Federal or State Court shall be considered time worked. The Employee shall inform their immediate supervisor a jury duty obligation as soon as possible after receipt of the summons.

Section 2. An Employee on jury duty shall provide the appropriate Department Head adequate proof that they reported for such jury duty, and shall turn over their jury pay to their supervisor.

Section 3. An Employee who completes their jury duty before the end of their scheduled work day shall promptly report to their supervisor and return to their regular position for the remainder of the work day, unless the Employee received prior authorization from their supervisor to charge the remainder of their work shift to accrued PTO, in which event the Employee shall promptly report to their supervisor the number of hours spent on jury duty. Reasonable time will be afforded to the Employee for a lunch break and to change clothes, where applicable, before reporting for work.

ARTICLE 21 COURT TIME

Section 1. Employees appearing under subpoena in a Federal or State Court due to their employment shall have such time considered time worked. Subpoena fees received by Employees shall be remitted to their supervisor. Mileage fees received by Employees shall be remitted to the supervisor only if transportation was furnished by the Employer, or if the Employee is being paid mileage for the use of their private vehicle for Employer business. Police Department Employees required to appear on a regular day off shall be paid in accordance with Article 24, Call-In Pay.

Section 2. Time spent, whether on or off duty, in any proceeding of the Employee against the Employer, or as a witness of any employee against the Employer, is not Court Time under this Article and will not be compensated.

ARTICLE 22 HOLIDAYS

Section 1. Holiday Observance.

A. The following days are designated as Holidays:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Christmas Eve
Juneteenth	Christmas Day
Independence Day	New Year's Eve

B. Recognized Holidays shall be observed on the day the Holiday is observed by the State of Michigan. However, if Juneteenth falls on a Saturday it shall be observed on the preceding Friday or if it falls on a Sunday it shall be observed on the following Monday.

Section 2. Employees Who Are Not Required to Work.

- A. If a Holiday falls on the Employee's regularly scheduled workday, and the Employee is not required to work, the Employee shall receive eight (8) hours of straight-time pay.
- B. If a Holiday falls on the Employee's regularly scheduled day off, the Employee shall be credited with eight (8) hours of PTO.

Section 3. Employees Who Work on a Holiday.

- A. An Employee that is required to work on a Holiday shall receive:
 - i. Pay for all hours worked (see Article 24 [Call-In Pay, Suspension of Services]); and
 - ii. Eight (8) additional hours of straight-time pay.

Section 4. Duplication of Holiday Benefits.

Employees required to work both the calendar date and the designated date of a Holiday shall receive Holiday benefits only for the calendar date of the Holiday.

Section 5. Unauthorized Leave.

- A. Employees who are absent without prior authorization on their last scheduled work day preceding the Holiday or on their first scheduled work day following the Holiday shall not be entitled to Holiday pay.
- B. Employees scheduled to work on a Holiday, who fail to report for work, and whose absence was not previously authorized, shall not be entitled to Holiday pay.

Section 6. Holidays are Hours Worked for the Purpose of Overtime.

Hours paid to an Employee as Holiday Pay are hours worked for the purpose of entitlement to overtime premium compensation under Article 23 of this Agreement. Holiday Pay does not constitute hours worked for any other purpose.

**ARTICLE 23
OVERTIME**

Section 1. Overtime Pay.

- A. Employees who work in excess of forty (40) hours during any normal work week established by the Employer, shall be paid overtime premium pay at the rate of one and one-half (1½) times their base rate of compensation for the excess hours

worked.

- B. All work in excess of a normal work shift and/or normal work week must be approved by the Employee's supervisor prior to the commencement of such work.
- C. Except as provided in Article 22 (Holidays), only actual hours worked shall be counted towards eligibility of overtime premium pay. Time spent on leave shall not be counted as hours worked.
- D. Premium payments will not be duplicated.

Section 2. Overtime Equalization.

- A. Voluntary and mandatory overtime work shall be equalized among employees qualified to do the work available working within the same job classification, within the same division, beginning October 1, 2022. The Overtime Distribution provision of the predecessor Agreement (Article 23, Section 2) will control until October 1, 2022.
- B. Available overtime will first be offered on a voluntary basis to qualified employees in descending seniority order. An employee who declines an offer of voluntary overtime will be charged with the amount of the overtime for equalization purposes.
- C. If no one volunteers to work overtime, the Employer will mandate employees in ascending seniority order.
- D. Each month, divisions will post overtime equalization lists, identifying each employee and the amount of overtime each employee has been charged.
- E. The distribution of voluntary and mandatory overtime shall be equalized annually within thirty (30) hours. The remedy for insufficient overtime equalization will be offering additional overtime opportunities to the adversely affected employees.
- F. The Director of Human Resources/Labor Relations will develop processes and procedures for divisional equalization of overtime, which will become effective on July 1, 2022. The Director of Human Resources/Labor Relations will share the processes and procedures with the Union and provide a pre-implementation opportunity to meet and discuss the processes and procedures.

**ARTICLE 24
CALL-IN PAY; SUSPENSION OF SERVICES**

Section 1. Any Employee brought back to work on call-in, shall be paid a minimum of two (2) hours at their base wage rate; provided, if the Employee has worked in excess of forty (40) hours during the work week, the Employee shall be paid overtime premium pay at the rate of one and one-half (1½) times their base rate of compensation for those hours worked.

Section 2. Call in pay for the Christmas calendar day and the New Year's calendar day shall be paid premium pay at the rate of one and one-half (1½) times the Employee's base rate of compensation for those hours worked regardless of straight time hours worked.

Section 3. If the City's Chief Executive, or their designee, suspends some of the City's services due to weather or to some other emergency, Employees who are at work will receive payment for their actual hours worked. Employees who are excused from work due to the emergency may use PTO time, or approved unpaid time off to cover the time not worked.

Section 4. No Employee shall receive compensation for time not expended in City employment, except as earned and paid pursuant to this Agreement. This Provision does not apply to back pay awards made by any court, commission, or person authorized by law or by mutual agreement to do so.

ARTICLE 25 STANDBY

Section 1. An Employee may be required to remain on call at their home or other reasonably accessible location for such time as the Employer may determine. The Employer will attempt to equalize assignment of standby duty among qualified Employees of each Department where practicable.

Section 2. An Employee on standby duty shall receive one and three-quarters (1¾) hours pay at their base hourly rate of pay for each day of standby duty. Additional benefits do not accrue for standby time. Standby time shall not be considered time worked, nor will payments for standby time be considered earnings for the purposes of Final Average Compensation.

ARTICLE 26 CAR AND MILEAGE REIMBURSEMENT

Section 1. Employees may be required to furnish their own transportation when required to perform their assigned duties. In such cases, Employees must maintain a valid Michigan Driver's License. The City, in its discretion, may eliminate the requirement that an Employee provide their own transportation, and alternatively require the Employee to use transportation provided by the City.

Section 2. Mileage Reimbursement.

- A. An Employee who is required to furnish their own transportation in order to perform their assigned duties, shall be reimbursed for all of the miles driven in the course of performing their assigned duties, at the standard mileage rate established by the Internal Revenue Service (IRS).
- B. A record of all actual miles driven shall be required from each Employee prior to receiving any mileage reimbursement. The record shall be on forms provided by the City and submitted to the Employee's Department/Division Head for review, and then forwarded to

the Department of Finance for inspection and payment.

- C. Mileage reimbursement checks shall be processed in accordance with the Employer's Travel Policy.

Section 3. Provision of Liability Insurance.

An Employee who is required to furnish their own transportation in order to perform their assigned duties shall provide proof of liability insurance in the amount of \$100,000/\$300,000.

**ARTICLE 27
COMPENSATION SCHEDULES**

The salaries and wages to be paid under this Agreement shall be in full accord with the Compensation Schedules attached to this Agreement as Attachment A.

**ARTICLE 28
DUAL CLASSIFICATIONS**

Section 1. Compensation.

Employees in dual classification positions shall be paid at the classification rate for the time worked by the Employee in each classification. In no case shall an Employee performing work in a classification with a higher rate be paid less than one-half (1/2) hour at the higher rate.

Section 2. PTO.

When taking PTO, Employees who are employed in dual classification positions shall be paid at the lower rate.

Section 3. Inter-unit Dual Classification Positions.

An Employee working in a dual classification position, of which one position is represented by Local 1600 and one is represented by Local 1799, shall, for all purposes, be treated as a member of Local 1600.

**ARTICLE 29
PAY LEVEL RECLASSIFICATION AND REALLOCATION**

Section 1. Reclassification Requests.

- A. The Union President may submit one (1) written reclassification or reallocation request during each quarter of the calendar year. A written reclassification or reallocation request shall include a CS-39 completed form with the Employees and Supervisors signature verifying the information.

- B. The Human Resources/Labor Relations Department will determine whether the Employee is correctly working within their current job description and classification and will advise the Union President of their determination.
- C. If the Human Resources/Labor Relations Department determines over fifty percent (50%) of the Employee's duties are in another, higher classification, then the Employee will be promoted to that position effective the first full pay period following the Human Resources/Labor Relations Department's determination. When an Employee is placed in a different pay level by reason of reclassification or reallocation, their base wage rate will be adjusted accordingly beginning with the first full pay period following the Human Resources/Labor Relations Department's determination.
- D. If the Employer fails to make a determination on a reclassification or reallocation request within 120 days of its submission, the Union may grieve a denial of a reclassification or reallocation request with the grievance being presented at Step 3 of the Grievance Procedure. Any pay from a grievance settlement will not be awarded prior to the date of the filing of the written grievance.

Section 2. New Classifications, Reclassifications, Reallocations.

- A. The Employer shall have the exclusive right to establish new classifications, to reclassify existing classifications, and to reallocate wage rates to classifications. When such changes are made, the Union will be provided a copy of the new/revised position description and the established rate of pay, at least five (5) work days prior to its implementation.
- B. Upon request of the Union a meeting shall be held (either before or after implementation) to allow the Union the opportunity to meet and confer with the Human Resources/Labor Relations Director, or their designee, as to the wage rate of such classification, but not as to the duties. However, any delay in the implementation of the new/revised classification will be at the sole prerogative of the Employer.
- C. If there is no agreement upon the rate of pay, the matter as to the appropriate pay rate may be referred to Step 3 of the Grievance Procedure.

Section 3. Arbitrator Authority.

If a matter related to this Article is arbitrated as provided above, the Arbitrators only authority is to determine if the Employer's decision was not reasonable. If the Arbitrator determines the Employer's decision was not reasonable, the Arbitrator will refer the grievance back to Step 3 of the Grievance Procedure for further review.

**ARTICLE 30
CHANGES IN RATES OF COMPENSATION**

Section 1. Step advancements on the Compensation Schedules shall accrue only for City Seniority, as defined in Article 12 (Seniority).

Section 2. Changes in compensation shall be effective at the beginning of the first full pay period following the change.

Section 3. When an Employee is placed in a lower classification as the result of bumping rights exercised in accordance with Article 13 (Layoff-Recall), any resulting change in rate of compensation shall become effective at the beginning of the first full pay period following the change.

ARTICLE 31 REST AND MEAL PERIODS

Section 1. Rest Periods.

- A. All Employees shall have one (1) rest period of fifteen (15) minutes per four (4) work hours, to be scheduled by their immediate supervisor.
- B. Rest periods shall not be cumulative, nor shall Employees be entitled to additional compensation in lieu of a rest period.
- C. Rest periods should not disrupt the regular business of the day. Employees may not leave the work premises during rest breaks.
- D. Employees who works in excess of their normal work shift shall be permitted to take an additional fifteen (15) minute rest period upon the completion of each two (2) hour period following their normal work shift.

Section 2. Meal Periods.

- A. All Employees shall be granted an unpaid lunch period, not to exceed one (1) hour including travel time.
- B. Whenever practical, the lunch period shall be scheduled near the middle of the Employee's shift.
- C. For continuous operations, departmental work rules apply.

ARTICLE 32 AUTHORIZED PAYROLL DEDUCTIONS

Section 1. In addition to mandatory deductions, Employees may authorize other deductions as agreed upon by the parties. Written authorization by individual Employees, for payroll deductions, must be furnished to the Employer on a standard form acceptable to the Employer. No deductions

will be made which are prohibited by applicable law.

Section 2. An Employee receiving an overpayment or underpayment of wages must immediately notify the Employer of the overpayment or underpayment. The Employer may recover overpayments of wages or fringe benefits as provided by applicable law.

ARTICLE 33 TUITION REIMBURSEMENT

Section 1. If a Regular Employee desires to enroll in one or more job-related courses at an accredited educational institution, while continuing in their full-time employment, they may submit in advance of commencing such course(s), a letter of application to the Human Resources/Labor Relations Department requesting reimbursement of the cost of their tuition.

Section 2. The letter of application shall list the course(s) to be taken by course title and number, along with a description of each courses' content, the name of the educational institution, the location, dates, starting and ending times, and the tuition costs of each listed course.

Section 3. The Employer will deny an application for tuition reimbursement if it reasonably determines that the coursework is not related to the Employee's job or job progression.

Section 4. Upon written proof of satisfactory completion of any course(s) listed on an approved letter of application, and of the amount expended for tuition therefore, the Employee shall be reimbursed for such tuition up to five hundred dollars (\$500.00) per fiscal year.

Section 5. To be eligible for reimbursement under this Article, the Employee must agree, in writing, to remain a full-time Employee for a period of one (1) year following the reimbursement. The Employee must also agree that if they leave the City's employ before the expiration of the one (1) year period, the City may deduct from their final pay an amount equal to one-twelfth (1/12) of the tuition reimbursement for each month, or portion of a month, they are short of the one (1) year requirement.

Section 6. Reimbursement for tuition to all Bargaining Unit Employees shall not exceed the sum of three thousand five hundred dollars (\$3,500.00) during any one (1) fiscal year. Employees will be reimbursed in the order that the completed letters of application were received.

ARTICLE 34 EMPLOYEE SAFETY

Section 1. Safety.

- A. The Employer is committed to providing safe work conditions for its employees. The Employer will establish those safety committees required by law.
- B. The Union may submit a written request to the Human Resources/Labor Relations Director, to meet and confer on safety related concerns.

Section 2. **Safety Equipment/Devices.**

- A. Any protective clothing or protective device, over and beyond normal wearing apparel, required by the Michigan Occupational Safety and Health Act, or by the Employer, to be worn and/or used in the performance of a specific job or duty, shall be furnished and maintained by the Employer at their sole discretion. The Employer will determine the terms under which it will provide and replace such protective devices or clothing.
- B. Employees shall wear issued safety equipment during working hours.

ARTICLE 35
INSURANCE COVERAGE

Section 1. For any insurance benefit provided by this Agreement, the Employer has the right to select the carrier(s), to select the insurance policy or policies, to change carriers, and/or to become self-insured.

Section 2. Each insurance benefit provided by this Agreement is subject to the terms and conditions specified in the insurance policy or policies. No claim settlement between the Employee and any such insurance carrier(s) shall be the basis of a grievance or subject to arbitration under this Agreement. The Employer, by payment of the premium required to provide the coverage as agreed upon, shall be relieved from all liability with respect to the benefits provided by the insurance coverage. The failure of an insurance company to deliver any of the benefits for which it has contracted, for any reason, shall not result in any liability to the Employer or the Union, nor shall such failure be considered a breach by either the Employer or the Union of any obligation under this Agreement. Eligibility, coverage, and benefits under any insurance plan are subject to the terms and conditions, including any waiting period or other time limits, contained in the contracts between the Employer and the carrier(s).

Section 3. The Employer may determine to offer or cease offering voluntary benefit plans (e.g., AFLAC) at its discretion, at any time.

Section 4. This Agreement may refer to the Employer's obligation to pay premiums to provide certain insurance (to wit, life, hospitalization). The Employer is or may elect to become self-insured on some of these benefits. Therefore, it is understood that the Employer is obligated to provide the coverage and benefits outlined in the Agreement, but that this does not require the Employer to pay premiums for insurance contracts as such.

ARTICLE 36
LIFE INSURANCE

Section 1. The Employer agrees that, for the duration of this Agreement, it will pay the premiums to furnish twenty-five thousand dollars (\$25,000.00) of group life insurance and twenty-five thousand dollars (\$25,000.00) of accidental death and dismemberment insurance for Full-time Employees.

Section 2. The insurance coverage specified in this Article, shall begin on the first day of the month after the Employee reaches six (6) months of City Seniority.

Section 3. The insurance coverage specified in this Article, shall be discontinued on the day the Employee's services are terminated, the Employee quits, retires, is laid off, or is otherwise not on the Employer's payroll; provided, however, such insurance coverage will be continued for an Employee who is on an approved leave of absence without pay, for a period not to exceed six (6) months.

Section 4. If an Employee is discharged, and the discharge is ultimately reversed, the Employer will be liable for any life insurance benefits that would have been otherwise due to that Employee.

Section 5. Forms will be made available to Employees by the Employer, whereby Employees can designate a beneficiary on their life insurance coverage. In the event no beneficiary is designated, the policy will be payable to the Employee's estate.

Section 6. Life Insurance Coverage will be continued while an Employee is on an authorized disability leave as provided in Article 16, Section 7, if the Employee is otherwise eligible. The Employee shall be obligated to pay their premium share, if any, within fourteen (14) days of the established due date or insurance coverage will be cancelled.

ARTICLE 37 PAYMENT IN LIEU OF INSURANCE COVERAGE

Employees who are eligible for hospitalization insurance, but whose entire tax family opts out of that insurance because they have group health coverage from another source or sources, shall be entitled to payment of up to one thousand two hundred dollars (\$1,200.00) during the year. The City will make this payment to eligible Employees in installments of one hundred dollars (\$100.00) per month. The payment shall be made as an adjustment to a regular paycheck, and only those Employees who are entitled to a regular paycheck shall be entitled to the payment in lieu of insurance coverage.

ARTICLE 38 HOSPITALIZATION INSURANCE

Section 1. Employee Health Insurance. The Employer agrees to provide full-time Employees and their eligible spouses and dependents health coverage subject to the terms below, subject to modification as may be required by State or Federal law.

- A. The City shall not provide health care coverage for the Employee's spouse if the spouse is eligible to receive health coverage through an Employer or former Employer of the spouse. As a condition of continued spousal health care coverage under this Section, the City may require that the Employee file an affidavit each year or upon request attesting that the spouse is eligible for no other Employer-paid

health coverage.

- B. The Employer will offer eligible Employees the following health coverage plans (or comparable coverage through existing/alternative carriers):
- i. BCBSM Community Blue PPO Plan CB 12 PPO with \$1,000/\$2,000 deductible and \$10, \$40, \$80 (30 day supply) prescription drug coverage;
 - ii. Health Plus Plan DVDF and \$20, \$40, \$60 (30 day supply) prescription drug coverage;
 - iii. McLaren Health Plan C6 and \$10, \$25, \$50 (30 day supply) prescription drug coverage.

The Employer may offer a high deductible plan in conjunction with a health savings account (HSA), to be offered in a special open enrollment not subject to subsection (c) below.

Employees may change their coverage elections during an open enrollment scheduled by the Employer. Plan coverage will be subject to the coverage terms and regulations of each carrier.

- C. The Employer may, at its discretion, amend the health coverage plans offered, add new health coverage plans, or remove health coverage plans. The Employer may change the open enrollment periods for existing health coverage plans, but not more often than twice annually.
- D. The City's contribution for an Employee's health coverage, and to the health savings account (HSA), if applicable, is limited by the Michigan Publicly Funded Health Insurance Contribution Act, 2011 PA 152, to a maximum of defined amounts for single, double, or family coverage contribution limits provided in Section 3 of the Michigan Publicly Funded Health Insurance Contribution Act, 2011 PA 152, as adjusted by the State Treasurer for each subsequent coverage year, or (ii) the aggregate costs based on the illustrative rates for the elected health coverage, plus contributions to the Employee's HSA, if applicable; or in the alternative, to a maximum of eighty percent (80%) of the annual premium amount for single, double, or family coverage. Pursuant to provisions of the state law, the Employer will select its method of setting its method and amount of the Employer's contribution on an annual basis. The Employer will annually inform its Employees of its decision and the amount of the Employer's contribution prior to open enrollment for the upcoming plan year. The Employee will pay any premium contributions that exceed the amount contributed by the Employer through payroll deduction. Contributions to the HSA will be provided in accordance with HSA regulations. If an Employee does not have sufficient funds in a paycheck, the Employee shall be obligated to pay their premium share within fourteen (14) days of established due date or insurance coverage will be cancelled. If 2011 PA 152 is

repealed, the Employer shall pay eighty percent (80%) of the annual premium.

Section 2. Future Retiree Health Coverage. Employees who retire during the term of this Agreement will be provided health insurance in accordance with the following:

A. Employees hired on or after April 25, 2012.

- i. Full-time Employees hired on or after April 25, 2012, are not eligible for Employer-paid retiree health care coverage. Instead, the Employer shall establish a Retiree Medical Savings Account (RMSA) or other IRS-qualifying savings plan for each affected Employee. The accounts may be used by the Employee, their spouse, or their dependents to offset the cost of healthcare after the Employee retires or separates from service. MERS shall administer the RMSA program as described herein. The MERS Plan document, policies and procedures of MERS shall control the administration of the program.
- ii. For all full-time Employees hired on or after April 25, 2012, the Employer shall contribute to the Employee's RMSA \$57.70 per pay period for time worked for which the Employee has more than 40 hours of straight time pay, beginning with the date of hire. Effective the first pay period after January 1, 2014, Employees shall make a pre-tax contribution to the Employee's RMSA (through payroll deduction) of \$23.08 per pay period for time worked for which the Employee has more than 40 hours of straight time pay. Additionally, an Employee may contribute additional amounts on a post-tax basis through payroll deduction.
- iii. Employees shall be one hundred percent (100%) vested on their own Employee contributions and investment earnings. Employees shall be vested on Employer contributions and investment earnings according to the following schedule:

<i>Completed Years of Service</i>	<i>Percent Vested</i>
1 Year	20%
2 Years	40%
3 Years	60%
4 Years	80%
5 Years	100%
- iv. Employer and Employee contributions to an Employee's RMSA shall cease at the time of the Employee's separation from City employment (including retirement), or as otherwise required by law. The Employee may use the RMSA for any purpose consistent with federal law and regulations.
- v. An Employee who elects a deferred retirement on or after April 25, 2012, is not eligible for the retiree health care coverage provided by this Section.

B. Employees hired before April 25, 2012.

- i. Full-time Employees hired before April 25, 2012, may, upon retirement, elect health care benefits for the Employee, the Employee's spouse, and the Employee's dependents, in existence at the time of retirement, from among those plans offered to current Bargaining Unit Employees, on the same terms (including required contributions to premiums) and with the same benefit levels as offered to current regular Employees, until the Retiree becomes eligible for Medicare due to age, disability, or end stage renal disease.

The Employer's contribution for health care coverage for retirees not eligible for Medicare will be limited to the amount contributed for the lowest cost medical portion of the Medicare Supplemental or Medicare Advantage plans provided to Retirees pursuant to Section 2(B)(ii) of this Article plus the Employer's cost of prescription drug coverage provided to eligible retirees pursuant to this Article.

- ii. A City of Flint Retiree who becomes eligible for Medicare, must enroll in Medicare Parts A and B at their expense. A Retiree who is enrolled in Medicare Parts A and B will be covered by a Medicare Supplemental plan (or Medicare Advantage plan) at the Employer's expense, subject to the contribution limits provided in Section 3 of the Publicly Funded Health Insurance Contribution Act, 2011 PA 152. The eligible spouse or dependent child of a City of Flint Retiree who becomes eligible for, and is enrolled in at their expense, Medicare will be covered by a Medicare Supplemental plan (or Medicare Advantage plan) at the Employer's expense, subject to the contribution limits provided in Section 3 of the Publicly Funded Health Insurance Contribution Act, 2011 PA 152. If PA 152 of 2011 is repealed, the Employer shall pay 80% of the annual premium.
- iii. The Retiree shall pay any premium contribution that exceeds the amount contributed by the Employer through automatic deduction from their monthly pension check. If the required contribution is greater than the monthly pension check, the Retiree must contact the Human Resources Department to make arrangements for the Retiree to pay the contribution. Failure to do so will result in termination of benefits.
- iv. Employees who participate in the high-deductible health coverage plan offered by the City at the time of retirement and who are eligible to deposit monies into an HSA as defined by federal regulations shall receive an annual contribution to the Retiree's HSA equal to fifty percent (50%) of the applicable contribution amount provided to active Employees pursuant to this Article.

- v. The City shall not provide retiree health care coverage for the Retiree if the Retiree is eligible to receive paid health coverage through another Employer or former Employer. As a condition of continued retiree health care coverage under this Section, the City may require that a Retiree file an affidavit each year or upon request attesting that the Retiree is eligible for no other Employer-paid health coverage.
- vi. The City shall not provide retiree health care coverage for the Retiree's spouse if the Retiree's spouse is eligible to receive paid health coverage through an Employer or former Employer of the Retiree's spouse. As a condition of continued spousal health care coverage under this Section, the City may require that a Retiree file an affidavit each year or upon request attesting that the spouse is eligible for no other Employer-paid health coverage.
- vii. An Employee who elects a deferred retirement on or after April 25, 2012 is not eligible for the retiree health care coverage provided by this Section. .

Section 3. Termination of Benefits.

- A. Except as otherwise provided herein, health coverage terminates on the last day of the premium month in which the Employee is terminated or laid off or otherwise becomes ineligible for health coverage. Health coverage terminates on the last day of the premium month in which the Retiree becomes ineligible for health coverage. Health coverage for a dependent Spouse is terminated on the date on which they are no longer eligible (i.e., on the date of divorce, or upon the death of the Employee or Retiree). Health coverage for a dependent child is terminated on the date the child turns 26, or earlier as required by law. Health coverage for dependents will be terminated in the event an Employee or Retiree fails to provide the City with proof of dependent eligibility.
- B. Health coverage shall be continued during any leave for which the Employee receives full pay from the Employer. Employees on leave of absence with reduced hours and pay are not entitled to continued health coverage paid by the Employer except where Employee may be entitled to coverage by virtue of coverage requirements under PPACA or the Family Medical Leave Act (FMLA) as administered by the Employer. Employees on leave of absence without pay or on layoff are not entitled to continued health coverage paid by the Employer but may be eligible for continuation coverage as provided by the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).
- C. Health Coverage will be continued while an employee is on an authorized disability leave as provided in Article 16, Section 7, if the Employee is otherwise eligible. The Employee shall be obligated to pay their premium share, if any, within fourteen (14) days of established due date or insurance coverage will be cancelled.

Section 4. 125 Plan. At its option, the Employer may offer a Section 125 Plan. All regular full time Employees (excluding temporary Employees) shall be eligible to participate in such a plan, including premium only for pre-tax Employee contributions and health care flexible spending accounts, as amended and restated in accordance with federal law and as defined and limited by the Employer's plan design. Participation by Employees is voluntary.

ARTICLE 39 DENTAL BENEFITS

Section 1. Dental coverage shall be provided at the level and by the carrier (including self-insurance) as determined by the Employer at the Employee's option. The Employee pays fifty percent (50%) of premium cost through payroll deduction.

Section 2. If an Employee does not have sufficient funds in a paycheck, the Employee shall be obligated to pay their premium share within fourteen (14) calendar days of established due date or insurance coverage will be cancelled.

Section 3. Dental coverage will be continued while an Employee is on an authorized disability leave as provided in Article 16, Section 7, if the Employee is otherwise eligible. The Employee shall be obligated to pay their premium share, within fourteen (14) calendar days of established due date or insurance coverage will be cancelled.

ARTICLE 40 OPTICAL BENEFITS

Section 1. Optical coverage shall be provided at the level and by the carrier (including self-insurance) as determined by the Employer at the Employee's option. The Employee pays fifty percent (50%) of premium cost through payroll deduction.

Section 2. If an Employee does not have sufficient funds in a paycheck, the Employee shall be obligated to pay their premium share within fourteen (14) calendar days of established due date or insurance coverage will be cancelled.

Section 3. Optical coverage will be continued while an Employee is on an authorized disability leave as provided in Article 16, Section 7, if the Employee is otherwise eligible. The Employee shall be obligated to pay their premium share, within fourteen (14) calendar days of established due date or insurance coverage will be cancelled.

ARTICLE 41 UNEMPLOYMENT COMPENSATION

Eligibility for and payment of unemployment compensation benefits for Employees shall be in accordance with the Michigan Employment Security Act, Public Act 1 of 1936, as amended.

ARTICLE 42
RETIREMENT BENEFITS

Section 1. General Provisions.

- A. The Municipal Employees' Retirement System (MERS) shall administer the pension system for all current retirees and all future retirees. The MERS Plan Document, policies and procedures of MERS shall control the administration of all Employee pensions whether Defined Benefit, Defined Contribution, or Hybrid Plan, including investments and payments, except as otherwise provided below.
- B. Employees in this Division will be credited with one (1) month of service credit for each month worked, provided however, that the Employee works a minimum of eighty (80) hours in that month. Hours worked includes those hours for which the Employee is fully compensated, such as paid time off.

Section 2. Defined Benefit Plan. The Defined Benefit Plan is for all Employees hired prior to July 1, 2013 except for employees currently in the City of Flint 401(a) Defined Contribution Plan. The provisions in this Section apply to the administration of the Defined Benefit Plan only.

- A. Employees in this Division may purchase up to five (5) years or sixty (60) months of generic service credit. Purchased service counts towards retirement eligibility and must be paid in full at the time of approval.
- B. Notwithstanding anything to the contrary as may contain herein, Employees hired prior to July 1, 2013, shall have the portion of their pension earned for credited service time prior to May 1, 2012, calculated in accordance with the provisions of the parties' expired collective bargaining agreement, which had a term of July 1, 2010 through June 30, 2014 and was signed October, 2011. Effective May 1, 2012, the multiplier for these employees shall be 1.50% for all credited service time earned after that date.
- C. Final Average Compensation. Final Average Compensation (FAC) will be computed using the average of the highest consecutive three (3) year or thirty-six (36) month period of earnings from the Employee's entire work history as reported to MERS by the Municipality. For the pension calculation after May 1, 2012, overtime will not be included in FAC. (For example: FAC years 2006 + 2007+ 2008 divided by 3 = FAC.)
- D. The Employee annual contribution is nine and one half percent (9.5%) on all base wages earned.
- E. Employees hired prior to September 26, 1984, are eligible to retire and to receive a pension benefit calculated in accordance with this Article if they have accumulated three hundred (300) months or twenty-five (25) years of service credits. Employees hired prior to September 26, 1984, who leave the employment of the City with one

hundred twenty (120) months or ten (10) years of service when their employment is terminated will receive their retirement benefit once they would have had twenty-five (25) years of service.

- F. Employees hired prior to June 30, 1997, who have accumulated one hundred twenty (120) months or ten (10) years of service credits in accordance with this Section, and who have reached the age of fifty-five (55) years are eligible to retire and to receive a pension benefit calculated in accordance with this Article.
- G. Employees hired prior to June 30, 1997, who leave the employment of the City with one hundred twenty (120) months or ten (10) years of accumulated service credits, but who have not attained the age of fifty-five (55), are eligible to receive a pension benefit calculated in accordance with this Article, once they attain the age of fifty-five (55).
- H. Employees hired after July 1, 1997, who have accumulated one hundred twenty (120) months or ten (10) years of service credits in accordance with this Section, and who have reached the age of fifty-nine (59) years, or if they have accumulated three hundred sixty (360) months or thirty (30) years of service credits and have obtained the age of fifty-five (55) are eligible to retire and to receive a pension benefit calculated in accordance with this Article.
- I. Employees hired after July 1, 1997, who leave the employment of the City with one hundred twenty (120) months or ten (10) years of accumulated service credits, but who have not attained the age of fifty-nine (59), are eligible to receive a pension benefit calculated in accordance with this Article, once they attain the age of fifty-nine (59).
- J. Duty related disability benefits are subject to MERS processes and approval with the disability being the natural and proximate result of on-the-job injury. There are no vesting requirements. Benefits will be paid if the Employee is determined to be disabled under MERS' definition. The benefit will be the greater of the result of the applicable defined benefit formula or fifteen percent (15%) of the FAC. The pension benefit will be recalculated by granting additional service credit at age sixty (60) or if the Municipality notifies MERS or MERS is otherwise informed that the state workers' compensation payments have ceased.
- K. Non-Duty related disability benefits are subject to MERS processes and approval. The Employee must have ten (10) years of service in order to qualify. Benefits will be paid if the Employee is determined to be disabled under MERS' definition. The benefit will be computed as the result of the defined benefit formula without regards to a minimum. For individuals who retired prior to joining MERS, their benefits are not offset by income earned from a future job. Individuals who retire after joining will be subject to the MERS income limitations.

- L. Duty related death benefit has no vesting requirements. The surviving spouse will receive the greater of the result of the defined benefit formula or twenty-five percent (25%) of the FAC. If the Employee dies with no spouse, any children would equally share not less than twenty-five (25%) of the Employee's straight life benefit until twenty-one (21) or married. A survivor beneficiary would receive a portion of a vested Employee's straight life benefit.
- M. Non-Duty related death benefits are payable should death occur to an active Employee. The Employee must have twenty (20) years of service or be age fifty-five (55) with a minimum of ten (10) years of service in order to qualify. The spousal benefit will be eighty-five percent (85%) of the result of the defined benefit formula or one hundred percent (100%) of the Joint and Survivor benefit, whichever is higher. If a survivor beneficiary is named, they would receive a portion of the straight life benefit. If the Employee dies with no spouse or survivor beneficiary, any children would equally share fifty percent (50%) of the Employee's straight life benefit until twenty-one (21) or married.

Section 3. Hybrid Plan.

- A. Employees hired on or after July 1, 2013, and current employees in the City of Flint 401(a) Defined Contribution Plan shall be provided with the MERS hybrid pension plan (which includes a component of a defined benefit and defined contribution) with a one percent (1.0%) multiplier.
- B. Final Average Compensation (FAC) will be computed using the average of the highest consecutive three (3) year or thirty-six (36) month period of earnings from the Employee's entire work history as reported to MERS by the Municipality.
- C. Employees who have accumulated seventy-two (72) months or six (6) years of service credits in accordance with this Section, and who have reached the age of sixty (60) years, are eligible to retire and to receive a pension benefit calculated in accordance with this Article.
- D. Employees who leave the employment of the City with seventy-two (72) months or six (6) years of accumulated service credits, but who have not attained the age of sixty (60), are eligible to receive a pension benefit calculated in accordance with this Article, once they attain the age of sixty (60).
- E. Participants may make a one-time, irrevocable election to contribute up to five percent (5%) of all earnings in increments of one percent (1%) to the defined contribution component of the Hybrid Plan. The Employer will match the Employee's contribution up to five percent (5%) not to exceed the ten percent (10%) overall Hybrid Plan Employer contribution cap. Employees shall be one hundred percent (100%) vested at all times on their own contributions. They will vest on the Employer contributions according to the following schedule: After one (1) year of service, twenty percent (20%) vested; two (2) years, forty percent (40%)

vested; three (3) years, sixty percent (60%) vested; four (4) years, eighty percent (80%) vested; five (5) years, one hundred percent (100%) vested.

- F. Employees participating in the City of Flint 401(a) Defined Contribution Plan shall have an amount equal to their Employee contributions to the Defined Contribution plan, the investment earnings thereon, and the vested portion of Employer contributions to the Defined Contribution plan, and the vested portion of investment earnings thereon, transferred to the defined contribution plan component of the Hybrid Plan. Employees shall be vested in the transferred amount exactly as they are in the current City of Flint 401(a) Defined Contribution Plan.

ARTICLE 43 RESIDENCY

All Employees hired into a bargaining unit position after the effective date of this Agreement shall, as a condition of their continued employment, maintain residence within twenty (20) miles of the nearest boundary of the City of Flint. Employees hired into a bargaining unit position before the effective date of this Agreement are bound by the residency provision of the Agreement that was effective on their date of hire.

ARTICLE 44 TEMPORARY AND PROVISIONAL PROMOTIONS

Section 1. Temporary Promotions.

If a Regular Employee's absence makes it necessary, the Human Resources/Labor Relations Director may authorize the temporary promotion of an Employee to a position in a higher level. The temporary promotion shall continue during the absence of the Regular Employee or as the City otherwise directs.

Section 2. Benefits for Temporary and Provisional Promotions.

During a temporary or provisional promotion, Employees will be paid the wage consistent with the classification to which they were promoted, and will otherwise receive the benefits of this Agreement as if they had not received a promotion. Employees promoted to positions in Exempt Level 23 and above shall not be entitled to overtime.

ARTICLE 45 CHANGE OF ADDRESS AND TELEPHONE NUMBER

Section 1. Employees must file with the Human Resources/Labor Relations Department, the address of their permanent residence, home telephone number, cellphone number, and email address. Forms for this purpose shall be provided by the Employer. Employees, as a condition of continued employment, must maintain a home telephone or a cellphone at their own expense. The Employer may request, from time to time, that Employees confirm this data on the form provided by the Employer.Section 2. Employees who change their place of permanent residence,

phone numbers, or email address shall notify their immediate supervisor and the Human Resources/Labor Relations Department on a Employer-provided form, within seven (7) calendar days of the change.

Section 3. Notice to an Employee delivered to the Employee's address and/or phone numbers as they appear on the Employer's records is sufficient when used in connection with the Employee notice provisions under this Agreement.

ARTICLE 46 OUTSIDE EMPLOYMENT

Section 1. Employees shall comply with all applicable Departmental and City rules and regulations as well as all state and federal laws.

Section 2. Any outside employment undertaken must not deter an individual from satisfactorily performing their duties as a City Employee. Employees shall notify the Department Head and the Human Resources/Labor Relations Department in writing prior to undertaking any outside employment to ensure there is no conflict of interest.

Section 3. Employment prior to the effective date of this Agreement must be disclosed within thirty (30) calendar days of the effective date of this Agreement. Failure to disclose any employment may result in discipline up to and including discharge.

ARTICLE 47 SCOPE OF AGREEMENT

Section 1. During the negotiations that resulted in this Agreement, both parties had the opportunity to make proposals regarding any subject not removed by law from collective bargaining. All agreements the parties reached after exercising that opportunity are in this Agreement. For its term, neither party shall be obligated to bargain regarding any subject not removed by law from collective bargaining, even if that subject was not within the parties' contemplation during negotiations for this Agreement.

Section 2. No agreement contrary to any term or condition of this Agreement binds the parties unless they execute a written agreement so providing. This Agreement is the entire agreement between the parties and supersedes any prior contrary agreement or practice.

ARTICLE 48 NO STRIKE/NO LOCKOUT

Section 1. No Strike.

A. The Grievance Procedure in this Agreement shall serve as a means for the peaceful resolution of all disputes that may arise concerning its terms. During the life of this Agreement, the Union shall not cause, nor shall any member of the Union take part in, any strike or refusal to work. For purposes of this Agreement, "strike" means any concerted

activity resulting in a failure to report for duty, willful absence from a position or a stoppage or abstinence in whole or in part from the full and proper performance of work duties.

- B. During the life of this Agreement, the Union shall not cause its members, nor shall any member of the Union engage in any strike because of a labor dispute between the Employer and any other labor organization.

Section 2. Affirmative Action.

The Union will take prompt affirmative action to prevent or stop any strike or refusal to work of any kind on the part of its members by notifying the Employees that it disavows these acts.

Section 3. No Lockout.

The Employer agrees that during the life of this Agreement there will be no lockout.

**ARTICLE 49
SEPARABILITY AND SAVINGS**

Section 1. If any provision of this Agreement is or becomes invalid by operation of law or is held invalid by any tribunal or court of competent jurisdiction, or if a tribunal restrains compliance with any provision pending a final determination as to its validity, the remainder of this Agreement (including the invalidated or restrained provision to the full extent it remains enforceable) shall not be affected.

Section 2. If any provision of this Agreement is held invalid, as set forth above, the parties shall negotiate for a mutually satisfactory replacement.

Section 3. Any provision of any prior agreement between the parties (including, but not limited to, letters of understanding, or memorandums of understanding, not contained in this Agreement) shall be considered null and void with no further force or effect.

**ARTICLE 50
DURATION OF AGREEMENT**

Section 1. This Agreement shall be effective from the date of ratification by both parties through June 30, 2024. This Agreement shall automatically renew for successive periods of one (1) year unless either party notifies the other in writing, not less than thirty (30) days before the Agreement's expiration date, of its desire to terminate or renegotiate this Agreement.

Section 2. Wage Reopener. This Agreement may be reopened for negotiations regarding wages. A party must provide written request to reopen to the other no earlier than April 1, 2023 and no later than June 30, 2023. The parties will begin negotiations within thirty (30) days after written request is received, unless the parties agree otherwise. Negotiations under this paragraph are limited to the subject of wages. This provision is not intended to and does not reopen or affect any other term of this Agreement.

Section 3. An Emergency Manager appointed under the Local Financial Stability and Choice Act, 2012 PA 436, MCL 141.1541 to 141.1575, will have such authority relative to the terms of this Agreement as provided under the Act.

The parties executed this Agreement on the _____ day of _____, 2022.

**City of Flint
("Employer")**

**AFSCME Council 25, Local 1799
("Union")**

Appendix A: Compensation Schedule

City of Flint - Local 1799 Wage Scales												
Wage Scale	1st 6 Months		2nd 6 Months		2nd Year		3rd Year		4th Year		5th Year	
	A	B	A	B	A	B	A	B	A	B	A	B
12	A	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 32,357.36	\$ 33,717.58	\$ 34,248.45	\$ 34,856.07	\$ 35,730.19	\$ 36,444.41	\$ 36,444.41
	B	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,244.51	\$ 1,296.83	\$ 1,317.25	\$ 1,340.62	\$ 1,374.24	\$ 1,401.71	\$ 1,401.71
	H	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,556	\$ 16,210	\$ 16,466	\$ 16,758	\$ 17,178	\$ 17,521	\$ 17,521
13	A	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 32,122.75	\$ 34,540.53	\$ 35,103.38	\$ 35,732.32	\$ 36,623.50	\$ 37,359.04	\$ 37,359.04
	B	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,273.95	\$ 1,328.48	\$ 1,350.13	\$ 1,374.32	\$ 1,408.60	\$ 1,436.89	\$ 1,436.89
	H	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,924	\$ 16,606	\$ 16,877	\$ 17,179	\$ 17,607	\$ 17,961	\$ 17,961
14	A	\$ 31,200.00	\$ 31,200.00	\$ 32,534.32	\$ 33,888.14	\$ 35,367.75	\$ 35,960.44	\$ 36,606.44	\$ 37,521.07	\$ 38,271.53	\$ 38,271.53	\$ 38,271.53
	B	\$ 1,200.00	\$ 1,200.00	\$ 1,251.32	\$ 1,303.39	\$ 1,360.30	\$ 1,383.09	\$ 1,407.94	\$ 1,443.12	\$ 1,471.98	\$ 1,471.98	\$ 1,471.98
	H	\$ 15,000	\$ 15,000	\$ 15,642	\$ 16,292	\$ 17,004	\$ 17,289	\$ 17,599	\$ 18,039	\$ 18,400	\$ 18,400	\$ 18,400
15	A	\$ 31,200.00	\$ 32,544.98	\$ 33,246.41	\$ 34,653.53	\$ 36,192.83	\$ 36,815.38	\$ 37,478.43	\$ 38,399.45	\$ 39,166.97	\$ 39,166.97	\$ 39,166.97
	B	\$ 1,200.00	\$ 1,251.73	\$ 1,278.71	\$ 1,332.83	\$ 1,392.03	\$ 1,415.98	\$ 1,441.48	\$ 1,476.90	\$ 1,506.42	\$ 1,506.42	\$ 1,506.42
	H	\$ 15,000	\$ 15,647	\$ 15,984	\$ 16,660	\$ 17,400	\$ 17,700	\$ 18,018	\$ 18,461	\$ 18,830	\$ 18,830	\$ 18,830
16	A	\$ 32,502.34	\$ 33,229.35	\$ 33,956.36	\$ 35,412.52	\$ 37,011.52	\$ 37,676.70	\$ 38,354.68	\$ 39,307.68	\$ 40,094.39	\$ 40,094.39	\$ 40,094.39
	B	\$ 1,250.09	\$ 1,278.05	\$ 1,306.01	\$ 1,362.02	\$ 1,423.52	\$ 1,449.10	\$ 1,475.18	\$ 1,511.83	\$ 1,542.09	\$ 1,542.09	\$ 1,542.09
	H	\$ 15,626	\$ 15,976	\$ 16,325	\$ 17,025	\$ 17,794	\$ 18,114	\$ 18,440	\$ 18,898	\$ 19,276	\$ 19,276	\$ 19,276
17	A	\$ 33,154.73	\$ 33,909.46	\$ 34,670.58	\$ 36,182.17	\$ 37,834.47	\$ 38,533.77	\$ 39,222.40	\$ 40,205.26	\$ 41,011.15	\$ 41,011.15	\$ 41,011.15
	B	\$ 1,275.18	\$ 1,304.21	\$ 1,333.48	\$ 1,391.62	\$ 1,455.17	\$ 1,482.07	\$ 1,508.55	\$ 1,546.36	\$ 1,577.35	\$ 1,577.35	\$ 1,577.35
	H	\$ 15,940	\$ 16,303	\$ 16,669	\$ 17,395	\$ 18,190	\$ 18,526	\$ 18,857	\$ 19,329	\$ 19,717	\$ 19,717	\$ 19,717
18	A	\$ 33,804.99	\$ 34,587.44	\$ 35,376.28	\$ 36,898.52	\$ 38,659.56	\$ 39,382.30	\$ 40,105.05	\$ 41,098.56	\$ 41,917.25	\$ 41,917.25	\$ 41,917.25
	B	\$ 1,300.19	\$ 1,330.29	\$ 1,360.63	\$ 1,419.17	\$ 1,486.91	\$ 1,514.70	\$ 1,542.50	\$ 1,580.71	\$ 1,612.20	\$ 1,612.20	\$ 1,612.20
	H	\$ 16,252	\$ 16,629	\$ 17,008	\$ 17,740	\$ 18,586	\$ 18,934	\$ 19,281	\$ 19,759	\$ 20,153	\$ 20,153	\$ 20,153
19	A	\$ 35,849.58	\$ 36,657.61	\$ 37,478.43	\$ 39,115.80	\$ 40,885.36	\$ 41,614.51	\$ 42,377.76	\$ 43,405.39	\$ 44,273.11	\$ 44,273.11	\$ 44,273.11
	B	\$ 1,378.83	\$ 1,409.91	\$ 1,441.48	\$ 1,504.45	\$ 1,572.51	\$ 1,600.56	\$ 1,629.91	\$ 1,669.44	\$ 1,702.81	\$ 1,702.81	\$ 1,702.81
	H	\$ 17,235	\$ 17,624	\$ 18,018	\$ 18,806	\$ 19,656	\$ 20,007	\$ 20,374	\$ 20,868	\$ 21,285	\$ 21,285	\$ 21,285
20	A	\$ 36,672.53	\$ 37,521.07	\$ 38,361.08	\$ 40,070.94	\$ 41,906.59	\$ 42,622.94	\$ 43,450.16	\$ 44,494.84	\$ 45,381.75	\$ 45,381.75	\$ 45,381.75
	B	\$ 1,410.48	\$ 1,443.12	\$ 1,475.43	\$ 1,541.19	\$ 1,611.79	\$ 1,639.34	\$ 1,671.16	\$ 1,711.34	\$ 1,745.45	\$ 1,745.45	\$ 1,745.45
	H	\$ 17,631	\$ 18,039	\$ 18,443	\$ 19,265	\$ 20,147	\$ 20,492	\$ 20,890	\$ 21,392	\$ 21,818	\$ 21,818	\$ 21,818

Appendix A: Compensation Schedule

21	A	\$ 37,591.42	\$ 38,476.20	\$ 39,358.85	\$ 41,122.02	\$ 43,034.42	\$ 43,814.73	\$ 44,646.21	\$ 45,643.99	\$ 46,556.48
	B	\$ 1,445.82	\$ 1,479.85	\$ 1,513.80	\$ 1,581.62	\$ 1,655.17	\$ 1,685.18	\$ 1,717.16	\$ 1,755.54	\$ 1,790.63
	H	\$ 18,073	\$ 18,498	\$ 18,923	\$ 19,770	\$ 20,690	\$ 21,065	\$ 21,465	\$ 21,944	\$ 22,383
22	A	\$ 38,501.79	\$ 39,431.34	\$ 40,348.10	\$ 42,190.15	\$ 44,160.12	\$ 45,019.31	\$ 45,876.38	\$ 46,795.27	\$ 47,733.35
	B	\$ 1,480.84	\$ 1,516.59	\$ 1,551.85	\$ 1,622.70	\$ 1,698.47	\$ 1,731.51	\$ 1,764.48	\$ 1,799.82	\$ 1,835.90
	H	\$ 18,510	\$ 18,957	\$ 19,398	\$ 20,284	\$ 21,231	\$ 21,644	\$ 22,056	\$ 22,498	\$ 22,949
22A	A	\$ 40,013.38	\$ 41,009.02	\$ 42,030.25	\$ 44,047.12	\$ 46,213.23	\$ 47,138.52	\$ 48,119.24	\$ 49,085.04	\$ 50,065.76
	B	\$ 1,538.98	\$ 1,577.27	\$ 1,616.55	\$ 1,694.12	\$ 1,777.43	\$ 1,813.02	\$ 1,850.74	\$ 1,887.89	\$ 1,925.61
	H	\$ 19,237	\$ 19,716	\$ 20,207	\$ 21,177	\$ 22,218	\$ 22,663	\$ 23,134	\$ 23,599	\$ 24,070
22B	A	\$ 41,944.97	\$ 43,072.80	\$ 44,189.96	\$ 46,582.07	\$ 49,268.39	\$ 50,383.42	\$ 51,492.06	\$ 52,477.05	\$ 53,525.99
	B	\$ 1,613.27	\$ 1,656.65	\$ 1,699.61	\$ 1,791.62	\$ 1,894.94	\$ 1,937.82	\$ 1,980.46	\$ 2,018.35	\$ 2,058.69
	H	\$ 20,166	\$ 20,708	\$ 21,245	\$ 22,395	\$ 23,687	\$ 24,223	\$ 24,756	\$ 25,229	\$ 25,734
23	A	\$ 43,614.32	\$ 45,072.61	\$ 46,547.96	\$ 49,462.40	\$ 52,541.01	\$ 53,809.55	\$ 55,065.30	\$ 56,065.20	\$ 57,186.64
	B	\$ 1,677.47	\$ 1,733.56	\$ 1,790.31	\$ 1,902.40	\$ 2,020.81	\$ 2,069.60	\$ 2,117.90	\$ 2,156.35	\$ 2,199.49
	H	\$ 20,968	\$ 21,670	\$ 22,379	\$ 23,780	\$ 25,260	\$ 25,870	\$ 26,474	\$ 26,954	\$ 27,494
24	A	\$ 45,047.03	\$ 46,577.80	\$ 48,102.18	\$ 51,138.15	\$ 54,331.89	\$ 55,617.48	\$ 56,947.85	\$ 57,847.56	\$ 59,005.23
	B	\$ 1,732.58	\$ 1,791.45	\$ 1,850.08	\$ 1,966.85	\$ 2,089.69	\$ 2,139.13	\$ 2,190.30	\$ 2,224.91	\$ 2,269.43
	H	\$ 21,657	\$ 22,393	\$ 23,126	\$ 24,586	\$ 26,121	\$ 26,739	\$ 27,379	\$ 27,811	\$ 28,368
25	A	\$ 46,505.32	\$ 48,085.13	\$ 49,664.94	\$ 52,822.43	\$ 56,135.56	\$ 57,429.68	\$ 58,821.88	\$ 59,600.06	\$ 60,793.98
	B	\$ 1,788.67	\$ 1,849.43	\$ 1,910.19	\$ 2,031.63	\$ 2,159.06	\$ 2,208.83	\$ 2,262.38	\$ 2,292.31	\$ 2,338.23
	H	\$ 22,358	\$ 23,118	\$ 23,877	\$ 25,395	\$ 26,988	\$ 27,610	\$ 28,280	\$ 28,654	\$ 29,228
26	A	\$ 48,061.68	\$ 49,709.71	\$ 51,349.22	\$ 54,660.22	\$ 58,092.74	\$ 59,435.90	\$ 60,819.56	\$ 61,555.10	\$ 62,787.40
	B	\$ 1,848.53	\$ 1,911.91	\$ 1,974.97	\$ 2,102.32	\$ 2,234.34	\$ 2,286.00	\$ 2,339.21	\$ 2,367.50	\$ 2,414.90
	H	\$ 23,107	\$ 23,899	\$ 24,687	\$ 26,279	\$ 27,929	\$ 28,575	\$ 29,240	\$ 29,594	\$ 30,186
27	A	\$ 49,611.64	\$ 51,321.50	\$ 53,046.29	\$ 56,472.42	\$ 60,041.38	\$ 61,420.79	\$ 62,915.32	\$ 63,527.20	\$ 64,797.88
	B	\$ 1,908.14	\$ 1,973.90	\$ 2,040.24	\$ 2,172.02	\$ 2,309.28	\$ 2,362.34	\$ 2,419.82	\$ 2,443.35	\$ 2,492.23
	H	\$ 23,852	\$ 24,674	\$ 25,503	\$ 27,150	\$ 28,866	\$ 29,529	\$ 30,248	\$ 30,542	\$ 31,153
28	A	\$ 51,323.64	\$ 53,110.25	\$ 54,907.53	\$ 58,465.84	\$ 62,175.52	\$ 63,621.01	\$ 65,147.52	\$ 65,637.88	\$ 66,951.20
	B	\$ 1,973.99	\$ 2,042.70	\$ 2,111.83	\$ 2,248.69	\$ 2,391.37	\$ 2,446.96	\$ 2,505.67	\$ 2,524.53	\$ 2,575.05
	H	\$ 24,675	\$ 25,534	\$ 26,398	\$ 28,109	\$ 29,892	\$ 30,587	\$ 31,321	\$ 31,557	\$ 32,188

Appendix A: Compensation Schedule

29	A	\$ 53,056.95	\$ 54,913.92	\$ 56,755.97	\$ 60,459.26	\$ 64,305.38	\$ 65,812.71	\$ 67,373.33	\$ 67,733.64	\$ 69,089.59
	B	\$ 2,040.65	\$ 2,112.07	\$ 2,182.92	\$ 2,325.36	\$ 2,473.28	\$ 2,531.26	\$ 2,591.28	\$ 2,605.14	\$ 2,657.29
	H	\$ 25,508	\$ 26,401	\$ 27,287	\$ 29,067	\$ 30,916	\$ 31,641	\$ 32,391	\$ 32,564	\$ 33,216
30	A	\$ 54,965.09	\$ 56,894.55	\$ 58,809.09	\$ 62,680.80	\$ 66,688.96	\$ 68,270.90	\$ 69,940.26	\$ 70,123.61	\$ 71,526.47
	B	\$ 2,114.04	\$ 2,188.25	\$ 2,261.89	\$ 2,410.80	\$ 2,564.96	\$ 2,625.80	\$ 2,690.01	\$ 2,697.06	\$ 2,751.02
	H	\$ 26,426	\$ 27,353	\$ 28,274	\$ 30,135	\$ 32,062	\$ 32,823	\$ 33,625	\$ 33,713	\$ 34,388
37	A	\$ 74,165.88	\$ 76,896.98	\$ 79,634.46	\$ 85,115.84	\$ 90,727.26	\$ 92,989.31	\$ 94,076.63	\$ 94,076.63	\$ 95,961.32
	B	\$ 2,852.53	\$ 2,957.58	\$ 3,062.86	\$ 3,273.69	\$ 3,489.51	\$ 3,576.51	\$ 3,618.33	\$ 3,618.33	\$ 3,690.82
	H	\$ 35,657	\$ 36,970	\$ 38,286	\$ 40,921	\$ 43,619	\$ 44,706	\$ 45,229	\$ 45,229	\$ 46,135
38	A	\$ 78,082.37	\$ 80,979.76	\$ 83,872.88	\$ 89,665.52	\$ 95,586.09	\$ 97,990.98	\$ 98,937.59	\$ 98,937.59	\$ 100,918.22
	B	\$ 3,003.17	\$ 3,114.61	\$ 3,225.88	\$ 3,448.67	\$ 3,676.39	\$ 3,768.88	\$ 3,805.29	\$ 3,805.29	\$ 3,881.47
	H	\$ 37,540	\$ 38,933	\$ 40,324	\$ 43,108	\$ 45,955	\$ 47,111	\$ 47,566	\$ 47,566	\$ 48,518
39	A	\$ 82,007.38	\$ 85,049.74	\$ 88,098.50	\$ 94,202.42	\$ 100,451.31	\$ 102,977.73	\$ 103,800.68	\$ 103,800.68	\$ 105,877.25
	B	\$ 3,154.13	\$ 3,271.14	\$ 3,388.40	\$ 3,623.17	\$ 3,863.51	\$ 3,960.68	\$ 3,992.33	\$ 3,992.33	\$ 4,072.20
	H	\$ 39,427	\$ 40,889	\$ 42,355	\$ 45,290	\$ 48,294	\$ 49,509	\$ 49,904	\$ 49,904	\$ 50,903
40	A	\$ 85,913.20	\$ 89,136.79	\$ 92,334.79	\$ 98,758.50	\$ 105,316.54	\$ 107,964.48	\$ 108,665.91	\$ 108,665.91	\$ 110,838.42
	B	\$ 3,304.35	\$ 3,428.34	\$ 3,551.34	\$ 3,798.40	\$ 4,050.64	\$ 4,152.48	\$ 4,179.46	\$ 4,179.46	\$ 4,263.02
	H	\$ 41,304	\$ 42,854	\$ 44,392	\$ 47,480	\$ 50,633	\$ 51,906	\$ 52,243	\$ 52,243	\$ 53,288
35	A	\$ 66,848.86	\$ 69,275.08	\$ 71,703.42	\$ 76,575.04	\$ 81,585.24	\$ 83,591.46	\$ 84,885.58	\$ 84,885.58	\$ 86,582.65
	B	\$ 2,571.11	\$ 2,664.43	\$ 2,757.82	\$ 2,945.19	\$ 3,137.89	\$ 3,215.06	\$ 3,264.83	\$ 3,264.83	\$ 3,330.10
	H	\$ 32,139	\$ 33,305	\$ 34,473	\$ 36,815	\$ 39,224	\$ 40,188	\$ 40,810	\$ 40,810	\$ 41,626
36	A	\$ 70,494.58	\$ 73,078.56	\$ 75,666.81	\$ 80,830.52	\$ 86,139.20	\$ 88,279.72	\$ 89,480.04	\$ 89,480.04	\$ 91,268.79
	B	\$ 2,711.33	\$ 2,810.71	\$ 2,910.26	\$ 3,108.87	\$ 3,313.05	\$ 3,395.37	\$ 3,441.54	\$ 3,441.54	\$ 3,510.34
	H	\$ 33,892	\$ 35,134	\$ 36,378	\$ 38,861	\$ 41,413	\$ 42,442	\$ 43,019	\$ 43,019	\$ 43,879

Appendix A: Compensation Schedule

37	A	\$	74,165.88	\$	76,896.98	\$	79,634.46	\$	85,115.84	\$	90,727.26	\$	92,989.31	\$	94,076.63	\$	94,076.63	\$	95,961.32
	B	\$	2,852.53	\$	2,937.58	\$	3,052.86	\$	3,273.69	\$	3,489.51	\$	3,576.51	\$	3,618.33	\$	3,618.33	\$	3,690.82
	H	\$	35,657	\$	36,970	\$	38,286	\$	10,921	\$	13,619	\$	11,706	\$	15,229	\$	15,229	\$	16,135
38	A	\$	78,082.37	\$	80,979.76	\$	83,872.88	\$	89,665.52	\$	95,586.09	\$	97,990.98	\$	98,937.59	\$	98,937.59	\$	100,918.22
	B	\$	3,003.17	\$	3,114.61	\$	3,225.88	\$	3,448.67	\$	3,576.39	\$	3,768.88	\$	3,805.29	\$	3,805.29	\$	3,881.47
	H	\$	37,540	\$	38,933	\$	40,324	\$	43,108	\$	45,955	\$	47,111	\$	47,566	\$	47,566	\$	48,518
39	A	\$	82,007.38	\$	85,049.74	\$	88,098.50	\$	94,202.42	\$	100,451.31	\$	102,977.73	\$	103,890.68	\$	103,890.68	\$	105,877.25
	B	\$	3,154.13	\$	3,271.14	\$	3,388.40	\$	3,623.17	\$	3,863.51	\$	3,960.68	\$	3,992.33	\$	3,992.33	\$	4,072.20
	H	\$	39,427	\$	40,889	\$	42,355	\$	45,290	\$	48,294	\$	49,509	\$	49,904	\$	49,904	\$	50,903
40	A	\$	85,913.20	\$	89,136.79	\$	92,334.79	\$	98,758.50	\$	105,316.54	\$	107,964.48	\$	108,665.91	\$	108,665.91	\$	110,838.42
	B	\$	3,304.35	\$	3,428.34	\$	3,551.34	\$	3,798.40	\$	4,050.64	\$	4,152.48	\$	4,179.46	\$	4,179.46	\$	4,263.02
	H	\$	41,304	\$	42,854	\$	44,392	\$	47,480	\$	50,633	\$	51,906	\$	52,243	\$	52,243	\$	53,288



RESOLUTION NO.: 220305

PRESENTED: JUL 20 2022

ADOPTED: _____

**RESOLUTION TO APPROVE COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE CITY OF FLINT AND POLICE OFFICERS LABOR COUNCIL –
FLINT POLICE DEPARTMENT SERGEANTS**

BY THE CITY ADMINISTRATOR:

The City of Flint and Police Officers Labor Council – Flint Police Department Sergeants have negotiated a successor Collective Bargaining Agreement (CBA).


WHEREAS, the parties have reached a Tentative Agreement regarding a successor Collective Bargaining Agreement to its previous CBA, which was through June 30, 2020. The Tentative Agreement is attached.

WHEREAS, the membership of Police Officers Labor Council – Flint Police Department Sergeants have ratified the Tentative Agreement.

WHEREAS, City Administrator Clyde Edwards recommends that the Flint City Council ratify the Tentative Agreement.

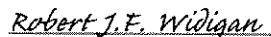
THEREFORE, IT IS RESOLVED that the Flint City Council **RATIFIES** the Tentative Agreement between the City of Flint and Police Officers Labor Council – Flint Police Department Sergeants.

APPROVED AS TO FORM:


William Kim / Jul 20, 2022 09:48 EDT

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:


Robert J.F. Widigan / Jul 20, 2022 10:19 EDT

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:


CLYDE D EDWARDS / Jul 20, 2022 08:51 EDT

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

City Council President

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

THE CITY OF FLINT

AND

POLICE OFFICERS LABOR COUNCIL

FLINT POLICE DEPARTMENT SERGEANTS

EFFECTIVE THROUGH:

June 30, 2024

TABLE OF CONTENTS

PREAMBLE

THIS AGREEMENT is entered into on this ____ day of _____, 2022, pursuant to and in accordance with Michigan Public Employment Relations Act, between the City of Flint ("City" or "Employer") and the Police Officer's Labor Council ("Union").

WHEREAS, the parties recognize the interest of the community depends upon the City's success in establishing a proper service to the public; and

WHEREAS, the parties hereto recognize that they have a common responsibility to the citizens and the taxpayers and that the City has obligations to the citizens and taxpayers to operate efficiently, economically, and prudently, and to maintain adequate service to the public.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

ARTICLE 1 RECOGNITION

1. The City and the Union make this Agreement in order to improve the relationship between the City of Flint and those Employees of the Flint Police Department of the rank of Sergeant.

2. The City recognizes the Union as the sole and exclusive bargaining representative for all permanent full-time employees of the Police Department possessing the rank of Sergeant for the purpose of establishing wage rates, hours of employment, working conditions, and other terms and conditions of employment.

3. Except as otherwise provided, "Employee" means an employee of the City represented by the Union.

ARTICLE 2 AUTHORIZED PAYROLL DEDUCTIONS

1. In addition to mandatory deductions, Employees may authorize other deductions as agreed upon by the parties.

2. In the event of an overpayment to an Employee, it is agreed that said overpayment may be collected by the City with the Employee hereby authorizing a payroll deduction for such overpayment. The Employee will be notified in writing of the overpayment at least five (5) work days prior to the date of the paycheck in which the overpayment is being recovered as allowed by law.

ARTICLE 3 DUES DEDUCTIONS

1. Membership in the Union is not compulsory. Regular Employees have the right to join, not join, maintain or drop their membership in the Union as they see fit. The Union agrees not to solicit Union membership and not to conduct activities, except as otherwise provided for by

the terms in this Agreement, during working hours of the Employees or in any manner that may interfere with Employees engaged in work.

2. During the period of time covered by this Agreement, the Employer agrees to deduct from the wages of any Employee who is a member of the Union all membership dues uniformly required; provided, however, that the Union presents to the Employer written authorization properly executed by each Employee allowing such deductions and payments to the Union. Previously signed authorizations shall continue to be effective as to current Employees and as to reinstated Employees. Any future increase in Union dues and/or initiation fees shall not require Employees to sign new authorization forms.

3. Dues will be authorized, levied and certified in accordance with the constitution and bylaws of the Union. Each Employee Union member hereby authorizes the Union and the City without recourse, to rely upon and to honor certificates by the Director of Police Officers Labor Council, regarding the amounts to be deducted and the legality of the adopted action specifying such amounts of the Union dues. The Employer agrees during the period of this Agreement to provide this checkoff service without charge to the Union. In the event it is subsequently determined by the Michigan Employment Relations Commission or a court of competent jurisdiction that the Union dues or assessments have been improperly deducted and remitted to the Union, the Union shall return such amount to the affected Employee.

4. For new Employees, the payment of Union dues shall start two (2) pay periods following the date of their appointment into the bargaining unit.

5. Union dues shall be deducted monthly by the Employer and transmitted to the Union as prescribed above for the deduction and transmission of Union dues.

6. The Union shall indemnify, defend and save the City harmless against any and all claims, demands, suits, or other forms of liability that may arise out of or by reason of action taken by the City in fulfilling the obligations imposed on the City under this Article.

ARTICLE 4 MANAGEMENT RIGHTS CLAUSE

1. The Union recognizes that, except as specifically limited or abrogated by the terms and provisions of this Agreement, all rights to manage, direct and supervise the operations of the City and the Employees are vested solely and exclusively in the City, including but not limited to, the right to hire new Employees and direct the working force, to discipline, suspend, discharge for cause, transfer or lay off Employees, require Employees to observe City and departmental rules and regulations to decide the services to be provided the public, the type and location of work assignments, schedules of work, and the methods, processes and procedures by which such work is performed.

2. It is the right of the City to make such reasonable rules and regulations, not in conflict with this Agreement, which best serves for the purposes of maintaining order, discipline, safety, and/or effective operations. The Employer will give the Union notice of rules and regulations in accordance with *Article 45 – Work Rules* of this Agreement. The Union reserves the

right to question the reasonableness of any such rule or regulation through the Grievance Procedure, including arbitration.

ARTICLE 5 STEWARDS

1. The Employer recognizes the right of the Union to designate stewards through elections held by the Union, and alternate stewards by appointment of the Union. Annually, the Union shall provide the names of the stewards to the Police Chief, Human Resources, and the City's Administration for their information.

2. One Steward, or alternate, may during their working hours (two (2) hours maximum per shift, unless a longer time is mutually agreed to by the parties), without loss of time or pay, in accordance with the terms of this Article, investigate and process grievances upon having received permission from their superior to do so. The supervisor will grant permission within a reasonable time after the first hour of the shift unless emergency circumstances exist. The privilege of such steward leaving their work during hours without loss of time or pay is subject to the understanding that only reasonable time will be devoted to the proper processing of grievances and will not be abused. Any abuse of this time will result in disciplinary action by the Employer and the Union.

ARTICLE 6 UNION RIGHTS

1. Bulletins and Orders. A copy of any general order, rule, regulation, or training bulletin will be made available to the Chief Steward for the Union.

2. Special Conferences. Special conferences on matters of mutual interest and import will be arranged between the Union and the Chief of Police, the Human Resources/Labor Relations Director, or the City Administrator, upon the request of either party. Such meetings shall be between one (1) and not more than three (3) representatives of the Employer and the Union, unless otherwise mutually agreed. Arrangements for such special conferences shall be made in advance and an agenda of the matters to be taken up at the meeting shall be presented at the time the conference is requested. Matters taken up in special conference shall be confined to those matters included in the agenda, unless both parties agree to include other items. Conferences shall be held on a work day, but not more than once per month, unless otherwise mutually agreed.

4. The Bargaining Team shall be limited to three (3) members of the bargaining unit. When bargaining occurs during their normal work shift, they will be released for bargaining without loss of time or pay. In no event will the City compensate an Employee for hours spent in bargaining or other Union activities beyond the Employee's normal work shift.

5. The City shall provide a bank of thirty-two (32) hours total, each contract year, for Union officers to attend a Union conference, convention or seminar; provided, at least fourteen (14) days written notice is given and the granting of the time will not require overtime. No more than four (4) officers may attend a conference convention or seminar at the same time.

ARTICLE 7 PERSONNEL FILES

An Employee may review his/her own file at any time during the normal working hours for the Human Resources Department, provided that this review does not interfere with the discharge of his/her duty or the duties of the Human Resources Department.

ARTICLE 8 PROVISIONS FOR LEGAL COUNSEL

1. Whenever any claim is made or any civil action is commenced against an Employee for injuries to persons or property caused by negligence or other acts of the Employee, while in the course of their employment, and while acting within the scope of their authority, the Employer will pay for, or engage in, or furnish the services of an attorney to advise the Employee as to the claim and to appear for and represent the Employee in the action.

2. The Employer may compromise, settle, and pay such claim before or after the commencement of any civil action. Whenever any judgment for damages excluding punitive damages is awarded against an Employee as the result of any civil action or personal injuries or property damage caused by the Employee while in the course of their employment, and while acting within the scope of their authority, the Employer will indemnify the Employee or will pay, settle, or compromise the judgment. The Chief Legal Officer will make the selection of the attorney or attorneys to represent the Employee in any particular case, and allow the Employee to object to the selection if they have cause to do so.

ARTICLE 9 GRIEVANCE PROCEDURE

1. Definitions.

a. Grievance. The Grievance Procedure shall serve as the exclusive means for the settlement of a dispute arising under a specific Article and Section of this Agreement, including, but not limited to, disciplinary actions. If any such grievance arises during the term of this Agreement, there shall be no stoppage or suspension of work but such grievance may be submitted to the following Grievance Procedure.

b. Working Days. For purposes of this Article the term "working day" shall be defined as any calendar day excluding Saturday, Sunday, and observed holidays as set forth in *Article 18 – Holidays*.

2. Procedure.

Step 1. Within five (5) working days of the time of the event giving rise to the grievance, or within five (5) working days of when the Employee reasonably should have known of the event giving rise to the grievance, an Employee must present the grievance orally to their immediate supervisor. The steward may be in

attendance if the Employee so requests. In the event of a suspension or discharge, Steps 1 through 4 will be waived and the written grievance shall be filed at Step 5 within five (5) working days of the disciplinary action.

Step 2. If the grievance is not resolved in Step 1, the steward and/or grievant may reduce the grievance to writing and present the grievance to the Employee's supervisor for a written answer. The written grievance shall be filed within ten (10) working days of the event giving rise to the grievance, or within ten (10) working days of when the Employee reasonably should have known of the event giving rise to the grievance, or the grievance will be deemed waived. It shall name the Employees involved, shall state the facts giving rise to the grievance, shall identify all the provisions of this Agreement alleged to be violated by appropriate reference, shall state the contention of the Employee and of the Union with respect to these provisions, shall indicate the relief requested, and shall be signed by the Employee. The supervisor shall give the Employee an answer in writing no later than five (5) working days after receipt of the written grievance.

Step 3. If the grievance is not resolved in Step 2, the steward and/or grievant may, within three(3) working days after the answer in Step 2, or, if no answer is submitted within the above required time, within three (3) working days of the due date of the supervisor's answer, submit a written appeal to the Bureau Commander for their written answer. The appeal shall contain the reasons for the appeal and a copy of the original grievance and the supervisor's answer. The Bureau Commander shall give the Employee and/or the steward the answer, in writing, within five (5) working days after receipt of the written appeal.

Step 4. If the grievance is not resolved in Step 3, the steward and/or grievant may, within five (5) working days after the answer in Step 3, or, if no answer is submitted within the above required time, within five (5) working days of the due date of the Bureau Commander's written answer, submit a written appeal to the Chief of Police for a written answer. The appeal shall contain the reasons for the appeal and a copy or original grievance, appeals and answers. The Chief of Police shall give the Employee and/or steward the answer, in writing, within seven (7) working days of the Step 4 written appeal.

Step 5. If the grievance is not resolved in Step 4, the steward and/or the grievant may, within ten (10) working days after the answer from the Chief of Police, or, if no answer is submitted within the required time, within ten (10) working days of when such answer is due, appeal to the Director of Human Resources/Labor Relations. The appeal shall be in writing and shall specify the basis of the appeal. The appeal shall have attached to it all prior grievance papers, appeals, and answers. Within ten (10) working days after receipt of the appeal, the Director of Human Resources/Labor Relations shall investigate the grievance, and meet with the aggrieved Employee, and/or steward, and/or business representative. The Director

of Human Resources/Labor Relations or their designate shall consider all extenuating circumstances, and shall submit their decision in writing within ten (10) working days after holding a meeting on the appeal to the Chief Steward and the business representative by first-class mail. It shall be the responsibility of the Union to notify the Employee involved.

Step 6. If the grievance is not resolved at Step 5 of the Grievance Procedure, and if it involves an alleged violation of a specific Article and Section of this Agreement, either party may, at its option, submit the grievance to Arbitration by written notice delivered to the Director of Human Resources/Labor Relations or the Chief Steward or designee as the case may be. Within seven (7) working days after receipt of the Director of Human Resources/Labor Relations' answer in Step 5, or, if the City fails to submit its answer within the prescribed time limits in Step 5, within seven (7) working days after the expiration of the time limits in which the City is to submit its written decision in Step 6, the Union may submit the grievance to arbitration by written notice delivered to the Director of Human Resources/Labor Relations. The written notice shall identify the provisions of the Agreement allegedly violated, shall state the issues involved, and the relief requested. If no such notice is given within the prescribed period, the City's last answer shall be final and binding on the Union, the Employees involved, and the City.

3. Selection of the Arbitrator. The Union and the Employer shall maintain a panel of three (3) mutually selected arbitrators. Each panel arbitrator shall be assigned a grievance to arbitrate on a rotating basis. If a panel arbitrator is unable to arbitrate a grievance, the next panel arbitrator shall arbitrate the grievance. Either party may remove no more than one (1) arbitrator from the panel during any six (6) month period by giving ten (10) days' written notice to the other party. In the event a panel arbitrator is removed from this list or becomes unable to arbitrate grievances, the parties will promptly select a replacement panel arbitrator.

4. Jurisdiction & Power of Arbitrator.

- a. If either party shall claim before the Arbitrator that a particular grievance fails to meet the tests of arbitrability, the arbitrator shall proceed to decide such issue before proceeding to hear the case upon the merits.
- b. The Arbitrator shall have no power to add to, subtract from, alter, or modify any of the terms of this Agreement.
- c. Nor shall the Arbitrator have power to establish or modify any classification or wage plan, or to rule on any claim arising under any insurance plan/policy or retirement plan. The Arbitrator may, in a discipline or discharge case, modify the degree of discipline imposed by the City insofar as the Arbitrator may deem necessary for the determination of the grievance appealed to them. However, in the case of discipline imposed under the Drug/Alcohol Testing Policy Agreement as

provided in Appendix A, the Arbitrator does not have the power to modify the degree of discipline imposed as specified in that Appendix.

- d. The Arbitrator's powers shall be limited to deciding whether the City has violated the express Articles and Sections of this Agreement, it being understood that any matter not specifically set forth herein remains within the reserved rights of the City.

5. Arbitration Procedure. The hearing shall be held in accordance with the Uniform Arbitration Act, MCL 691.1681 *et seq.*, and the rules established by the Arbitrator. At the time of the arbitration hearing both the City and the Union shall have the right to examine and cross-examine witnesses. Upon request of either the City or the Union, or the Arbitrator, a transcript of the hearing shall be made. At the close of the hearing, the Arbitrator shall afford the City and the Union a reasonable opportunity to furnish Briefs. The Arbitrator's decision must be rendered in writing within a reasonable time.

6. Costs of Arbitration. Each party shall pay its own costs of processing grievances through the Grievance and Arbitration Procedures. The fee of the Arbitrator, their travel expenses, and the cost of any room or facilities and the expenses of the arbitration shall be borne equally by the parties. The expense of a stenographer and/or a transcript, if any, shall be borne by the party requesting it or equally among the parties requesting it if more than one (1) party, or the Arbitrator requests it. The fees and wages of representatives, counsel, witnesses, or other persons attending the hearing on behalf of a party and all other expenses shall be borne by the party incurring the same. Provided, however, the wages of the grievant (if not discharged), City Employees serving as witnesses for the City or Union, and one (1) Union representative employed by the City, will be paid for time spent in the arbitration, if that time is during the Employee's regularly scheduled work hours.

7. Individual Grievances. Individual Employees may, at any time, present grievances to the Employer and have the grievances adjusted, without intervention of the Union, if the adjustment is not inconsistent with the terms of this Agreement, provided that the Union has been given opportunity to be present at such adjustment.

8. Finality of Arbitrator's Decision. The Arbitrator's decision, when made in accordance with their jurisdiction and authority established by this Agreement, shall be final and binding upon the Union, the Employee or Employees involved, and the City.

9. General.

- a. In no case shall claims involving wages be valid for more than thirty (30) days retroactively from the date the grievance is first presented in Step 1 of the Grievance Procedure.

- i. All claims for back wages shall be limited to the amount of wages that the Employee would otherwise have earned at their regular rate, less any unemployment or other compensation that they may have received from any source during the period of back pay.
 - ii. No decision in any one case shall require a retroactive wage adjustment in any other case, unless such case has been designated as a representative case by mutual written agreement by the parties.
- b. Any grievance not filed within the prescribed time limit or not advanced to the next Step by the Employee or the Union within the time limit in that Step, shall be deemed abandoned. Failure of the City to respond to a grievance within the allotted time limits shall allow the aggrieved to carry the grievance to the next Step of the procedure. Time limits may be extended by mutual agreement in writing.
- c. For purposes of this Article, the Chief Steward may act as a steward in the Grievance Procedure.

ARTICLE 10

DISCHARGE AND DISCIPLINE

1. Discipline.

- a. Upon any disciplinary action being taken against an Employee, they shall be given an opportunity to state their position and offer any supporting evidence immediately available to their superior officer who is rendering such discipline.
- b. Violations of policies, rules, regulations, orders, appropriate law or ordinance and/or Articles of this Agreement shall be regarded as cause for disciplinary action, up to and including, discharge. Discipline (suspensions or discharge) may result from an accumulation of minor infractions as well as for a single serious infraction. Verbal warnings may be given by the Employer in instances when it is determined that formal discipline is not warranted. Depending on the nature, frequency, and severity of the offense, the City will endeavor to adhere to progressive discipline in order to provide the Employee with the opportunity to correct offending behavior. Formal progressive discipline shall generally include a written reprimand, suspension, and termination, in that order. The offense subject to discipline progression need not be identical to previous offenses, and the severity of the offense may remove it from progressive discipline altogether. Factors to consider in instituting discipline, progressive or otherwise, include but are not limited to, the severity of the offense, the frequency of the offense, whether the Employee has taken responsibility and accountability for their actions, the time interval between offenses and the work history of the Employee.
- c. Under normal circumstances, such written disciplinary charges shall be served upon an Employee within one hundred twenty (120) days from the date Police

Administration had knowledge of the alleged violation, provided this shall not apply in the event of a grand jury investigation or other court proceeding.

- d. Whenever an Employee is disciplined, other than oral reprimand or counseling, the charges and specifications shall be reduced to writing and served upon Employee against whom the charges are brought, with a copy to the Union President within two (2) working days of imposition. Such charges and specifications shall cite the specific sections of rules, regulations, orders, appropriate law or ordinance, and/or Articles of this Agreement which the Employee is alleged to have violated.

2. Suspensions and Discharge. In the event an Employee is suspended or discharged, they shall be taken off the payroll and shall turn in their departmental equipment. In the event such suspension or discharge is set aside by agreement of the parties or an arbitration award, they shall be reinstated and compensated all back wages and benefits lost.

3. Reports.

- a. Sergeant Reports. Employees will be required to leave reports which are required by the Department as to their performance of duty and all reports will be specific on all matters. If a supplemental report is required which would give the Employee reason to believe disciplinary action or criminal charges may be brought against them, the Employee shall be given an opportunity to obtain legal counsel prior to leaving such reports, but in no event shall the securing of legal counsel delay the furnishing of such reports for more than two (2) working days.
- b. Departmental Reports. The Department will provide the Union with copies of all departmental reports alleging any Sergeant's misconduct or criminal activity, which results in disciplinary action or criminal charges. These reports shall be furnished with the notice of the disciplinary action.

4. Grievance.

- a. Within three (3) working days of receipt of the notice by the Employee of disciplinary action involving suspension or discharge, the Employee shall make an election of one of the following, which shall thereafter be the exclusive remedy for resolving the dispute:
 - i. Waive all rights to appeal and accept the discipline imposed by the Chief of Police or their designee; or
 - ii. Elect to follow the Grievance Procedure (See Article 9).

**ARTICLE 11
INVESTIGATIONS**

1. Use of Deadly Force Investigation.

- a. If an Employee is involved in the use of deadly force while on duty, the Employee shall return to the City of Flint Police Department to be interviewed and turn in equipment as required by the Chief of Police. The Employee will be placed on administrative leave with pay and will be required to consult with a City-appointed psychiatrist or psychologist at Department expense. The Employee shall also continue to be available to the Department in order to investigate the incident.
- b. If the Employee is approved to return to work by the City-appointed psychiatrist or psychologist and the Chief of Police determines that no disciplinary action will be issued to the Employee regarding the use of deadly force, the Chief of Police may return the Employee to work, reassign the Employee, or extend the administrative leave.
- c. It is understood that placing of the Employee on administrative leave does not constitute disciplinary action nor does it otherwise, in any way, affect the Department's right to impose disciplinary action.

2. Other Investigations.

- a. For incidents other than those referenced in Section 1, above, which require an investigation, an Employee may be relieved of duty and placed on leave with or without pay as determined by the Chief, at their sole discretion, pending completion of an investigation.
- b. In the event the Employee has been charged with a felony under State or Federal Law (unless the investigating agency is the Flint Police Department), the City reserves the right to continue administrative leave pending investigation without pay for a maximum of thirty (30) days following conclusion of said criminal proceedings in the trial court.
- c. It is understood that placing an Employee on administrative leave, with or without pay, does not constitute disciplinary action nor does it otherwise, in any way, affect the Department's right to impose disciplinary action. However, in the event discipline is imposed at the conclusion of the investigation, time off on administrative leave without pay (except for the time on leave when charged with a felony as provided in the paragraph above) will be part of the disciplinary period.
- d. The Chief may, at their discretion, reassign an Employee instead of taking one of the actions described above until the investigation is complete.

3. Criminal Charges. If it is anticipated that the outcome of the investigation could result in discipline as well as criminal charges being filed, the Employer will advise the Employee of their Garrity rights and provide such protection when conducting the investigation.

ARTICLE 12 SENIORITY

1. Definitions.

- a. City Seniority. The Employee's original hire date adjusted for time not worked. City seniority shall be used for determining step increases in pay, PTO accrual, excluding prior retirement service restored and/or purchases of time.
- b. Departmental Seniority. Date Employee joined their current Department adjusted for time not worked.
- c. Classification Seniority. The date Employee was permanently appointed to their present job classification adjusted for time not worked/paid. Classification seniority shall be used for layoffs, PTO pick, and shift preference.
- d. Ties. Where two or more persons are appointed or promoted on the same date, relative seniority shall be determined by the relative standing on the eligible list from which certified. Ties still existing shall be resolved in favor of the eligible having the highest score on the examination for the most recent promotion. Ties still existing shall be resolved in favor of the Employee with the highest City Seniority. Ties still existing shall be resolved by time of filing the application for the classification in which appointed. In the case of promoted Employees, such Employees shall have relative seniority in accordance with their original date of employment in the Department in which they were promoted, as by the Human Resources Department. Insofar as possible to determine, such original date of employment of promoted Employees shall be the date of the beginning of continuous service as adjusted in accordance with the procedure outlined in these rules.
- e. General. Except for those instances specifically noted otherwise, seniority for purposes of this Agreement shall be Classification Seniority.

2. Computation. For each straight time hour paid after the last date of hire, an Employee shall receive seniority credit. Seniority credit shall also accrue for each straight time hour paid while on paid time off, applicable military leave, and/or duty related injury for which the Employee receives Workers' Compensation. Seniority credit will not accrue for unpaid leaves of absence, including but not limited to unpaid time off, time spent on layoff, and time off work due to disciplinary action. In arbitration matters in which the Arbitrator reduces discipline, Employees shall be given seniority credit only for the time in which they received straight time pay.

3. Loss of Seniority. An Employee shall lose their seniority, and be terminated from employment, for the following reasons:

- a. The Employee quits or retires.
- b. The Employee is discharged and the discharge is not reversed through the procedures set forth in this Agreement.

- c. The Employee fails to report for work within five (5) days from the receipt of the notice of recall as required by *Article 13 – Layoff and Recall*, Section 4.
- d. If an Employee is laid off, and not employed by the City's Police Department, for a continuous period equivalent to twenty-four (24) months or the length of their Departmental Seniority, whichever is less.
- e. The Employee is absent for any three (3) consecutive working days without properly notifying the Employer. Because of their unreported absence, the Employee is considered to have resigned (voluntary quit) and is no longer in the employ of the City. In proper cases, exceptions shall be made upon the Employee producing convincing proof of their inability to give such notice.
- f. Failure to return to work from a leave caused by the Employee's approved non-work-related disability within one (1) year of the commencement of such leave. If an Employee on a leave caused by the Employee's non-work-related disability returns to work but fails to remain in active employment with the Employer for at least six (6) consecutive months, the Employer will consider any subsequent period on a leave caused by the Employee's disability a continuation of the original period of leave for purposes of application of this Paragraph; provided that, if the Employee can demonstrate by clear and convincing evidence that a subsequent period of disability is caused by a different injury or condition, that subsequent period will not be deemed a continuation of the original period of leave for purposes of application of this Paragraph.
- g. The Employee fails to return on the specified date following an approved disability leave. In proper cases, exceptions may be made upon the Employee presenting convincing proof of their inability to return on the require date.
- h. The Employee fails to return from a leave of absence, vacation, sick leave, or suspension at the designated time. In proper cases, exceptions may be made upon the Employee presenting convincing proof of their inability to return on the required date.

4. New Position. In the event of a newly created position in this bargaining unit, Employees in the same rank may request transfer on the basis of qualifications, experience and seniority. In all such cases, the newly created position shall be posted at least seven (7) calendar days prior to the selection to fill such newly created position. All persons requesting transfer under these conditions shall be given due consideration by the Chief of Police. Transfers under this Section shall not be made for purposes of reprimand. A newly created position is to be defined as a position heretofore not in existence.

ARTICLE 13 LAYOFF AND RECALL

1. Procedure. In the event of a layoff, the following procedures will be followed:

- a. Provisional Employees within the affected classification within the Department will be laid off first.
 - b. Thereafter, permanent Employees within the affected classification within the Department will be laid off according to classification seniority; provided, that those remaining have the required skills to perform the required assignments without any additional training.
 - c. For purposes of this Section, in determining the seniority of an Employee who has been reduced from a higher classification as a result of a layoff, they shall receive to "add-on" classification seniority which shall be defined as the length of continuous employment from the Employee's last date of promotion into the classification to which the Employee has bumped downward to and including continuous employment in any higher classification. Said Employee shall receive the wage rate of the applicable wage grade within the classification assumed.
2. Notice. The City will give fourteen (14) calendar days written, advance notice to the affected Employee of any layoff. The City reserves the right to send an Employee home immediately and pay the allotted notice time.
3. When a supervisory employee in the Police Department is removed from a classification within their Department as a result of a layoff, they may be allowed to bump into the next lower rank classification within the Department.
4. Recall. Employees will be recalled in the reverse order of the layoff in accordance with Section 1(c) of *Article 12 – Seniority*. Notice of recall shall be sent certified mail to the Union and the Employee at their address as it appears on the City's records and the Employee shall be required to report for work within five (5) days from the date of receipt. If the Employee has not reported for work within five (5) days of the date of notice to the Union, said Employee will be considered a voluntary quit. A reasonable extension of this five (5) day period may be granted by the Chief of Police, for good cause, with notice to Human Resources.
5. Layoff List.
- a. An Employee who is laid off or reduced shall be placed on the layoff list for the appropriate classification or related job classification. The Employee shall remain on the layoff list: (1) so long as he is working in the Police Department or (2) for a period of twenty-four (24) months or the length of the Employee's classification seniority, whichever is less, in the event the Employee is no longer employed by the City's Police Department.
 - b. An Employee who is unable to return to work because of a continuing disability after one (1) year from the date of disability will be placed on the layoff list for the Employee's classification. The Employee will remain on the layoff list for a period of one (1) year or the length of the Employee's seniority, whichever is less, from the date of disability. At any time during said period that the Employee has recovered, and a position in their classification or related classification becomes available and is not accepted by the Employee, the Employee shall be considered

as having voluntarily quit. If no position has become available during said period the Employee's name shall be removed from the layoff list.

ARTICLE 14 PAID TIME OFF (PTO)

1. Effective October 23, 2014, all categories of time off (e.g. annual leave and sick leave) were eliminated and a Paid Time Off ("PTO") system was established. Employees who had accumulated annual leave and sick leave before October 23, 2014, had up to two hundred (200) hours of then accumulated annual and sick leave converted to PTO. Any hours in excess of 200 hours were placed in a holding bank and will be paid out at retirement, death, termination of employment (including discharge upon exhausting any appeals) at the rate of one hundred percent (100%) of the Employees straight time hourly rate as of October 23, 2014. Such payment shall not be included as Final Average Compensation for the purpose of computing retirement benefits.

2. Accrual of PTO Time. PTO shall be computed and accrued on the basis of each payroll period that an Employee has at least seventy-two (72) hours of straight time pay. If an Employee has more than forty (40) hours of straight time pay in a payroll period but less than seventy-two (72) hours, the Employee shall accrue one-half (½) the amount shown in the schedule below. PTO shall be based on City seniority (as defined in this Agreement) uninterrupted by resignation or discharge. PTO shall accrue on the following basis.

<u>Years of City Seniority</u>	<u>Maximum Hours Accrued Per Payroll Period</u>	<u>Maximum Annual Accumulation</u>	<u>Maximum Accumulated Hours</u>
First 11 Years	7.69	199.94	450
Start of 12th Year	9.23	239.98	450

PTO may be cumulative but not to exceed the maximums set forth above and any excess shall be forfeited.

3. General. Accumulation of PTO shall begin at the date of employment, but may not be used during the first ninety (90) calendar days of employment. Employees terminating within the first six (6) months shall forfeit any right to payment for said accumulated time. Provided, however, that in the case of Employees who are involuntarily called into the Armed Forces of the United States, such Employees shall receive allowance for annual leave, computed under the terms hereof, from date of employment for the term of said involuntary tour of duty, without regard to whether said Employees have worked less or more than six (6) months. Regular days off, falling within a period of PTO shall not be included as part of such PTO.

4. PTO Payout on Termination, Retirement, Death.

- a. Upon retirement or termination of employment (including at time of layoff), an Employee shall be compensated for their accrued PTO up to a maximum of three hundred seventy-eight (378) hours at the rate of pay received by said Employee at

the time their employment is terminated, the Employee is laid off, or the Employee retires, at the rate of one hundred percent (100%) of the Employees' straight time hourly rate. Any PTO in excess of three hundred seventy-eight (378) hours shall be forfeited.

- b. Such payment shall be made within sixty (60) days after the Employee retires/terminates employment/is laid off, and such payment shall not be included as Final Average Compensation for the purpose of computing retirement benefits.
- c. In the event of the Employee's death, unused accumulated PTO shall be paid to the Employee's living life insurance beneficiary at the rate of one hundred percent (100%) of the Employees' straight time hourly rate.

5. Scheduled PTO Time.

- a. All requests for scheduled PTO shall be determined at the discretion of the Chief of Police, dependent on the needs of the Department and seniority of the Employees. Within this context, wherever possible, the Chief of Police shall give preference to seniority Employees on granting requests.
- b. Schedules, whereby Employees with accrued PTO days may be afforded an opportunity to take and use such accrued PTO days, shall be developed by the Chief of Police in accordance with the following provisions:
 - i. The calendar year shall be divided into segments equal to pay periods. All pay periods falling within, and including, the first pay period starting in the month of May and the last pay period starting in the month of September, shall be known as the "Summer PTO Period." The remaining pay periods of the calendar year shall comprise the "Winter PTO Period."
 - ii. Employees shall be provided an opportunity to take and use any portion of their accrued PTO days for the purpose of taking one (1) Summer PTO period and again for the purpose of taking one (1) Winter PTO period.
 - iii. All requests for Summer PTO, and again for Winter PTO, shall be granted by the Chief of Police on the basis of seniority (as outlined elsewhere in this Agreement) of the Employees assigned to any of the various work groups within the Department. For the purposes of this Agreement, a work group shall be any group of Employees assigned to a common shift, section, squad, unit, etc., (such as 1st Shift Patrol, 2nd Shift Traffic, Homicide Squad, etc.), such work groups to be determined and designated as such by the Chief of Police; provided, however, that such determination and designation shall not be made whereby any Employee will be denied an opportunity to take and use their PTO days, as provided in this Agreement.
 - iv. Employees shall be allowed to pick, in accordance with the provisions outlined above, the particular pay period in which to take their Summer and Winter PTO. Such picking of PTO periods shall be done in the two (2) week

period immediately preceding the end of the Summer PTO period. Any Employee not prepared when this time comes to so pick the particular pay period of their preference in which to take their Summer or Winter PTO shall be passed over until all other members within their work group have picked, regardless of their seniority status.

- v. Summer and Winter PTO shall be restricted in length to one (1) pay period; however, nothing shall prohibit an Employee from taking additional PTO days in an adjacent pay period where all other Employees have been allowed to pick their Summer or Winter PTO and the particular adjacent pay period desired has not been filled, as outlined below, by the limited number of Employees allowed to be absent on leave during that time.
- vi. The number of Employees from any work group allowed to be absent on PTO during any particular pay period shall be determined by the Chief of Police; provided, however, that such determination shall not be made whereby any Employee will be denied an opportunity to take and use their days as provided in this Agreement. Such determination shall be so made and established and brought to the attention of the Employees of the various work groups at the time of picking of a Summer and Winter PTO periods.
- vii. Except for the PTO time days taken for Summer and Winter PTO as outlined above, all other requests to take and use scheduled PTO days, if granted, shall be granted by the Chief of Police on a first come, first served basis. Such other requests shall not be denied except for cause.
- viii. Scheduled PTO may be canceled by the Chief of Police in any situation deemed by their discretion to be an emergency, or upon the request of the Employee. However, pre-approved Summer PTO Period and Winter PTO Period as scheduled pursuant to 5(b)(iii)-(v) may only be canceled by the Chief of Police if there is a major public safety emergency.

6. Unscheduled PTO Time.

a. Health Related Condition.

- i. An Employee shall be allowed to apply and receive PTO in the event of illness, injury or other conditions related to their health prohibiting him/her from effectively performing their assigned duties. Employees absent/late without just cause are subject to discipline. The City may require an Employee to provide proof of such illness, injury, or other conditions related to the Employee's health, before granting any request for PTO.
- ii. In addition thereto, the Employee may be required by the Chief of Police, or authorized representative, to be examined on City time by the City's physician to determine whether the Employee has recovered sufficiently from the condition causing such absence to return to work.

- iii. Charges against accumulated PTO shall be made only for time lost for which the Employee normally would have received pay and during which they normally would have been required to work.
 - iv. Employees requesting PTO for health-related reasons must request and receive approval from the Employer twenty-four (24) hours before PTO begins. If an Employee is absent and advance notice is not given, the Employer may require proof that they could not provide prior notice.
 - v. Where an Employee finds that they will be unable to report for work due to illness, injury or other conditions relative to their health, such Employee shall notify the appropriate supervisor within one-half (½) hour prior to the Employee's scheduled starting time. Subsequent to making such notice, said Employee shall confine themselves to their place of residence during those hours they would normally be on duty, unless directed otherwise by a licensed physician and in such event said Employee shall notify the appropriate supervisor of the physician's direction. Provided, further, on notifying the appropriate supervisor of the need for medication or the services of a physician, an Employee shall be allowed to leave their residence to seek such service for a period of time reasonable to the situation and surrounding circumstances.
 - vi. PTO shall be taken in increments of at least one (1) hour, or up to the balance accumulated, if the accumulated balance is a fraction of an hour. However, in areas where work crews are assigned at the start of shifts, the Chief of Police, or designee, may require that PTO be used in four (4) hour increments.
 - vii. Whenever an Employee is injured or becomes ill as a result of their employment with the City and such illness is found compensable by the State of Michigan, time lost as a result of such injury or illness shall not be deducted from the Employee's PT
- b. Non-Health Related Condition.
- i. Employees absent/late without just cause, are subject to discipline.
 - ii. Employees requesting PTO for non-health related reasons must request and receive approval from the Employer twenty-four (24) hours before PTO begins. If an Employee is absent and advance notice is not given, the Employer may require proof that the Employee could not provide prior notice.
 - iii. Where an Employee finds that they will be unable to report for work where prior notice was not possible, such Employee shall notify the appropriate supervisor within one-half (½) hour prior to the Employee's scheduled starting time.

7. Ability to Work (Excluding Disability Insurance Program).

- a. The City may require an Employee to undergo a physical and/or psychological evaluation of their ability to satisfactorily perform assigned duties. The City may require an Employee to take an involuntary leave of absence if medical evidence shows the Employee suffers from a mental or physical disability. These requirements shall not be arbitrarily or capriciously applied. An Employee on an involuntary leave of absence provided by this subsection may use available PTO.
- b. Independent Evaluator. If the City's evaluator and the Employee's health care provider disagree regarding the ability of the Employee to satisfactorily perform assigned duties, the Employee or Union may request, in writing, a third independent opinion obtained from a physician or other appropriate provider chosen by agreement of the Employee, the Union, and the City. If the parties cannot agree within five (5) working days after the City receives the written request, the City shall request Medical Evaluation Specialists (or a similar institution) to choose a physician or other appropriate provider within ten (10) working days. Failure to meet these time limits will not invalidate the third independent evaluator's decision. The City and the Employee will share the cost of the third independent evaluation equally. The opinion of the third independent evaluator shall be final and may not be grieved.

**ARTICLE 15
WORK SCHEDULE**

1. Regular Pay Periods. The normal pay period shall include the first scheduled full shift which begins after 12:01 a.m. Sunday and shall run to include the last shift scheduled to begin prior to midnight the second following Saturday. Such period is for two (2) weeks duration.
2. Regular Schedule. At the discretion of the City, the regular work schedule may be modified to provide for eight (8) or twelve (12) hour shifts, the specific details to be determined in the sole discretion of the City. Scheduling will allow each Employee at least two (2) consecutive days off in a fourteen (14) day period.
3. Subject to the needs of the Department, an Employee will be notified at least fourteen (14) calendar days prior to a change in their schedule. This notice provision does not apply where the change in schedule is due to shift preference selection or voluntary reassignment.

**ARTICLE 16
OVERTIME**

1. Definition. Employees who regularly work eighty (80) hours in a pay period shall be paid an overtime premium of one and one-half (1½) times the Employee's regular hourly rate, for all hours worked in excess of eighty (80) hours during a single pay period. In the event the City decides to implement a regular schedule other than eighty (80) hours per pay period (e.g. eighty-four (84) hours per pay period), the parties will negotiate regarding the application of overtime to such schedules.

2. Computation. For the purpose of computing overtime hours, only actual hours worked shall be counted toward eligibility of overtime premium pay. Premium payments are not to be duplicated (i.e., overtime and holiday premium pay shall not be paid for the same hours worked). All overtime shall be approved by the department head before being worked

3. Call Back. Whenever an Employee is called back to work they shall be paid a minimum of two (2) hours at overtime rates. Time spent on call in shall not include time spent on standby. Employees who are called back will perform only those duties which are normally assigned their rank and/or position.

4. Scheduled Overtime.

- a. Scheduled overtime, excluding overtime unique to the assignment or requiring specialized training skills, is to be equalized as much as possible within the respective bureaus using the overtime equalization list currently utilized by the Department. Scheduled overtime is overtime scheduled by the City more than forty-eight (48) hours before the overtime is worked and does not include investigations assigned to a squad or individual investigator, including delivering subpoenas. Equalized overtime shall not apply to Special Operations.
- b. Before a Patrol Section/Area Sergeant is ordered to work scheduled overtime, the overtime will be offered to the Criminal Investigation Division (excluding the Special Operations Section).
- c. If scheduled overtime is offered and accepted and subsequently not worked, the Employee will be charged with the hours as worked on the Department's overtime equalization list. If there are no volunteers for scheduled overtime, the low seniority Employee in the section/area involved (excluding those on leaves, etc.), will be ordered to work.
- d. In no event will any pay result over any claim arising out of this Section.

5. Rescheduling. Leave days shall not be changed, switched or rescheduled for the purpose of avoiding the payment of overtime.

6. Compensatory Time. Employees may, at their request, earn up to eighty (80) hours of compensatory time, in lieu of overtime pay, for overtime hours worked in a calendar year. Compensatory time shall be earned at a rate of one and one-half (1½) hours for each overtime hour worked.

- a. Maximum Accrual. Compensatory time may be carried over from one year to the next, however, an Employee may never accumulate more than eighty (80) hours of compensatory time. After an Employee has earned eighty (80) hours of compensatory time in the calendar year or has a bank of eighty (80) hours of compensatory time, any overtime worked must be compensated as overtime pay in accordance with Sections 1 and 2, above.

- b. Compensatory Time Payout. Upon a written request to the Director of Human Resources/Labor Relations, an Employee may elect to cash in their accumulated compensatory time at either a rate equal to their regular rate at the time such an election is made, or their regular rate at the time the compensatory time was earned, whichever is greater. Such payment shall be made within thirty (30) days after the Employee's written request is received by the Director of Human Relations/Labor Relations.
- c. Compensatory Time Payout on Termination, or Retirement. Upon retirement or termination of employment, an Employee shall be compensated for their accrued compensatory time at the time their employment is terminated, the Employee is laid off, or the Employee retires, at the highest of the following rates: (i) the rate of the Employee at the time the compensatory time was earned; (ii) the average rate of the Employee during their last three years of employment; (iii) the final rate received by the Employee. Such payment shall be made within thirty (30) days after the Employee's termination, lay-off, or retirement.
- d. Compensatory Time Payout upon Death. In the event of the Employee's death, unused accumulated compensatory time shall be paid to the Employee's living life insurance beneficiary at the highest of the following regular hourly rates: (i) the rate of the Employee at the time the compensatory time was earned; (ii) the average rate of the Employee during their last three years of employment; (iii) the final rate received by the Employee.
- e. Compensatory time payouts shall not be included as Final Average Compensation for the purpose of computing retirement benefits.
- f. If the Employer announces any overtime opportunity as being paid only by compensatory time and an insufficient number of Employees volunteer for the overtime opportunity, the Employer may either cancel the vacant overtime slots or open those slots to overtime paid in cash.
- g. Requests for use of compensatory time shall be made in writing to the Chief of Police prior to the first date being requested. The Chief of Police shall grant such requests unless, at his discretion, the use of compensatory time for the period requested will unduly disrupt the operations of the Department.

7. Special Overtime Assignments.

- a. The Chief of Police, or designee, may offer a Special Overtime Assignment ("SOA"). SOAs may include assignments related to high drug-trafficking locations, Halloween Eve, elections, violent crime hotspots, human trafficking assignments, or other specific law enforcement concerns as determined by the Chief of Police.
- b. An Employee will be paid at one and one-half (1 1/2) their regular hourly rate for all hours worked under the following conditions:

- i. The Chief of Police, or designee, offers a SOA.
 - ii. The Employee volunteers to work, and does work, a SOA during a shift that the Employee was not scheduled to work.
 - c. Premium payments pursuant to this section are contingent on the availability of Grant Funds and/or Drug Forfeiture Funds. The City may use funding from several sources and may determine, in its sole discretion, which grant funding will be used for SOA premium payments.
 - d. SOA premium rate and overtime compensation, whether paid in cash or compensatory time, shall not be paid for the same hours worked.
 - e. SOA premium payments shall not be included as final average compensation for the purpose of computing retirement benefits.
8. All overtime hours worked, whether paid in cash or compensatory, shall be charged on the master overtime equalization chart.

ARTICLE 17 LEAVES OF ABSENCE

1. Educational Leave.
 - a. An Employee with at least one (1) year service credit may be granted a leave of absence without pay for a full-time educational program, as defined by the institution the Employee is attending. Written application for educational leave must be made six (6) weeks prior to the beginning of the leave requested.
 - b. The credit hours pursued must be related to Law Enforcement. The Chief of Police's decision concerning relatedness shall be final, but will not be arbitrary or capricious.
 - c. The Employee requesting educational leave, upon indicating an intention to return to duty with the City at the expiration of the requested leave, may be granted leave for a period up to twenty-six (26) pay periods. An Employee on educational leave shall, at least fifteen (15) days prior to expiration or termination of the leave, notify the Human Resources Department of the date that they will be available to return. If the Employee is available to return to work immediately upon expiration of the leave, they will be returned to a position in their former classification subject to seniority and subject to the other terms of this Agreement. If a reduction in work force has occurred during the period of such leave, the Article relating to layoffs shall apply. An Employee who seeks and/or obtains employment while on educational leave of absence shall be automatically terminated from the City effective the date the educational leave of absence started, unless the Employee was specifically granted the right to employment while on educational leave.

2. Funeral Leave. An Employee shall be granted a maximum of twenty-four (24) consecutive work hours off, with pay, due to death in the immediate family. Additionally, Employees working twelve (12) hour shifts will be granted a third consecutive twelve (12) hour shift off without pay; however, the Employee may use their accrued PTO for pay purposes. Immediate family shall be defined to include parents, step-parents, parents of a current spouse, spouse, children, spouses of children, brothers, sisters, sisters-in-law, brothers-in-law, grandparents, grandparents-in-law, grandchildren, children of a current spouse or other relatives living in the Employee's home. It is incumbent upon the Employee to adequately demonstrate that the relationship conforms to the definition above should any question arise. Additional time, such as travel time, shall be charged against accumulated PTO. Employees may also be granted up to one-half (½) day leave with pay for the purpose of attending funerals of other close relatives.

3. Personal Leave. A permanent Employee, defined as one who has satisfactorily completed the required probationary period, may be granted a personal leave of absence, without pay, for a period not to exceed twenty-six (26) pay periods. Provided, such leave will not interfere with the efficient operation of the Department.

ARTICLE 18 HOLIDAYS

1. Holiday Observances. The following days shall be designated as holidays:

New Year's Day	Easter Sunday
Martin Luther King Day (Federally Observed Day)	Memorial Day
Independence Day	Juneteenth
Thanksgiving Day	Labor Day
Christmas Day	Christmas Eve

2. All Employees shall receive eight (8) hours of pay at straight time for the ten (10) recognized holidays. The pay for each holiday shall be in the Employee's next regular paycheck. Employees who work a recognized holiday shall also be compensated for the hours worked.

3. An Employee must work the Employee's scheduled hours on the Employee's last scheduled day before the holiday, and the Employee's next scheduled day after the holiday, or be on an authorized leave or otherwise approved day off in order to receive holiday pay.

4. Except in the following situations, all holidays shall be observed on the actual calendar date of their occurrence:

- a. For those Employees whose assignment enables them to have every Saturday as a regular day off, any holiday that has a calendar date falling on a Saturday, the calendar date of that holiday shall be ignored and the preceding Friday shall be designated as the holiday.

- b. For those Employees whose assignment enables them to have every Sunday as a regular day off, any holiday that has a calendar date falling on a Sunday, the calendar date of that holiday shall be ignored and the succeeding Monday shall be designated as the holiday.
- 5. The Employee's supervisor may require the Employee to work on any holiday.
- 6. Duplication of Holiday Benefits. If an Employee works both the calendar date and the designated date of a holiday, they shall receive holiday benefits only for the calendar date of the holiday.

ARTICLE 19 WORKERS' COMPENSATION

- 1. Employees shall be covered by the Workers' Disability Compensation Act and applicable related state regulations. If an injury is deemed compensable under the Workers' Disability Compensation Act:
 - a. The City shall provide health, dental, optical, and life insurance coverage, and retirement service credit on the same terms and with the same benefit levels as offered to current regular Employees while an Employee is on Workers' Compensation leave for up to six (6) months. The Employee must continue to pay their portion of the premiums as otherwise required by the contract.
 - b. If an Employee on Workers' Compensation returns to work but fails to remain in active employment with the Employer for at least six (6) consecutive months, the Employer will consider any subsequent period on Workers' Compensation a continuation of the original period of leave for purposes of application of the six (6) month limitation for health, dental, optical, and life insurance coverage; provided that, if the Employee can demonstrate by clear and convincing evidence that a subsequent period of disability is caused by a different injury or condition, that subsequent period will not be deemed a continuation of the original period of leave for purposes of application of this paragraph.
 - c. At such time as an Employee returns to work from a compensable injury or illness, the Employee shall receive seniority credit for the period during which Workers' Compensation was paid.
 - d. If recognized as a job related injury, the Employee will be paid full wages for the balance of the Employee's regular shift. In addition, for the next seven (7) calendar days or less thereafter, that the Employee is off work, the Employee will be compensated the difference between what is paid by Workers' Compensation and eighty percent (80%) of the Employee's regular rate of pay.
 - e. After the period of coverage set forth in 1(a)-(d) of this Article, the City shall provide only those insurance coverages mandated by the Patient Protection and Affordable Care Act, and the Employee shall be responsible for all costs thereof, to the extent permitted by law.

ARTICLE 20 TRAINING

The Employer and the Union recognize the value of training. Such training is to be encouraged. Whenever possible, training will be made available on the basis of qualifications, ability, and seniority. The Chief of Police has the discretion whether to offer training opportunities based on availability of funds and the needs of the Department.

ARTICLE 21 HOSPITALIZATION INSURANCE

1. Employee Health Insurance. The Employer agrees to provide full-time Employees and their eligible spouses and dependents health coverage subject to the terms below, subject to modification as may be required by State or Federal law.

- a. The City shall not provide health care coverage for the Employee's spouse if the spouse is eligible to receive health coverage through an Employer or former Employer of the spouse. As a condition of continued spousal health care coverage under this section, the City may require that the Employee file an affidavit each year or upon request attesting that the spouse is eligible for no other Employer-paid health coverage.
- b. The Employer will offer eligible Employees the following health coverage plans:
 - i. BSBSM Community Blue PPO Plan 12 with \$1,000/\$2,000 deductible and \$10, \$40, \$80 (30 day supply) prescription drug coverage;
 - ii. HAP HMO Value Plus and \$20, \$40, \$60 (30 day supply) prescription drug coverage;
 - iii. McLaren POS Health Plan and \$10, \$25, \$50 (30 day supply) prescription drug coverages.

The Employer may offer a high deductible plan in conjunction with a health savings account (HSA), to be offered in special open enrollment not subject to subsection (c) below.

Employees may change their coverage elections during an open enrollment scheduled by the Employer. Plan coverage will be subject to the coverage terms and regulations of each carrier.

- c. The Employer may, at its discretion, amend the health coverage plans offered, add new health coverage plans, or remove health coverage plans. The Employer may change the open enrollment periods for existing health coverage plans, but not more often than twice annually.

- d. The City's contribution for an Employee's health coverage, and to the health savings account (HSA), if applicable, is limited by the Michigan Publicly Funded Health Insurance Contribution Act, 2011 PA 152, to a maximum of defined amounts for single, double, or family coverage contribution limits provided in Section 3 of the Michigan Publicly Funded Health Insurance Contribution Act, 2011 PA 152, as adjusted by the State Treasurer for each subsequent coverage year, or (ii) the aggregate costs based on the illustrative rates for the elected health coverage, plus contributions to the Employee's HSA, if applicable; or in the alternative, to a maximum of 80% of the annual premium amount for single, double, or family coverage. Pursuant to provisions of the state law, the Employer will select its method of setting its method and amount of the Employer's contribution on an annual basis. The Employer will annually inform its Employees of its decision and the amount of the Employer's contribution prior to open enrollment for the upcoming plan year. The Employee will pay any premium contributions that exceed the amount contributed by the Employer through payroll deduction. Contributions to the HSA will be provided in accordance with HSA regulations. If an Employee does not have sufficient funds in a paycheck, the Employee shall be obligated to pay his or her premium share within 14 days of established due date or insurance coverage will be cancelled. If PA 152 of 2011 is repealed, the Employer shall pay 80% of the annual premium.
2. Future Retiree Health Coverage. Employees who retire during the term of this Agreement will be provided health insurance in accordance with the following:
 - a. Employees hired on or after April 25, 2012.
 - i. Full-time Employees hired on or after April 25, 2012, are not eligible for Employer-paid retiree health care coverage. Instead, the Employer shall establish a Retiree Medical Savings Account (RMSA) or other IRS-qualifying savings plan for each affected Employee. The accounts may be used by the Employee, their spouse, or their dependents to offset the cost of healthcare after the Employee retires or separates from service. MERS shall administer the RMSA program as described herein. The MERS Plan document, policies and procedures of MERS shall control the administration of the program.
 - ii. For all full-time Employees hired on or after April 25, 2012, the Employer shall contribute to the Employee's RMSA \$57.70 per pay period for time worked for which the Employee has more than 40 hours of straight time pay, beginning with the date of hire. Effective the first pay period after July 1, 2014, Employees shall make a pre-tax contribution to the Employee's RMSA (through payroll deduction) of \$23.08 per pay period for time worked for which the Employee has more than 40 hours of straight time pay. Additionally, an Employee may contribute additional amounts on a post-tax basis through payroll deduction.

- iii. Employees shall be one hundred percent (100%) vested at all times on their own Employee contributions and investment earnings. Employees shall be vested on Employer contributions and investment earnings according to the following schedule:

Completed Years of Service	Percent Vested
1 Year	20%
2 Years	40%
3 Years	60%
4 Years	80%
5 Years	100%

- iv. Employer and Employee contributions to an Employee's RMSA shall cease at the time of the Employee's separation from City employment (including retirement), or as otherwise required by law. The Employee may use the RMSA for any purpose consistent with federal law and regulations.
- v. An Employee who elects a deferred retirement on or after November 1, 2014, is not eligible for the retiree health care coverage provided by this section.
- b. Employees hired before April 25, 2012 and Vested for Regular Retirement On or Before October 31, 2014.
- i. Full-time Employees hired before April 25, 2012, whose rights to non-deferred defined benefit pension vested on or before October 31, 2014, who retires on or after November 1, 2014, may, upon retirement, elect health care benefits for the Employee, the Employee's spouse, and the Employee's dependents, in existence at the time of retirement, from among those plans offered to current bargaining unit Employees. The Employer's contribution for health care coverage for retirees not eligible for Medicare will be limited to the amount contributed for the lowest cost medical portion of the Medicare Supplemental or Medicare Advantage plans provided to Retirees pursuant to 2(b)(ii) of this Article plus the Employer's cost of prescription drug coverage provided to eligible employees and retirees pursuant to this Article.
- ii. A City of Flint Retiree who becomes eligible for Medicare, must enroll in Medicare Parts A and B at their expense. A Retiree who is enrolled in Medicare Parts A and B will be covered by a Medicare Supplemental plan (or Medicare Advantage plan) at the Employer's expense, subject to the contribution limits provided in Section 3 of the Publicly Funded Health Insurance Contribution Act 2011 PA 152. The eligible spouse or dependent child of a City of Flint Retiree who becomes eligible for and is enrolled in

at their expense in Medicare Parts A and B will be covered by a Medicare Supplemental plan (or Medicare Advantage plan) at the Employer's expense, subject to the contribution limits provided in Section 3 of the Publicly Funded Health Insurance Contribution Act, 2011 PA 152. If PA 152 of 2011 is repealed, the Employer shall pay 80% of the annual premium.

- iii. The Retiree shall pay any premium contribution that exceeds the amount contributed by the Employer through automatic deduction from their monthly pension check. If the required contribution is greater than the monthly pension check, the Retiree must contact the Human Resources Department to make arrangements for the Retiree to pay the contribution. Failure to do so will result in termination of benefits.
 - iv. Employees who participate in a high-deductible health coverage plan offered by the City at the time of retirement and who are eligible to deposit monies into an HSA as defined by federal regulations shall receive an annual contribution to the Retiree's HSA equal to fifty percent (50%) of the applicable contribution amount provided to active Employees pursuant to this Article.
 - v. The City shall not provide retiree health care coverage for the Retiree if the Retiree is eligible to receive paid health coverage through another Employer or former Employer. As a condition of continued retiree health care coverage under this section, the City may require that a Retiree file an affidavit each year or upon request attesting that the Retiree is eligible for no other Employer-paid health coverage.
 - vi. The City shall not provide retiree health care coverage for the Retiree's spouse if the Retiree's spouse is eligible to receive paid health coverage through an Employer or former Employer of the Retiree's spouse. As a condition of continued spousal health care coverage under this section, the City may require that a Retiree file an affidavit each year or upon request attesting that the spouse is eligible for no other Employer-paid health coverage.
 - vii. An Employee who elects a deferred retirement on or after November 1, 2014, is not eligible for the retiree health care coverage provided by this section.
- c. Employees hired before April 25, 2012 and Vested for Regular Retirement On or After November 1, 2014.
- i. Full-time Employees hired before April 25, 2012, whose rights to non-deferred defined benefit pension do not vest on or before October 31, 2014, who retires on or after November 1, 2014, may, upon retirement, elect health care benefits for the Employee only from among those plans offered to current bargaining unit Employees. The Employer's contribution for

health care coverage for retirees not eligible for Medicare will be limited to the amount contributed for the lowest cost medical portion of the Medicare Supplemental or Medicare Advantage plans provided to Retirees pursuant to 2(b)(ii) of this Article plus the Employer's cost of prescription drug coverage provided to eligible employees and retirees pursuant to this Article.

- ii. A City of Flint Retiree who becomes eligible for Medicare, must enroll in Medicare Parts A and B at their expense. A Retiree who is enrolled in Medicare Parts A and B will be covered by a Medicare Supplemental plan (or Medicare Advantage plan) at the Employer's expense, subject to the contribution limits provided in Section 3 of the Publicly Funded Health Insurance Contribution Act 2011 PA 152. If PA 152 of 2011 is repealed, the Employer shall pay 80% of the annual premium.
- iii. The Retiree shall pay any premium contribution that exceeds the amount contributed by the Employer through automatic deduction from their monthly pension check. If the required contribution is greater than the monthly pension check, the Retiree must contact the Human Resources Department to make arrangements for the Retiree to pay the contribution. Failure to do so will result in termination of benefits.
- iv. Employees who participate in a high-deductible health coverage plan offered by the City at the time of retirement and who are eligible to deposit monies into an HSA as defined by federal regulations shall receive an annual contribution to the Retiree's HSA equal to fifty percent (50%) of the applicable contribution amount provided to active Employees pursuant to this Article.
- v. The City shall not provide retiree health care coverage for the Retiree if the Retiree is eligible to receive paid health coverage through another Employer or former Employer. As a condition of continued retiree health care coverage under this section, the City may require that a Retiree file an affidavit each year or upon request attesting that the Retiree is eligible for no other Employer-paid health coverage.
- vi. An Employee who elects a deferred retirement on or after November 1, 2014, is not eligible for the retiree health care coverage provided by this section.

3. Termination of Benefits.

- a. Except as otherwise provided herein, health coverage terminates on the last day of the premium month in which the Employee is terminated or laid off or otherwise becomes ineligible for health coverage. Health coverage terminates on the last day of the premium month in which the Retiree becomes ineligible for health coverage. Health coverage for a dependent Spouse is terminated on the date on which they

are no longer eligible (i.e., on the date of divorce, or upon the death of the Employee or Retiree). Health coverage for a dependent child is terminated at the end of the month the child turns 26, or earlier as required by law. Health coverage for dependents will be terminated in the event an Employee or Retiree fails to provide the City with proof of dependent eligibility.

- b. Health coverage shall be continued during any leave for which the Employee receives full pay from the Employer. Employees on leave of absence with reduced hours and pay are not entitled to continued health coverage paid by the Employer except where Employee may be entitled to coverage by virtue of coverage requirements under PPACA or the Family Medical Leave Act (FMLA) as administered by the Employer. Employees on leave of absence without pay or on layoff are not entitled to continued health coverage paid by the Employer but may be eligible for continuation coverage as provided by the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).
 - c. Health Coverage will be continued while an employee is on an authorized disability leave as provided in *Article 23 – Disability Insurance Program & Light Duty*, if the employee is otherwise eligible. The Employee shall be obligated to pay his or her premium share, if any, within 14 days of established due date or insurance coverage will be cancelled.
4. 125 Plan. At its option, the Employer may offer a Section 125 Plan. All regular full time Employees (excluding temporary Employees) shall be eligible to participate in such a plan, including premium only for pre-tax Employee contributions and health care flexible spending accounts, as amended and restated in accordance with federal law and as defined and limited by the Employer's plan design. Participation by Employees is voluntary.

ARTICLE 22

PAYMENT IN LIEU OF INSURANCE COVERAGE

Employees who are eligible for hospitalization insurance pursuant to *Article 21 – Hospitalization Insurance*, but whose entire tax family opts out of that insurance because they have group health coverage from another source or sources, shall be entitled to payment of up to one thousand two hundred dollars (\$1,200.00) during the year. The City will make this payment to eligible Employees in installments of one hundred dollars (\$100.00) per month. The payment shall be made as an adjustment to a regular paycheck, and only those Employees who are entitled to a regular paycheck shall be entitled to the payment in lieu of insurance coverage.

ARTICLE 23

DISABILITY INSURANCE PROGRAM & LIGHT DUTY

- 1. The City will provide a short-term disability insurance program for Employees with extended absences. Such program will provide an eligible Employee (as determined by the insurance carrier/provider) with a wage continuation equivalent to sixty (60%) percent of the Employee's straight time rate to a maximum of \$1,250 per week in gross pay, commencing after the fifteenth (15) calendar day waiting period and extending for no more than twenty-four (24)

weeks.

2. Eligibility for benefits under this program will be subject exclusively by the terms and conditions of the insurance carrier, and determined by the processes and policies of the insurer, which will be selected in the sole discretion of the City. Employees are bound by the terms and conditions of the carrier which are not subject to the grievance procedure.

3. The City may establish administrative rules to facilitate the disability insurance program at its sole discretion.

4. The City may choose to utilize the benefits of both a short term and long term insurance policy, or be self-insured, in order to provide this benefit.

5. The City may also determine in its sole discretion to change insurance companies, or discontinue the program in its entirety should the City's cost of providing the benefit be substantially increased from the original premium.

6. Accumulated PTO time may be utilized at the written request of the Employee in order to receive pay during the waiting period. Employees are not eligible to receive any other pay including, but not limited to holiday pay during the waiting period.

7. Seniority and other benefits will not accumulate during the disability period, except for any time an Employee receives PTO pay during the waiting period.

8. Light Duty.

a. The Chief of Police may, at their sole discretion and without regard to seniority standing, assign disabled officers to gainful light-duty assignments if a position is available for such work that the employee has the skills to perform and is within the employee's restrictions.

b. The number of available light-duty assignments, if any, is determined by the Chief of Police.

c. Such light-duty assignments are temporary and intended not to last longer than six (6) months, unless extended at the discretion the Chief of Police.

d. Any Employee who has sustained a non-duty injury may be displaced by an Employee that has a work-related injury.

e. The Chief of Police in coordination with another Department head, or their designated representatives, may at their sole discretion and without regard to seniority standing, assign disabled officers to gainful light-duty assignments outside of the Sergeant Bargaining Unit if a position is available for such work that the employee has the skills to perform and is within the employee's restrictions.

f. For any light-duty assignments within or outside the bargaining unit, the employee will continue to maintain their Police classification at their Police classification rate

of pay but be assigned to the shift schedule as determined by the City that is necessary to perform the light-duty assignment.

- g. The provisions of this section may be eliminated by the Chief of Police with thirty (30) calendar day notice in writing to the Union President and is not subject to the Grievance Procedure.

ARTICLE 24 DENTAL AND OPTICAL BENEFITS

1. Dental and Optical coverage shall be provided at the level and by the carrier (including self-insurance) as determined by the Employer, at the Employer's option. The Employee pays fifty percent (50%) of premium costs through payroll deduction.

2. If an Employee does not have sufficient funds in a paycheck, the Employee shall be obligated to pay their premium share within fourteen (14) days of established due date or insurance coverage will be cancelled.

3. Dental and Optical coverage will be continued while an Employee is on an authorized disability leave as provided in *Article 23 – Disability Insurance Program & Light Duty*, if the Employee is otherwise eligible. The Employee shall be obligated to pay their premium share, within fourteen (14) days of established due date or insurance coverage will be cancelled.

ARTICLE 25 LIFE INSURANCE

1. The Employer agrees that, for the duration of this Agreement, it will pay the premiums to furnish twenty-five thousand dollars (\$25,000.00) group life insurance and twenty five thousand dollars (\$25,000.00) accidental death and dismemberment insurance for full-time Employees.

2. This insurance coverage will begin the first day of the month following the Employee's obtaining Police Officer status. The coverage shall be discontinued on the day the Employee's services are terminated, the Employee quits, retires, is laid off, or is otherwise not on the payroll. Provided, however, such insurance coverage will be continued for an Employee who is on an approved leave of absence without pay for a period not to exceed six (6) months. Provided, further, that if the Employee is discharged and the discharge is ultimately reversed, the Employer will be liable for any life insurance benefits that would have been otherwise due.

3. Forms will be made available to Employees by the Employer whereby Employees can designate a beneficiary on this life insurance coverage, and in the event no beneficiary is designated, the policy will be payable to the Employee's estate.

4. Life Insurance Coverage will be continued while an Employee is on an authorized disability leave as provided in *Article 23 – Disability Insurance Program & Light Duty*, if the Employee is otherwise eligible. The Employee shall be obligated to pay their premium share, if any, within fourteen (14) days of established due date or insurance coverage will be cancelled.

ARTICLE 26 INSURANCE COVERAGE

Insurance benefits shall be subject to the terms and conditions specified in the Employer's group insurance policy or policies, and any claim settlement between the Employee and the respective insurance carrier(s) shall not be the basis of a grievance or subject to arbitration. The Employer, by payment of the premium required to provide the coverage as agreed upon, shall be relieved from all liability with respect to the benefits provided by the insurance coverage. The failure of an insurance company to provide any of the benefits which it has contracted for any reason shall not result in any liability to the Employer or the Union, nor shall such failure be considered a breach by either of them of any obligation under this Agreement. Eligibility, coverage, and benefits under any insurance plan are subject to the terms and conditions, including any waiting period or other time limits, contained in the contracts between the City and the carrier(s).

ARTICLE 27 LAUNDRY AND DRY CLEANING

Employees may use City provided laundry and dry cleaning services for their uniforms or business attire (suit, shirt, tie) worn pursuant to their regular job duties. Such laundry and dry cleaning service will require a bi-weekly deduction from wages of Employees.

ARTICLE 28 RETIREMENT

1. General Provisions.

- a. The Municipal Employees' Retirement System (MERS) shall administer the pension system for all current retirees and all future retirees. The MERS Plan Document, policies and procedures of MERS shall control the administration of all Employee pensions, including investments and payments, except as otherwise provided below.
- b. Employees will be credited with one month of service credit for each month worked, provided however, that the Employee works a minimum of eighty (80) hours in that month. Hours worked includes those hours for which the Employee is fully compensated, such as paid time off.
- c. Employees promoted into this bargaining unit on or after June 1, 2017, will be subject to, and retain the, retirement benefits provided in the Flint Police Officers Association collective bargaining agreement and are not subject to the terms of this Article.

2. Defined Benefit Plan. The Defined Benefit Plan is for all Employees hired prior to January 1, 2014. The provisions in this section apply to the administration of the Defined Benefit Plan only.

- a. Employees in this division may purchase up to five (5) years or sixty (60) months of generic service credit. Purchased service counts towards retirement eligibility and must be paid in full at the time of approval.
- b. Frozen Benefit. Notwithstanding anything to the contrary herein, Employees hired prior to May 1, 1992, shall have the portion of their pension earned for credited service time prior to May 1, 2012, calculated in accordance with the provisions of the parties' expired collective bargaining agreement. Effective May 1, 2012, the multiplier for all employees shall be 2.25% for all credited service time earned on and after May 1, 2012 or date of hire, whichever is later.
- c. Final Average Compensation. Final Average Compensation (FAC) will be computed using the average of the highest three (3) years (non-overlapping, consecutive 12 month blocks) of base wages from the member's last five (5) years of credited service as reported to MERS by the Municipality. Overtime will only be included in FAC as outlined in subsections (c)(i) and (c)(ii), below. In addition, a lump sum payment up to 240 hours of leave time will be added to the calculation of compensation prior to the averaging of compensation to determine the FAC. (For example: FAC years 2006 + 2007+ 2008 + value of 240 hours of leave time divided by 3 = FAC.)
 - i. Overtime in FAC for Employees hired on or after May 1, 1992. Employees hired on or after May 1, 1992, shall have a portion of their pension based upon a 2.6% multiplier (overtime shall be included in FAC) for years in the bargaining unit until the Employee reaches 20 years of employment with the City. For service accrued after 20 years of service, the pension will be calculated using a 2.25% multiplier and a FAC calculated under paragraph 2(c) above, using base wages only.
 - ii. Overtime in FAC for Employees hired before May 1, 1992. Employees hired before May 1, 1992, will not have overtime included in FAC, which will be calculated under paragraph 2(c) above, using base wages, and a 2.25% multiplier will be used for all credited service earned on or after May 1, 2012 or date of hire, whichever is later.
- d. The Employee annual contribution is 9.5% on all gross wages earned. Effective the first full pay period following October 23, 2014, the Employee annual contribution is 9.5% on all base wages earned.
- e. Retirement Eligibility - Employees hired on or before June 30, 1994.
 - i. Employees who have accumulated 120 months (10 years) of service credits in accordance with this Article, and who have reached the age of sixty (60) years during their employment, are eligible to retire and to receive a pension benefit calculated in accordance with this Article.

- ii. Employees who have accumulated 276 months (23 years) of service credits in accordance with this Article, are eligible to retire and receive a benefit calculated in accordance with this Article.
 - iii. Deferred Retirement. Employees who leave the employment of the City with 180 months (15 years) of service when their employment terminated will receive their retirement benefit when they reach the age of sixty (60) or when they would have had twenty-three (23) years of service, whichever is first.
- f. Retirement Eligibility - Employees hired after June 30, 1994.
- i. Employees who have accumulated 120 months (10 years) of service credits in accordance with this Article, and who have reached the age of sixty (60) years during their employment, are eligible to retire and to receive a pension benefit calculated in accordance with this Article.
 - ii. Employees who have accumulated 300 months (25 years) of service credits in accordance with this Article, and who have reached the age of fifty (50) during their employment, are eligible to retire and receive a pension benefit calculated in accordance with this Article.
 - iii. Deferred Retirement. Employees who leave the employment of the City with 180 months (15 years) of service when their employment terminated will receive their retirement benefit when they reach the age of sixty (60) or when they would have had twenty-five (25) years of service and who have reached the age of fifty (50), whichever is first.
- g. Duty related disability benefits are subject to MERS processes and approval with the disability being the natural and proximate result of on-the-job injury. There are no vesting requirements. Benefits will be paid if the member is determined to be disabled under MERS' definition. The benefit will be the greater of the result of the applicable defined benefit formula or 50% of the FAC. For individuals who retired prior to joining MERS, their benefits will only be offset by workers comp income. Individuals who retire after joining will be subject to the MERS income limitations.
- h. Non-Duty related disability benefits are subject to MERS processes and approval. The member must have ten (10) years of service in order to qualify. Benefits will be paid if the member is determined to be disabled under MERS' definition. The benefit will be computed as the result of the defined benefit formula with a 20% minimum of FAC. For individuals who retired prior to joining MERS, their benefits are not offset by income earned from a future job. Individuals who retire after joining will be subject to the MERS income limitations.
- i. Duty related death benefit has no vesting requirements. The surviving spouse will receive the greater of the result of the defined benefit formula or 33.33% of the FAC. If the member dies with no spouse, any children would equally share in not

less than 25% of the member's straight life benefit until twenty-one (21) or married. A survivor beneficiary would receive a portion of a vested member's straight life benefit.

- j. Non-Duty related death benefits are payable should death occur to an active member. The member must be vested in order to qualify. The spousal benefit will be 85% of the result of the defined benefit formula or the 100% Joint and Survivor benefit, whichever is higher. If a survivor beneficiary is named, they would receive a portion of the straight life benefit. If the member dies with no spouse or survivor beneficiary, any children would equally share 50% of the member's straight life benefit until twenty-one (21) or married.
3. Hybrid Plan. Employees hired on or after January 1, 2014 ("Hybrid MERS Effective Date") shall be provided with the MERS hybrid pension plan (which includes a component of a defined benefit and defined contribution).
- a. Service Credit purchases are not allowed in the Hybrid plan.
 - b. Defined Benefit Component.
 - i. Benefit Multiplier shall be 1.75% for service credit earned. Employees will be credited with one month of service if they work a minimum of eighty (80) hours in that month.
 - ii. Final Average Compensation (FAC) will be computed using the average of the highest consecutive three (3) year or thirty-six (36) month period of earnings from the member's entire work history as reported to MERS by the Municipality.
 - iii. Employees who have accumulated seventy-two (72) months or six (6) years of service credits in accordance with this section, and who have reached the age of sixty (60) years, are eligible to retire and to receive a pension benefit calculated in accordance with this Article.
 - iv. Employees who leave the employment of the City with seventy-two (72) months or six (6) years of accumulated service credits, but who have not attained the age of sixty (60) years, are eligible to receive a pension benefit calculated in accordance with this Article, once they attain the age of sixty (60) years.
 - c. Defined Contribution Component.
 - i. Employees hired after the MERS Hybrid Effective Date are required to make a one time, irrevocable election to contribute between 1% and 5% (increments of 1%), at the Employee's election upon hire, of compensation on a bi-weekly basis, to the extent that the underlying employment contract in effect at the time of hire so provides for such an election.

- ii. Employees hired before the MERS Hybrid Effective Date are required to contribute 5%.
- iii. The Employer will match the Employee's contribution up to 5% of compensation of each Employee on a bi-weekly basis, subject to reduction based on the 10% Employer cap elected by the Employer in the Adoption Agreement.
- iv. Employees shall be 100% vested at all times on their own contributions. They will vest on the Employer contributions according to the following schedule: After 1 year of service, 20% vested; 2 years, 40% vested; 3 years, 60% vested; 4 years, 80% vested; 5 years, 100% vested.

ARTICLE 29 SHIFT PREFERENCE

1. Shift preference selection will be instituted at least twice per year for Detective, Patrol, and Traffic assignments.
2. During shift preference selection, Employees will be permitted to select their shift on a seniority basis, subject to departmental needs. The City will not deny shift preference selection for reasons that are arbitrary or capricious.
3. In the event a Sergeant is reassigned from Detective to Patrol Section (excluding voluntary requests), the Sergeant shall be allowed to exercise shift preference at the time of transfer.

ARTICLE 30 RESIDENCY

All Employees shall, as a condition of their continued employment, maintain residence within twenty (20) miles of the nearest boundary of the City of Flint.

ARTICLE 31 EQUIPMENT

The Employer agrees to furnish all equipment necessary for Employees to perform assigned duties and to keep same in safe operating condition.

ARTICLE 32 WAGES

1. Ratification Incentive.
 - a. Employees Hired Before January 1, 2021. Employees hired into the bargaining unit before January 1, 2021, shall receive a one-time lump sum payment of four thousand five hundred dollars (\$4,500.00).

- b. Employees Hired Between January 1, 2021 and December 31, 2021. Employees hired into the bargaining unit on or after January 1, 2021, and on or before December 31, 2021, shall receive a one (1) time lump sum payment of three thousand five hundred dollars (\$3,500.00).
- c. Employees Hired Between January 1, 2022 and May 25, 2022. Employees hired into the bargaining unit on or after January 1, 2022, and on or before May 25, 2022, shall receive a one (1) time lump sum payment of five hundred dollars (\$500.00).
- d. The Ratification Incentives will be paid during the first full pay period following ratification. Ratification incentives will be subject to usual payroll taxes and withholdings. Such payment shall not be included as wages for the purpose of computing Final Average Compensation under *Article 28 – Retirement*.

2. Compensation Schedules. Employees will be paid, based on City Seniority, in accordance with the Compensation Schedules below. The base annual salary is based on two thousand eighty (2080) hours per year.

- a. July 1, 2022. Effective the first full pay period after July 1, 2022, the Compensation Schedule shall be as follows:

<u>City Seniority</u>	<u>Base Annual Salary</u>	<u>Hourly Rate</u>
Start of 5th Year	\$63,739.52	\$30.644
Start of 11th Year	\$64,804.48	\$31.156
Start of 16th Year	\$65,888.16	\$31.677
Start of 21st Year	\$66,996.80	\$32.210
Start of 25th Year	\$68,126.24	\$32.753
Start of 27th Year	\$69,278.56	\$33.307

- b. January 1, 2023. Effective the first full pay period after January 1, 2023, the Compensation Schedule shall be as follows:

<u>City Seniority</u>	<u>Base Annual Salary</u>	<u>Hourly Rate</u>
Start of 5th Year	\$64,536.16	\$31.027
Start of 11th Year	\$65,613.60	\$31.545

Start of 16th Year	\$66,711.84	\$32.073
Start of 21st Year	\$67,835.04	\$32.613
Start of 25th Year	\$68,976.96	\$33.162
Start of 27th Year	\$70,143.84	\$33.723

- c. **July 1, 2023.** Effective the first full pay period after July 1, 2023, the Compensation Schedule shall be as follows:

<u>City Seniority</u>	<u>Base Annual Salary</u>	<u>Hourly Rate</u>
Start of 5th Year	\$ 65,343.20	\$ 31.415
Start of 11th Year	\$ 66,433.12	\$ 31.939
Start of 16th Year	\$ 67,545.92	\$ 32.474
Start of 21st Year	\$ 68,683.68	\$ 33.021
Start of 25th Year	\$ 69,840.16	\$ 33.577
Start of 27th Year	\$ 71,021.60	\$ 34.145

ARTICLE 33 SHIFT PREMIUM

1. The hourly rate of any Employee scheduled to work, and who works, on the second shift shall be six and one half percent (6.5%) greater than the base rate in the Compensation Schedule of this Agreement applicable to that Employee not to exceed one dollar and fifty cents (\$1.50) per hour. Shifts, for purposes of this Section, shall be designated as follows:
 - a. First Shift: Any shift during which the starting time is between 5:01 A.M. and 5:29 P.M.
 - b. Second Shift: Any shift during which the starting time is between 5:30 P.M. and 5:00 A.M.

ARTICLE 34 COURT TIME

1. For the time spent in any legal proceeding by an Employee during their off-duty hours; provided, said proceeding is the result of, or arises from, the performance of such Employee's duties as a police officer, the Employee shall be compensated at time and one-

half (1½) their normal rate of pay for a minimum of two (2) hours. For purposes of this Article, a legal proceeding shall be defined as any of the following:

- a. Time spent in Federal or State Court, under subpoena or Court order;
 - b. Time spent in signing and securing warrants;
 - c. Time spent attending implied consent hearings, under notice of hearing; or
 - d. Time spent in responding to a subpoena for the taking of depositions.
2. Time spent, whether on or off duty, in any proceeding of the Employee against the City or as a witness of any Employee proceeding against the City, is not considered Court time under this Article and will not be compensated.
 3. Notwithstanding the above, the City shall have the right to place Employees on standby and pay them pursuant to *Article 35 - Standby*, rather than *Article 34- Court Time*, for possible court appearances. Said standby pay shall be waived if the Employee is subsequently called to appear.
 4. Employees shall report for said legal proceedings in uniform when notified to do so by the Chief Legal Officer or Assistant Prosecutor in charge of the proceedings. Such notification shall be given at the time of service or notification of the subpoena or Court order.
 5. It is the Employee's obligation to call in accordance with the directions on the subpoena to determine whether their attendance is required for any upcoming legal proceeding. If the Employee's presence is not required, they will not be compensated as outlined in this Article.
 6. When an Employee is required to attend a legal proceeding during a regularly scheduled work day, they will be compensated at straight time; however, any Employee called to appear at any legal proceeding immediately prior to or immediately subsequent to a normal work shift shall be paid at time and one-half (1½) their normal rate of pay only for the time actually worked before or after the Employee's scheduled work shift. Off-duty hours, for the purpose of this Section shall not include those hours when an Employee is drawing sick or injury pay.
 7. All subpoena fees received by the Employee shall be submitted to the City; mileage fees received by the Employee shall be submitted to the City whenever transportation has been furnished by the City. An Employee required to travel outside Genesee County in response to a subpoena or Court order shall be provided with a City vehicle, if one is available. In the event no City vehicle is available, the Employee shall be responsible for providing their own transportation for which they shall be compensated at the IRS Standard Mileage Rate for Business per mile, both ways.
 8. It is understood that the above provisions do not apply where the Employee is called by the Union as a witness in a legal proceeding against the City or where the Employee is an adverse party in interest to the City.

**ARTICLE 35
STANDBY**

1. An Employee may be required to remain on call at any location that will allow them to report to work within one (1) hour.
2. For compensation, the Employee on such duty shall receive, at their regular straight time rate of pay, one (1) hour pay for each calendar day, Monday through Friday, and two (2) hours pay for each calendar Saturday and/or Sunday of such duty. Standby time shall not be considered time worked for purposes of overtime, nor will payments for standby time be considered earnings for purposes of Final Average Compensation.

**ARTICLE 36
PERSONAL PROPERTY REIMBURSEMENT**

Employee claims for personal property damage or lost on the job, not due to the Employee's own negligence, will be reimbursed upon approval of the Chief of Police in accordance with procedure established by the City. Personal property damaged or lost while in performance of duty shall be replaced or repaired up to a value of and not exceeding two hundred fifty dollars (\$250.00) per officer, per year. It is further understood that the repair or replacement of glasses, contact lenses, and bridge work and/or dentures is covered and shall not be included in the maximum yearly limit set forth above. Disputes arising under this Article shall be subject to the Grievance Procedure.

**ARTICLE 37
VETERANS RIGHTS AND BENEFITS**

An Employee who has been in the Armed Services of the United States under military leave from the City, and subject to the limitations provided by laws and who is released or discharged from such duty under honorable conditions, shall be afforded all rights provided governmental employees under the provisions of Public Act 263 of 1951, MCL 35.351 to MCL 35.356.

**ARTICLE 38
CHANGE OF ADDRESS AND TELEPHONE NUMBER**

1. Change of Address. An Employee changing their place of permanent residence shall within seven (7) calendar days make such change known to their immediate supervisor on a form provided by the City for such purposes. The Employee's address as it appears on the City's records shall be conclusive when used in connection with the layoffs, recall, or other notices to Employees.
2. Telephone Numbers. All Employees shall be required to give their home phone numbers, cell phone numbers, and an email address to the Chief of Police. It is understood that Employees, as a condition of continued employment, are obligated to maintain a telephone at their residence or a cell phone at their own expense. An Employee changing their phone number shall make such change known within seven (7) calendar days to their immediate

supervisor on a form provided by the City for such purposes. Such phone numbers and email addresses shall be held in strict confidence and will not be given out to anyone except the City Administrators without the permission of the Employee and then only by a Command Officer. The Employee's phone number(s) as they appear on the City's records shall be conclusive when used in connection with layoffs, recalls, or other notices to Employees.

ARTICLE 39 OUTSIDE EMPLOYMENT

1. Employees shall comply with all applicable departmental rules and regulations as well as applicable laws.

2. Requests for authorization to obtain outside employment must be submitted in writing, to the Chief of Police, and approved, before any Employee may engage in outside employment. Such request shall include:

- a. A general job description of what the Employee will be doing;
- b. In the case of employment as a security agent, for a security company, or for another police department, an insurance policy must be provided to cover all costs incurred in the defense of, settlement of, or award granted in any lawsuit involving an Employee's activities in their outside employment; and,
- c. The number of days contemplated being worked and the hours.

3. Employees shall not wear the Department uniform or use City-issued equipment without authorization of the Chief of Police.

4. Outside employment must not conflict with the Employee's work hours or interfere in anyway with the satisfactory and impartial performance of the Employee's duties.

5. Employees shall not be allowed to work in a bar.

6. Outside employment approved prior to the effective date of this Agreement must be disclosed within thirty (30) calendar days of the effective date of this Agreement. Such disclosure must comply with 2(a)-2(c), above.

7. Failure to comply with this Article may result in discipline, up to and including discharge.

ARTICLE 40 FIELD TRAINING PROGRAM

1. General. The Department at its discretion may utilize a Field Training Program to train new patrol officers. In the event that it does, Sergeants may be responsible for certain oversight of the program and will be compensated as outlined in this Article. The City may

terminate the Field Training Program, or remove any Field Training Program work from Employees covered by this Agreement, at any time.

2. FTO Coordinator/FTO Sergeant. The assignment of Field Training Program duties is at the discretion of the Chief and subject to any training requirements established by the Department. Under the Field Training Program, qualified Employees may be assigned the duties of "FTO Coordinator" or "FTO Sergeant."

3. FTO Bonus. In recognition of the additional duties of the FTO Coordinator and FTO Sergeant, the City will provide lump sum payments ("FTO Bonus"), to those Employees assigned such roles in accordance with the following. However, in no instance will the aggregate FTO Bonus payments exceed ten thousand dollars (\$10,000.00) in any fiscal year.

- a. FTO Coordinator. During the first full pay period after January 1, 2019, and each subsequent January 1 during the term of this Agreement, the FTO Coordinator will be provided an FTO Bonus in the amount of two thousand dollars (\$2,000.00) if they performed the duties of FTO Coordinator for the immediately preceding fiscal year (July 1 – June 30). The FTO Bonus may be prorated if the Employee was not assigned such duties for the entire fiscal year.
- b. FTO Sergeant. Any day in which an Employee is assigned to perform FTO Sergeant duties, they will receive additional compensation for that day equal to one (1) hour at their base hourly rate in accordance with the Compensation Schedule in *Article 32 – Wages*.
- c. FTO Bonus payments are not compensation for purposes of Final Average Compensation.

ARTICLE 41 NO-STRIKE CLAUSE

1. No Strike. It is the intent of the parties of this Agreement that the Grievance Procedure herein shall serve as a means for the peaceable settlement of all disputes that may arise between them concerning the terms of this Agreement. Recognizing this fact, the Union agrees that during the life of this Agreement, the Union shall not cause nor shall any member of the Union take part in any strike or refusal to work. For purposes of this Agreement the term "strike" shall mean any concerted activity resulting in a failure to report for duty, willful absence from a position, or a stoppage or abstinence in whole or in part from the full and proper performance of lawful duties as a police officer.

2. Affirmative Action. The Union agrees that it will take prompt affirmative action to prevent or stop any strike or refusal to work of any kind on the part of its members by notifying the Employees that it disavows these acts.

3. During the life of this Agreement, the Union shall not cause its members, nor shall any member of the Union engage in any strike because of a labor dispute between the City and any other labor organization.

4. No Lock-Out. The City agrees that during the life of this Agreement there will be no lock-out.

ARTICLE 42

SEPARABILITY AND SAVINGS CLAUSE

1. If any Article, Section, or Appendix of this Agreement shall be invalid by operation of law or held invalid by any tribunal or court of competent jurisdiction, or if compliance with any Article, Section, or Appendix shall be restrained by any such tribunal pending a final determination as to its validity, the remainder of this Agreement or the application of such Article, Section, or Appendix to persons or circumstances other than those which it is invalid, or has been held invalid or compliance with has been restrained, shall not be affected thereby.

2. In the event that any provision of this Agreement is held invalid, as set forth above, the parties shall enter into negotiations for the purpose of arriving at a mutually satisfactory replacement for the provision held invalid.

3. Any provision of any prior agreement between the parties, including, but not limited to, a letter of understanding or memorandum of understanding, not contained in this Agreement, shall be considered null and void with no further force or effect. This does not apply to any letter of understanding or memorandum of understanding entered into by the parties after this Agreement is signed.

ARTICLE 43

SCOPE OF AGREEMENT

1. The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the City and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waives the right and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated and signed this Agreement.

2. No agreement or understanding contrary to this Agreement, or any waiver or modification of any of the terms or conditions contained herein shall be binding upon the parties unless such agreement, waiver, or modification is executed in writing between the parties. It is further understood and agreed that this contract constitutes the entire agreement between the parties and supersedes any other agreement, understandings, practices, and arrangements that previously existed.

ARTICLE 44
SUSPENSION OF NON-ESSENTIAL SERVICES

If the City's Chief Executive suspends services due to weather or another emergency, Employees who work will receive payment for actual hours worked, and Employees who are excused from work due to the emergency may use PTO, if available, or approved unpaid time off to cover time not worked.

ARTICLE 45
WORK RULES

New rules and regulations or proposed changes in rules and regulations will be discussed with the Union prior to e-mailing a copy to the Union President. All such new rules and regulations or proposed changes in rules and regulations shall be e-mailed to the Union President least fourteen (14) calendar days prior to their effective date, except in cases of emergencies determined by the Chief of Police. Any unresolved complaint as to the reasonableness of any new or amended rule or regulation shall be resolved through the Grievance Procedure.

ARTICLE 46
EMPLOYEE DEATH

For the purpose of this Agreement, all pay, allowance and other benefits due a deceased Employee shall be paid to the Employee's life insurance beneficiary. Where such Employee has no named life insurance beneficiary, payment shall be made to the deceased Employee's estate.

ARTICLE 47
PROMOTIONS

1. In the event the City, during the term of this Agreement, shall establish a new or different testing procedure or eligibility requirements for promotion to Lieutenant, other than those hereinafter set forth, the City will meet and confer with the Union relative thereto. In the event the parties are unable to agree, the City shall have the right and discretion to modify the promotional process as it deems appropriate. The City will provide notice to the Union of eligibility requirements and changes to the testing procedure at least five (5) days before implementing any changes.

2. The City shall have the right to select among the top three (3) rank eligibles or from among all eligibles falling within three percentage (3%) points of the highest score certified, whichever produces the greatest of eligibles, plus all ties with the lowest score certified.

3. To be eligible for promotion, the officer must have a minimum of five (5) years of experience in the City of Flint Police Department, immediately prior to the deadline date for filing for the promotional examination for Lieutenant, with at least one (1) year as a permanent full-time Sergeant. Additionally, the officer must have completed thirty (30) college credit hours, verified by a transcript from an accredited institution, prior to the deadline date for filing for the promotional examination for Lieutenant.

4. The promotional examination for Lieutenant shall consist of both a written and oral portion. Both portions will be weighed equally in determining the officer's score.

5. An Employee shall be allowed, upon their request, time off without loss of pay for the purpose of taking any written or oral examination concerned with promotion when such examination is administered by the Human Resources Department and where the Employee is eligible to take such examination.

6. Promotional eligibility lists for Lieutenants shall have a duration of twenty-four (24) months.

ARTICLE 48 TUITION REIMBURSEMENT PROGRAM

1. Amount. The Employer will reimburse an Employee for fifty percent (50%) of their tuition expenses up to two hundred fifty dollars (\$250.00) per fiscal year; provided:

- a. The Employee agrees, in writing, to remain a full time Employee for a period of one (1) year following the completion of the course and likewise agrees that if they leave the City's employ before the expiration of the one (1) year period, they will have deducted from their final pay an amount equal to one-twelfth (1/12) of the previous year's tuition reimbursement for each month or portion thereof lacking the one (1) year requirement, and
- b. The Employee satisfactorily completes each course.
- c. Reimbursement for said tuition expenses in the Department under this Article shall not exceed the sum of one thousand five hundred dollars (\$1,500.00) in any one (1) fiscal year.

2. Procedure. The Employee must submit in advance of commencing the course or courses a letter of application for tuition reimbursement to the Human Resources/Labor Relations Department. The letter of application shall list the course or courses to be taken by course title and number, a brief description of the course content, the name of the educational institution, location of the course offering dates, times and costs thereof. After completion of the courses, the Employee must submit proof that they have satisfactorily completed the course and has expended the amount of tuition submitted in the application for tuition.

Satisfactory completion is a "C" or better in undergraduate work and a "B" or better in graduate work.

3. General. The courses must be approved by the Human Resources/Labor Relations Department as being such courses that would aid the Employee in the practice and performance of the Employee's services to the Employer and would contribute to their professional growth, and must be with an accredited college, university, or community college.

4. Courses shall be taken during an educational leave of absence or on the Employee's off-duty time; provided, however, that courses may be taken during duty hours contingent, upon

approval of the Chief of Police. Hours lost under these circumstances shall be made up by the Employee or may be deducted from the Employee's accrued PTO.

ARTICLE 49

DURATION OF AGREEMENT

1. This Agreement shall be effective upon ratification through June 30, 2024, and shall continue thereafter for successive periods of one (1) year, unless either party at least thirty (30) days prior to June 30, 2024, and each June 30 thereafter, serves written notice on the other party of a desire to terminate, modify, alter, renegotiate, change, or amend this Agreement.

2. An emergency manager appointed under the Local Financial Stability and Choice Act, 2012 PA 436, MCL 141.1541 to 141.1575, will have such authority relative to the terms of this Agreement as provided under the Act.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this Agreement on the date herein written.

Dated in Flint, Michigan, the _____ day of _____, 2019.

Police Officers Labor Council
("Union")

City of Flint
("City")

SIGNATURES

APPENDIX A

FLINT

POLICE DEPT. DRUG/ALCOHOL TESTING POLICY

Section 1. Statement of Policy.

It is the policy of the City of Flint that the public has the right to expect persons employed by the City in its Police Department will be free from the effects of drugs and alcohol. The City, as the employer, has the right to expect its employees to report for work fit and able for duty and to set a positive example for the community. The purposes of this policy shall be achieved in such manner as not to violate any established constitutional rights of the employees of the Police Unions.

Section 2. Effectuation.

This Appendix will be effective as of the ratification date of the Collective Bargaining Agreement between the parties.

Section 3. Prohibitions.

Employees shall be prohibited from:

- A. Reporting to work or working under the influence of alcohol;
- B. Consuming alcohol at any time during the work day, or consuming or possessing alcohol anywhere on any City premises or job sites, including City buildings, properties, vehicles and the Employee's personal vehicle while engaged in City business.
- C. Possessing, using, selling, purchasing, manufacturing, dispensing or delivering any illegal drug at any time and at any place;
- D. Abusing any prescription drug;
- E. Failing to confer with their physicians when prescribed any medications and immediately reporting to their supervisor any restrictions imposed by their physicians.

Section 4. Drug and Alcohol Testing Permitted.

A. Reasonable Suspicion. Where the City has reasonable suspicion to believe that: (a) an Employee is being affected by the use of alcohol, or consuming or possessing alcohol in violation of this Appendix; or (b) is abusing prescription drugs; or (c) is possessing or using illegal drugs, the City shall have the right to require the Employee to submit to alcohol or drug testing as set forth in this Contract. Employees shall not be subjected to random medical testing involving hair or urine analysis or other similar or related tests for the purpose of discovering

possible drug or alcohol abuse, except as specifically provided for in this section. Reasonable suspicion will be based on one of the following factors:

--Employee exhibits physical behavior which may include the person's appearance and behavior, i.e., nervous, abrupt, hyper, anxious, slow, calm, sweating, etc., speech, eyes, carriage, conduct. In addition, patterns of behavior such as attendance problems, or any abnormal behavior may indicate reasonable suspicion. Also, information supplied from a reliable informant would constitute reasonable suspicion if adequately researched.

B. Random Testing. During the workday, Employees are subject to random testing for drugs and/or alcohol, beginning July 1, 2007. The quarterly number of such random drug tests shall total 10 Officers (FPOA), 4 Sergeants, and 1 Lt/Cpt. The City and the Union will develop a system to draw random names on the date and time set by the City for the random testing to occur. The City will determine how many tests will be drug and how many will be alcohol. The Union will be contacted just prior to the testing time.

Employees notified of their selection for random testing shall proceed immediately to the collection site. Any undue unreasonable delay to immediately proceed to the collection site or attempt to circumvent the process by not providing adequate samples as required (unless medically proven to be unable) will be grounds for immediate suspension and possible termination based on the results of the investigation. Employees who are on leave, vacation, or already absent at the time of their selection will be excused that day but remain subject to random testing upon return.

C. Pre-Employment Test. Nothing in this policy shall limit the right of the City to conduct any tests it may deem appropriate for persons seeking employment prior to their date of hire.

D. Promotional Test. Nothing in this policy shall limit the right of the City to conduct any tests it may deem appropriate for persons seeking promotions.

E. Post Accident Test. A Police Union Employee who is involved in a vehicle accident while operating a City vehicle could be subject to a post accident drug and alcohol testing. Such testing shall occur as soon as is practicable.

F. Return to Duty: After EAP has cleared the Employee to return to work, the Employee will be subjected to drug and/or alcohol testing.

G. Absence from work. Nothing in this policy shall limit the right of the City to conduct any tests it may deem appropriate for persons who have been off duty for more than thirty (30) calendar days. For example, instances such as: disciplinary action, layoff, leaves of absence, or for a medical condition or injury.

H. Assignment. Nothing in this policy shall limit the right of the City to conduct any tests it may deem appropriate for persons assigned to the Special Operations Bureau, FANG, DEA, or Inspections, or for sworn police personnel who are responsible for destroying drugs.

Section 5. Order to Submit to Testing.

An Employee's refusal or failure, when ordered, to promptly submit to a test permitted by and properly ordered under the provisions of this Appendix shall subject the Employee to discipline, but the Employee's taking of the test shall not be construed as a waiver of any objection or rights that he or she may possess. The principle of "obey and then grieve" shall apply in the event of a dispute over whether a test is permitted and properly ordered under this Appendix. Within twenty-four (24) hours of the time the Employee is ordered to submit to reasonable suspicion testing, the City shall provide the Employee with a written notice setting forth the facts and inferences from such facts which form the basis of the order to test.

Section 6. Test to be Conducted.

In conducting the testing authorized by this Contract, the City shall comply with the following:

A. The lab performing drug tests shall be federally certified to do drug testing and agreed to by the Union and the City. The facility collecting and testing breath specimens shall hold all legally necessary licenses and be agreed to by the Union.

B. Drug tests will involve urine samples and may involve hair samples. Alcohol tests will consist of breath samples. Strict chain of custody procedures must be followed for all samples. The Union and the City agree that the security of the specimens is absolutely necessary. Therefore, the City agrees that if the chain of custody of a sample is broken in any way, any positive test shall be invalid and may not be used for any purpose (unless the City demonstrates that the break did not affect the reliability or accuracy of the results).

C. A split urine sample shall be collected in all cases of drug testing for an independent analysis in the event of a positive test result. All urine samples must be stored and preserved in a manner that conforms to DOT guidelines.

D. The City's drug testing lab will confirm any urine sample that tests positive in initial screening for drugs by testing a portion of the same sample by gas chromatography/mass spectrometry (GC/MS).

E. The City will provide Employees who test positive for drugs with an opportunity to have the split urine specimen tested by a separate clinic, at the Employee's own expense, providing the Employee notifies the City within seventy-two (72) hours of receiving the positive results and provided further that the laboratory or clinic and the testing procedure, including chain of custody, meets or exceeds the standards established in this Contract.

F. The City will require that its drug testing lab and breath testing facility report that a specimen is positive only if both the initial screening and confirmation test are positive. Drug tests results shall be evaluated by the Medical Review Officer (see Section 7(C)) in a manner to ensure that an Employee's legal drug use and diet are properly taken into account when evaluating the test results. For the purpose of this Appendix, a positive drug test result means the presence of drugs and/or their metabolites in an Employee that equals or exceeds the levels set forth in Section 7, below. The parties agree that should any information concerning such testing

or the results thereof be obtained by the City inconsistent with the understandings expressed herein (e.g., billings for testing that reveal the nature or number of tests administered), the City will not use such information in any manner or form adverse to the Employee's interests.

G. With regard to alcohol testing, the vendor contracted by the City shall assure that only federally certified individuals using certified equipment shall conduct initial tests. An initial positive alcohol level of .04 of breath shall be considered positive for purposes of authorizing the conduct of the confirming alcohol test. If initial screen results are negative, i.e., below the positive level, testing shall be discontinued, all samples destroyed and records of the testing expunged from the Employee's personnel file. Only Employees with screen test results that are positive on the initial screen shall be subject to confirmation testing for alcohol. If confirmatory testing results are negative, i.e., below the positive level, all records of the testing shall be expunged from the Employee's personnel file.

H. The City will provide each Employee tested with a copy of all information and reports received by the City in connection with the testing and the results (provided the Employee first pays the City's copying costs and the material is not privileged).

Section 7. Drug Testing Standards.

A. **Screening Test Standards.** The lab shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial immunoassay test cutoff levels shall be used when screening urine specimens to determine whether they are negative for the following drugs or classes of drugs:

	<u>Initial Test Level</u>	<u>Confirmatory Level</u>
Marijuana metabolites	50ng/ml	15 ng/ml
Cocaine metabolites	150ng/ml	100ng/ml
Opiate metabolites*		
6-Acetyl morphine	10ng/ml	10 ng/ml
Morphine	2000 ng/ml	2000 ng/ml
Codeine	2000ng/ml	2000 ng/ml
Phencyclidine	25ng/ml	25 ng/ml
Amphetamines	500ng/ml	250 ng/ml

*If immunoassay is specific for free morphine the initial testing level is 25ng/ml. (These numbers may be revised by the City to remain consistent with DOT guidelines.)

B. Testing for Other Prescription Drugs. Any tests for prescription drugs not listed above shall use the screening test cut-off levels and the confirmatory GC/MS test cut-off levels for such

drugs established by the testing laboratory selected by the City, in accordance with the standards established by this Contract or DOT standards, if any.

C. Medical Review Officer ("MRO"). The Medical Review Officer shall be chosen and agreed upon between the Union and the Employer and must be a licensed physician who is familiar with the characteristics of the tests used (sensitivity, specificity, and predictive value) and the facilities running the tests. The role of the MRO will be to review and interpret positive drug test results. He/She shall examine alternate medical explanations for any positive test results. This may include conducting a medical interview with the affected Employee, review of the Employee's medical history, review of the chain of custody and review of any other relevant biomedical factors. The Medical Review Officer must review all medical records made available by the testing Employee when a confirmed positive test could have resulted from legally prescribed medication. An Employee shall be expected to cooperate promptly with the MRO. The MRO may verify a test as positive without interviewing the affected Employee if more than five (5) days elapse after the MRO's first attempts to telephone the Employee.

Section 8. Consequences for policy violations / Disciplinary Action.

Any Police Union Employee engaging in prohibited conduct shall be subject to disciplinary action up to and including discharge, depending on the seriousness of the prohibited conduct. Furthermore, any Police Union Employee receiving a positive drug and/or alcohol test, shall be subject to the following consequences:

A. Positive Alcohol Test (Range 1). Any Police Union Employee who undergoes any type of alcohol testing, and subsequently receives a positive test result indicating an alcohol concentration level of greater than or equal to 0.02 but less than 0.04 shall be immediately suspended from their safety-sensitive position for a period of twenty-four (24) hours. During this period, the Employee shall be on without pay status, as outlined under First Offense, below.

B. Failure to provide 45 milliliters of urine for a drug test. In the event that an Employee is unable to provide 45 ml of urine for any type of drug test within a three (3) hour period beginning from the time the Employee arrives at the collection site, he will be referred to a physician of the City's choosing who shall make a determination as to whether the inability to provide the required specimen is the result of a pre-existing physical condition. The examining physician shall submit a report, in writing, to the MRO who shall then make a determination as to whether the test shall be reported as a negative or a positive.

C. Positive Alcohol Test (Range 2). Any Police Union Employee who receives a positive test result indicating an alcohol concentration level equal to or greater than 0.04, shall be subject to the following disciplines:

1. First Offense.

- a. Immediate suspension without pay.
- b. The Employee must undergo a substance abuse evaluation through the EAP within a time frame set by a member of the Labor Relations Department professional staff. In general, this time period shall not exceed a period of one (1) month from the date of suspension.

- c. The Employee must comply with all of the EAP's recommendations for treatment/rehabilitation (if any), among other things;
- d. The Employee will be required to sign a release to allow the city to obtain progress reports as it relates to attendance, cooperation, completion or non-completion of recommended follow up counseling or other treatment.
- e. The EAP will be required to evaluate the Employee for compliance. Once the EAP has determined that the Employee is complying with treatment programs and procedures, they will contact the City.
- f. The Employee must then undergo and pass a return to duty drug test and/or alcohol test as required by the City.

Once an Employee who has been suspended because of a positive alcohol test is returned to their Police Union position, they will be subject to follow-up alcohol testing for a period of up to one year at random times and dates to be determined by the City. If the Employee fails any follow up tests, they will move on to the next offense in the discipline process (listed below).

Non-compliance. Prior to and/or after returning back to work, if the Employee is deemed by the EAP to be non-compliant with his recommended treatment program, or if such an Employee fails any further alcohol tests, it is agreed and understood that management retains the right to take additional progressive disciplinary action up to, and including discharge.

2. Second Offense.

The City shall discharge an Employee who tests positive for alcohol a second time following either a post-accident, random, reasonable suspicion, return-to-duty and/or follow-up alcohol test.

D. Positive Drug Test.

Any Police Union Employee who undergoes any type of drug testing, and receives a positive test result based on the levels set forth in Section 7 (Drug Testing Standards) will be immediately terminated from employment with the City of Flint.

Split Sample: In the event of a positive drug test a split sample can be requested and paid for by the Employee. Split sample collection simply involves the partitioning of the original sample into two vials. One vial is sent for testing, whereas the other is retained for retesting in the event of a positive result on the first vial. The retest is to be conducted by a different laboratory than did the first test. Retesting is not automatic, however: the person being tested must request and pay for the retest.

Section 9. COSTS

The following is a breakdown of the various costs associated with implementing the policy, and who will be responsible for these costs:

- A. It will be the City's responsibility to pay the costs associated with the following:
 - 1. Pre-employment drug and alcohol testing;
 - 2. Post-accident drug and alcohol testing;
 - 3. Reasonable suspicion drug and alcohol testing;
 - 4. Random drug and alcohol testing;
 - 5. Return-to-duty drug and alcohol testing;
 - 6. Testing of a split sample *only if* the result is negative; and
 - 7. Follow up alcohol testing.
- B. It will be the Employee's responsibility to pay the costs associated with the following:
 - 1. Substance abuse evaluation performed by the EAP. The EAP has sole discretion in setting the assessment fee;
 - 2. Treatment program and follow-up care (if any). Many of the health benefits provided by the City to covered Employees may cover some of these costs. Anything not covered will be the Employee's responsibility; and
 - 3. Testing of a split sample *only if* the result is positive.

Section 10. Conflict With Other Laws.

This Policy is in no way intended to supersede or waive any constitutional rights that the Employee may be entitled to under the Federal or State constitutions.

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 31, General Offenses.

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 31, General Offenses, Article III, Blight Violations, by amending Section 31-81, which shall read in its entirety as follows:

§ 31-62. Blight Violation.

(A) **BLIGHTED AREA.** A portion of a municipality, developed or undeveloped, improved or unimproved, with business or residential uses, marked by a demonstrated pattern of deterioration in physical, economic, or social conditions, and characterized by such conditions as functional or economic obsolescence of buildings or the area as a whole, physical deterioration of structures, substandard building or facility conditions, improper or inefficient division or arrangement of lots and ownerships and streets and other open spaces, inappropriate mixed character and uses of the structures, deterioration in the condition of public facilities or services, or any other similar characteristics which endanger the health, safety, morals, or general welfare of the municipality, and which may include any buildings or improvements not in themselves obsolescent, and any real property, residential or nonresidential, whether improved or unimproved, the acquisition of which is considered necessary for rehabilitation of the area. It is expressly recognized that blight is observable at different stages of severity, and that moderate blight unremedied creates a strong probability that severe blight will follow. Therefore, the conditions that constitute blight are to be broadly construed to permit a municipality to make an early identification of problems and to take early remedial action to correct a demonstrated pattern of deterioration and to prevent worsening of blight conditions.

(B) **BLIGHTED PROPERTY.** Property that meets any of the following criteria:

- (1) The property has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- (2) The property is an attractive nuisance because of physical condition or use.
- (3) The property is a fire hazard or is otherwise dangerous to the safety of persons or property.
- (4) The property has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of 1 year or more so that the property is unfit for its intended use.
- (5) The property is tax reverted property owned by a municipality, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a municipality, a county, or this state shall not result in the loss to the property of eligibility for any project authorized under this act for the rehabilitation of a blighted area, platting authorized under this act, or tax relief or assistance, including financial assistance, authorized under this act or any other act.
- (6) The property is improved real property that has remained vacant for 5 consecutive years and that is not maintained in accordance with applicable local housing or property maintenance codes or ordinances.
- (7) The property has code violations posing a severe and immediate health or safety threat and has not been substantially rehabilitated within 1 year after the receipt of notice to rehabilitate from the appropriate code enforcement agency or final determination of any appeal, whichever is later.

(C) For purposes of this article, blight violation means a violation of the following Flint City Code sections: §§ 24-110, 24-111, 24-112, 30-3, 30-7, 30-8, 30-9, 30-11, 30-12, 30-13, 30-15, ~~30-20-23~~, 30-30.1, 39-1, 39-5, 39-7, 39-9, 39-10, 39-22, 39-26, 39-32, 39-43, 39-43.1, 42-46, 50-142.6.

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

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

220295

ORDINANCE NO. _____

A Proposed ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by Jaycee LLC – Jeff Gappy (PC 22-9) for a rezoning change for the property at 3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052).

The Planning Commission recommends **DENIAL** of a Zoning Ordinance map amendment concerning this property located in WARD 4.

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

Sec. 1. That the code of the City of Flint is hereby amended to change the district boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052) legally described as ASSESSOR'S PLAT OF RICHFIELD WOODS LOTS 46 THRU U48 INCL; ALSO LOTS 50 THRU 57 INCL; ALSO LOT 49 EXC WLY 14FT; ALSO LOT 60 EXC ELY 128.5 FT; ALSO LOT 62 EX ELY 128.5 FT zoned "D-3" Community Business and future zoned "TN-2" Traditional Neighborhood to "D-5" Metropolitan Commercial Service.

Sec. 2. This ordinance shall take effect on the ___ day of _____, 2022 A.D.

Approved this ___ day of _____, 2022 A.D.

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

William Kim (Jul 13, 2022 13:53 EDT)
William Kim, City Attorney

CITY COUNCIL:

City Council



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 7/5/2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: RESOLUTION RECOMMENDING DENIAL FOR A REZONING CHANGE FOR THE PROPERTY AT 3402 RICHFIELD RD. (PARCEL ID# 47-33-452-052) FROM D-3 COMMUNITY BUSINESS TO D-5 METROPOLITAN COMMERCIAL SERVICES.

PREPARED BY Suzanne Wilcox, Director of Planning and Development
(Please type Name, Department, Phone Number)

VENDOR NAME: n/a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

At its meeting on June 28th, 2022, the Flint Planning Commission **DENIED** the submitted request for a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services (PID# 47-33-452-052) based on the recommendations and information provided by Zoning staff (see attached staff report). The applicant, Jaycee LLC/Jeff Gappy, requests a rezoning to use the property for self-storage. Prior to the rezoning request, the applicant requested a use-variance from the Zoning Board of Appeals to allow for self-storage, this request was denied during the May 18th, 2021, meeting. The applicant stated in their application that the property has been vacant for over ten years. The applicant believes that a self-storage business would service the needs of the neighborhood tenants and businesses.

FINANCIAL IMPLICATIONS: No financial implications

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

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY19/20 GRAND TOTAL		

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

ACCOUNTING APPROVAL: n/a **Date:** _____



CITY OF FLINT

FINANCE APPROVAL: n/a Date: _____

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): none

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

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox, Director, Dept. of Planning and Development
(PLEASE TYPE NAME, TITLE)

CITY ADMINISTRATOR APPROVAL: CLYDE D EDWARDS
CLYDE D EDWARDS (Jun 13, 2022 17:13 EDT)

SUBMIT TO:
 City of Flint
 Zoning Office
 1101 South Saginaw Street Rm. S105
 Flint, MI 48502
 810.766.7355
 Fax: 810.766.7249 www.cityofflint.com

For Office Use Only
 Case No. PC **22-09**
 Date Rec'd **5-6-2022**
 Meeting Date **6-28-2022**

APPLICATION FOR FLINT PLANNING COMMISSION

Concerning a request to amend, supplement, or change the district boundaries of regulations established in Chapter 50, commonly referred to as the Zoning Ordinance of the City of Flint.

Application Filing Fee due at time of submission. Fees are non-refundable.

To be completed by applicant:

<u>Applicant/Agent</u>			<u>Property Owner (if different than Applicant)</u>		
Name <u>GMD Consulting, LLC (Agent) Joe DiSanto</u>			Name <u>Jaycee, LLC</u>		
Address <u>2289 7th Street</u>			Address <u>142 E. Walled Lake</u>		
<u>Wyandotte</u>	<u>MI</u>	<u>48192</u>	<u>Walled Lake</u>	<u>MI</u>	<u>48290</u>
(City)	(State)	(Zip)	(City)	(State)	(Zip)
Telephone <u>734 341-4873</u> Fax _____			Telephone <u>310 883 4928</u> Fax _____		
Email <u>jdisanto@sbcglobal.net</u>			Email <u>jeffgappy@gmail.com</u>		

Requested Action and Non-refundable Filing Fee:

- | | |
|--|--|
| <input type="checkbox"/> Street Name Change - \$1,002.00 | <input type="checkbox"/> Street/Alley Vacations - \$1,002.00 |
| <input checked="" type="checkbox"/> Rezoning - \$1,253.00 | <input type="checkbox"/> Conditional Use - \$1,002.00 |
| <input type="checkbox"/> Conditional Rezoning - \$1,002.00 | <input type="checkbox"/> Special Regulated Use - \$1,002.00 |

Information regarding the site:

Street Address 3426 Richfield Road

Major Cross Streets _____

Parcel No. 47 33 452 052 Current Zoning District ~~D3~~ & ~~X~~ **D-3**

Current Use Vacant Retail

Information regarding request:

Proposed Use Enclosed self storage / climate control self storage Proposed Zoning District D5

Explain Request (On Page 2)

Explain Request: We will to covert existing vacant retail center into a self stroage facility. Units will constructed within the exting structure and newly drive up units will be constructed on the existing parking lot infrastructure. The current center has been vacate with no prespective retail tenants. The proposed use has generates low traffic impact and would service the needs of the surrounding residents and businesses.

PROPERTY OWNER MUST ATTEND PLANNING COMMISSION MEETINGS OR BE REPRESENTED BY A PERSON WITH NOTORIZED LETTER OF REPRESENTATION TO ACT ON BEHALF OF OWNER.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for City Officials and or City Staff to conduct an on-site inspection.



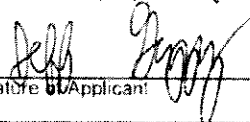
Signature of Property Owner

Jeff Gappy

Print Name

5-6-22

Date



Signature of Applicant

Jeff Gappy

Print Name

5-6-22

Date

----- For Office Use Only ----->

June 28th, 2022

Date Planning Commission Hearing is Scheduled

May 27th, 2022

Date notice of Planning Commission meeting published

May 29th, 2022

Date notice of Planning Commission meeting was mailed to property owners/occupants within 300ft of parcel

Planning Commission Decision:

☐ Approved

☒ Denied

☐ Approved as Amended

☐ Other: _____

Remarks:



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT (PC 22-9)

DATE: May 20, 2022

TO: City of Flint Planning Commission

STAFF REPORT BY: Bill Vandercook, Zoning Coordinator

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 22-9: Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. (PID 47-33-452-052)

LOCATION: Richfield Rd. & N. Term St.

AFFECTED WARD: Subject site is located in Ward 4.

PERTINENT SECTION OF THE ORDINANCE: Chapter 50 - Article XI – D-5 Metropolitan Commercial-Service District

EXISTING LAND USE PATTERNS:

North- Commercial
East- Commercial
South- Residential
West- Commercial

EXISTING ZONING PATTERNS:

Subject Property – D-3 (Community Business)

North- C-2 (Highway Commercial – Charter Township of Genesee, Michigan)
East- D-3 (Community Business)
South- A-2 (Single Family Medium Density)
West- D-3 (Community Business)

BACKGROUND

The applicant, Jaycee LLC/Jeff Gappy, requests a rezoning from D-3 to D-5 at 3402 Richfield Rd. The applicant intends to redevelop the property for a self-storage facility. Self-storage facilities require properties to be in the D-5, D-6, E, F, or G, zoning districts.

The subject property is surrounded by D-3 zoned properties to the east and west. To the south, the property abuts the A-2 single family medium density residential zoning district. To the north, the Charter Township of Genesee, Michigan has a highway commercial zoning district.

On May 8, 2021, the applicant presented a use variance to the Zoning Board of Appeals to be allowed to operate a storage facility business in the “D-3” Community Business District. Commissioner Jerry Kea made a motion to approve ZBA 21-2252 on the condition that: 1) the

facility is completely enclosed with a security fence equipped with barbed wire on top; 2) security and lighting are included in the infrastructure upgrades that the applicant has spoken to. It complies with standard two based on the fact that it is the minimum variance necessary to provide adequate relief. It complies with standard four, based on the fact that the zoning ordinance unreasonably restricts the property from being used to its full potential, which is not a hardship created by the property owners, but was created by the City of Flint. This motion was not support.

Commissioner Yelle made a motion to deny ZBA 21-2252 based on findings that the property is zoned D-3 where the applicant wants to do a D-5 business. This motion was supported and carried 7 yes – 3 no. Minutes from this meeting are provided with this application's materials.

APPLICANT REQUEST:

The applicant requests to rezone the property from the current zoning district D-3 to the proposed zoning district D-5. The applicant states that the property has been vacant for over ten years and that the rezoning will allow for the redevelopment of this parcel into self-storage. Additionally, the applicant shared that the property has been marketed for retail, to no avail.

The D-5 district permits any use in the D-3 District as well as:

- **D-4 district uses**, which include office buildings, printing, light manufacturing, residential uses of any kind provided that such use does not occupy the ground floor, clubs and lodges.
- **C-2 district uses**, which include multifamily housing and institutional uses by-right, and hotels, offices, clinics, funeral homes, and mobile home parks as conditional land uses.
- **D-5 district uses**, which include automotive service and repair, rental, and sales; manufacturing, provided such use shall not occupy any ground floor street frontage, schools, wholesale and warehouses, laboratories, and studios.
- **Group B Special Regulated Uses**, which include pawnshops, liquor stores, and tattoo parlors.
- **Group E Special Regulated Uses**, which include marihuana provisioning, retail, & secure transport.
- **Group G Special Regulated Uses**, which include marihuana micro businesses.

STAFF RECOMMENDATION AND COMMENTS:

Staff recommends denial of this rezoning request. Rezoning this parcel would not be in line with the current Master plan, or Zoning code. Under current zoning the property is zoned D-3 and future zoned "TN-2 – Traditional Neighborhood", which does not permit self-storage facilities. In the future master plan, self-storage facilities are a permitted use within the "CC – City Corridor" zoning district.

The purpose and intent of the TN-2 Traditional Neighborhood-Medium Density:

The TN-2 Traditional Neighborhood 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.

Rezoning this parcel would be considered spot zoning which is not conducive under the City of Flint Current Master Plan or Zoning Code or Future Master Plan and proposed Zoning Code.

According to Brad Neumann, Michigan State University Extension - June 17, 2016: "illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone"



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

July 5th, 2022

GMD Consulting, LLC
2289 7th Street
Wyandotte, MI 48192

RE: Planning Commission Public Hearing Action Notification

PC 22-9: Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052).

At its meeting on April 12th, 2022, the Flint Planning Commission **DENIED** PC 22-9 Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052) based on the staff recommendations and information provided by Zoning staff.

If you have any questions, please contact the Planning & Zoning Office at (810) 766-7426 ext. 3060

Sincerely,

William Vandercook
Zoning Coordinator
City of Flint – Planning & Zoning Division
1101 S. Saginaw St. Rm. S105
P: 810.766.7426 x.3060

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;**

**DEVELOPMENT REVIEW
AND APPROVAL
PROCEDURES; AND**

**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;**

**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**

**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**

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 BE CONSTRUED TO FOLLOW THE CENTERLINES;
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 AS FOLLOWING THE SHORELINE, AND IN THE EVENT OF CHANGE IN SHORELINE SHALL BE CONSTRUED AS MOVING WITH THE SHORELINE.
5. IN CIRCUMSTANCES NOT COVERED BY SUBSECTIONS B.1. THROUGH B.4. ABOVE, THE DIRECTOR OF PLANNING AND DEVELOPMENT, OR HIS/HER DESIGNEE, SHALL INTERPRET A ZONE DISTRICT BOUNDARY AFTER REVIEW 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, THAT WHERE 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 TRADITIONAL SINGLE-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 GREEN NEIGHBORHOOD-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 DIAGRAM
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**

**TRANSPARENC
Y, 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
REQUIREME
NT MAY BE
APPROVED,
DEPENDING
ON ACTUAL
BUILDING
DESIGN,
ENTRANCE
PLACEMENT,
AND OTHER
FACTORS
THAT MAKE
THE THIRTY
(30) FOOT
REQUIREME
NT
IMPRACTICA
L; OR**
- II. OTHER
METHODS TO
PROVIDE
ADEQUATE
ARTICULATI
ON,
PROVIDED
THAT THE
VISUAL
EFFECT OF
ARTICULATI
ON IS
MAINTAINED.
EXAMPLES
OF
ACCEPTABLE
VARIATIONS
MAY
INCLUDE
ARCHITECTU**

RAL OR
ARTISTIC
DETAILS OR
FEATURES, A
VARIATION
IN COLOR OR
MATERIALS
AND
ENHANCED
ORNAMENTA
TION
AROUND
BUILDING
ENTRANCEW
AYS.

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.

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

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.

WITHIN A 1,500 FOOT RADIUS OF EACH OTHER.

F. EXPRESSION LINE (EL).

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

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
CONCENTRATE
D 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
TRANSPAREN
CY SHALL BE
HORIZONTAL
LY 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
TRANSPAREN
CY
REQUIREMEN
TS.

THAT IS
REQUIRED
FOR GROUND-
FLOOR AND
UPPER FLOOR
FACADES.
WINDOWS
MUST BE
CLEAR AND
ALLOW
VIEWS OF THE
INDOOR
SPACE OR
DISPLAY
AREAS.

3. PERCENTAGE OF
REQUIRED
TRANSPARENCY

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

II. STRUCTURES
IN THE MR-2
AND MR-3
DISTRICTS
SHALL
COMPLY
WITH TABLE
50-25G BELOW
WITH
REGARDS TO
THE AMOUNT
OF
TRANSPAREN
T MATERIALS

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):

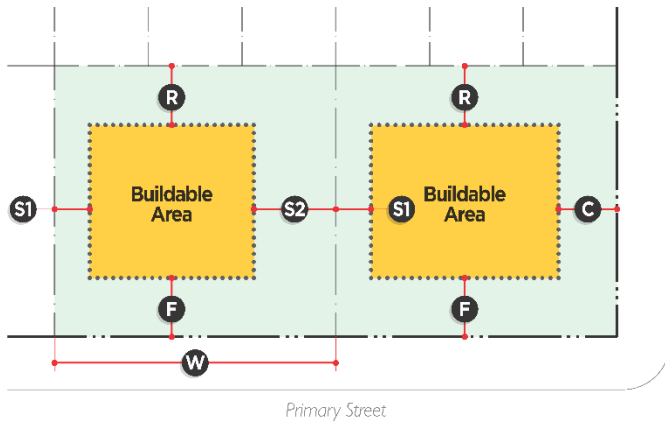
Table 50-24A. Bulk and Site Standards: GN Districts

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'

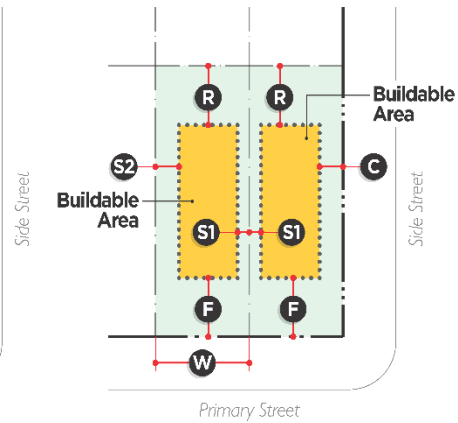
Diagram 50-24A (Exhibit 3):

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	2 ¹ / ₂ stories /35'	70'	9,000 sq. ft.	4,500 sq. ft.	45%	30'	15'	10'	20'	35'
TN-2	2 ¹ / ₂ 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

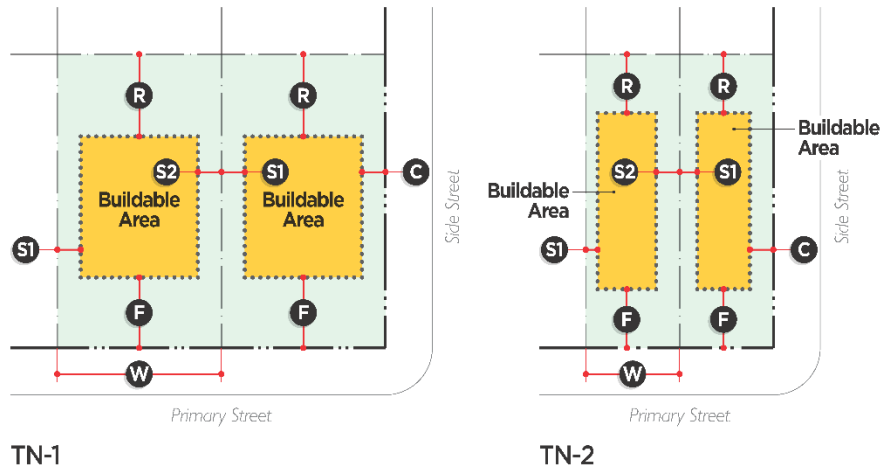


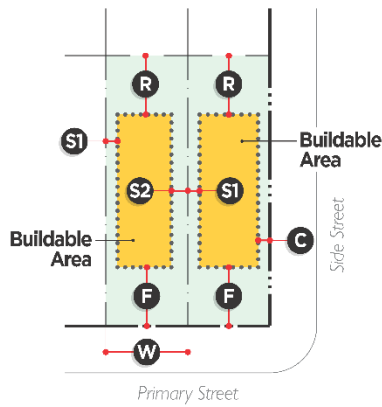
Table 50-24C (Exhibit 6):

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

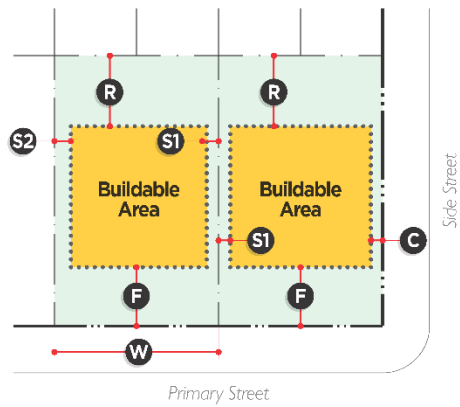
District	Max. Height	Lot Area			Max. Impervious Lot Coverage	Min. Front Setback (F)	Min. Corner Side Setback (C)	Min. Interior Side Setback		Min. Rear Setback (R)
		Min. Lot Width (W)	Min. Lot Area	Min. Lot Area Per Dwelling Unit				Width of Smaller Side Yard (S1)	Aggregate Width of Both Side Yards (S1+S2)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

Residential Zone Bulk Standards

MR-2, MR-3 Districts

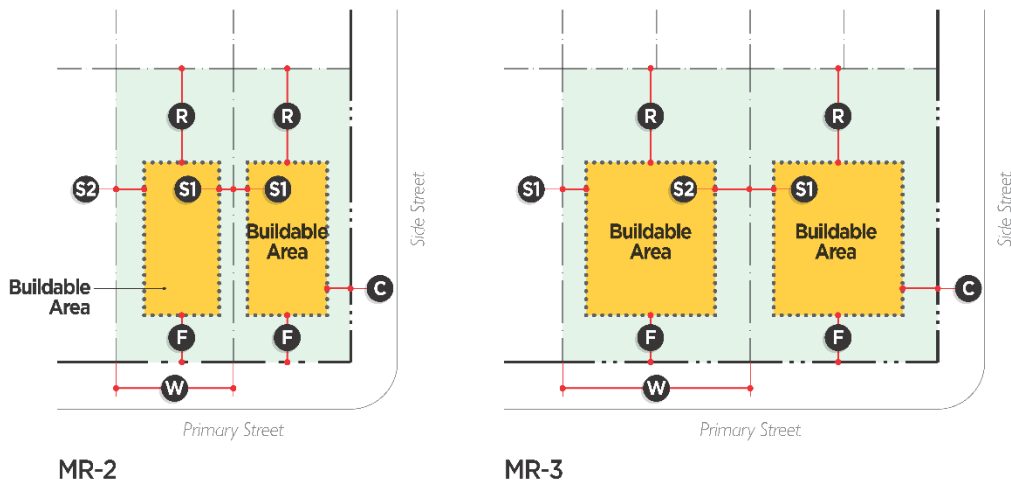


Diagram 50-24D (Exhibit 9):

§ 50-25. General Residential Zoning District Requirements

Diagram § 50-25F (Exhibit 10):

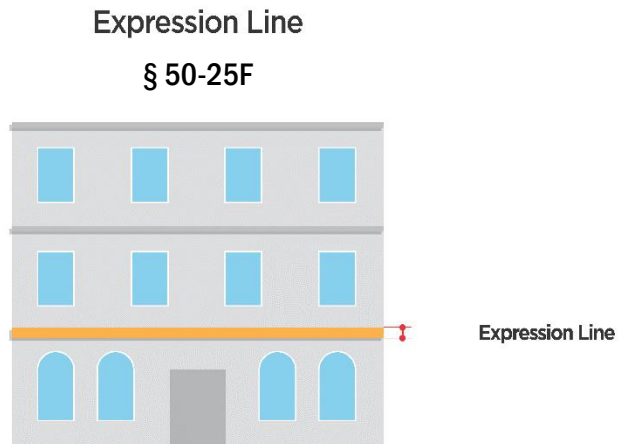


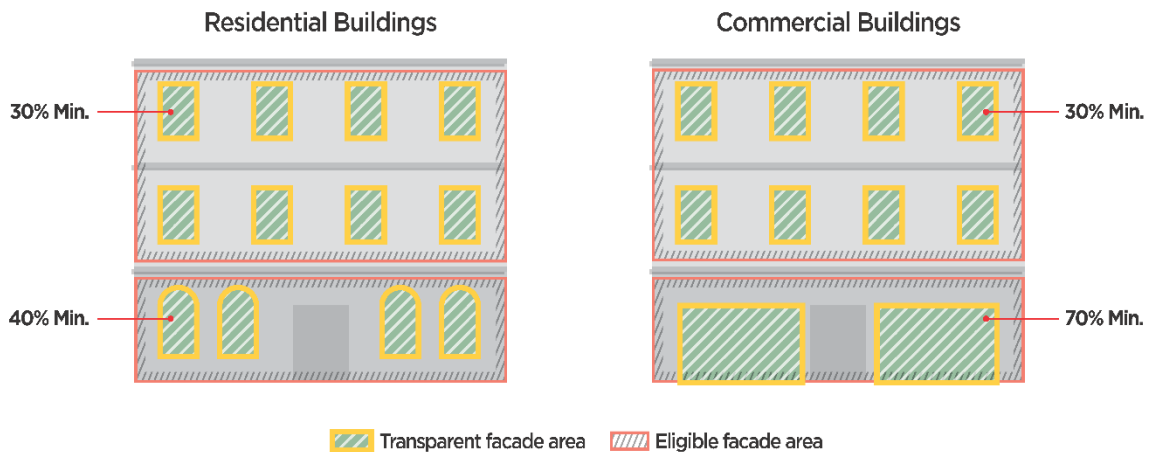
Table § 50-25G (Exhibit 11):

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 50-12):

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. HOWEVE
R, 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. P
ROCESSES 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
REQUIREME
NT MAY BE
APPROVED,
DEPENDING
ON ACTUAL
BUILDING
DESIGN,
ENTRANCE
PLACEMENT,
AND OTHER
FACTORS
THAT MAKE
THE THIRTY
(30) FOOT**

**REQUIREME
NT
IMPRACTICA
L; OR**

- II. OTHER
METHODS TO
PROVIDE
ADEQUATE
ARTICULATI
ON,
PROVIDED
THAT THE
VISUAL
EFFECT OF
ARTICULATI
ON IS
MAINTAINED.
EXAMPLES
OF
ACCEPTABLE
VARIATIONS
MAY
INCLUDE
ARCHITECTU
RAL OR
ARTISTIC
DETAILS OR
FEATURES, A
VARIATION
IN COLOR OR
MATERIALS
AND
ENHANCED
ORNAMENTA
TION
AROUND
BUILDING
ENTRANCEW
AYS.**

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.**

**ZONING
COORDINATO
R MAY BE
GRANTED TO
PERMIT NON-
RECESSED
SERVICE
DOORS
WHERE NO
SAFETY
HAZARD
EXISTS.**

- 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. ADMINISTRA
TIVE
DEPARTURE.
AN
ADMINISTRA
TIVE
DEPARTURE
APPROVED
BY THE**

- 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. ARCHITECTU
RAL TRIM
FRAMING
THE DOOR
OPENING.
- V. ADMINISTRA
TIVE
DEPARTURE.
AN
ADMINISTRA
TIVE
DEPARTURE
APPROVED
BY THE
ZONING
COORDINATO
R MAY BE
PERMITTED
FOR OTHER
METHODS,
SUCH AS
UNIQUE
COLOR
TREATMENT
S, 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. ADMINISTRA
TIVE
DEPARTURE.
ALTERNATIV
E
ORIENTATIO
NS MAY BE
PERMITTED
BY THE
ZONING
COORDINAT
OR WHERE
SUCH
ALTERNATIV
E
ORIENTATIO
NS ARE
CONSISTENT
WITH
EXISTING
ADJACENT
DEVELOPME
NT.

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
TRANSPAREN
CY
REQUIREME
NT SHALL
APPLY TO
ALL SIDES OF
A BUILDING
THAT ABUT
AN URBAN
OPEN SPACE
OR PUBLIC
RIGHT-OF-
WAY.
TRANSPAREN
CY
REQUIREME
NTS 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
TRANSPAREN
CY
PERCENTAG
E.

- II. STRUCTURES
IN THE NC,
DE, AND DC
DISTRICTS
SHALL
COMPLY
WITH TABLE
50-33G
BELOW WITH
REGARDS TO
THE AMOUNT
OF
TRANSPAREN
T 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
INTERRUPTION
S 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.**

**SOURCES OF
AUDIBLE NOISE
SHALL BE
PREVENTED
WHENEVER
PRACTICABLE.**

**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**

§ 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	50-117
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										
<i>For lots less than 140' deep</i>	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'
<i>For lots 140' deep or more</i>	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):

Commerical Zone Bulk Standards

NC, CC Districts

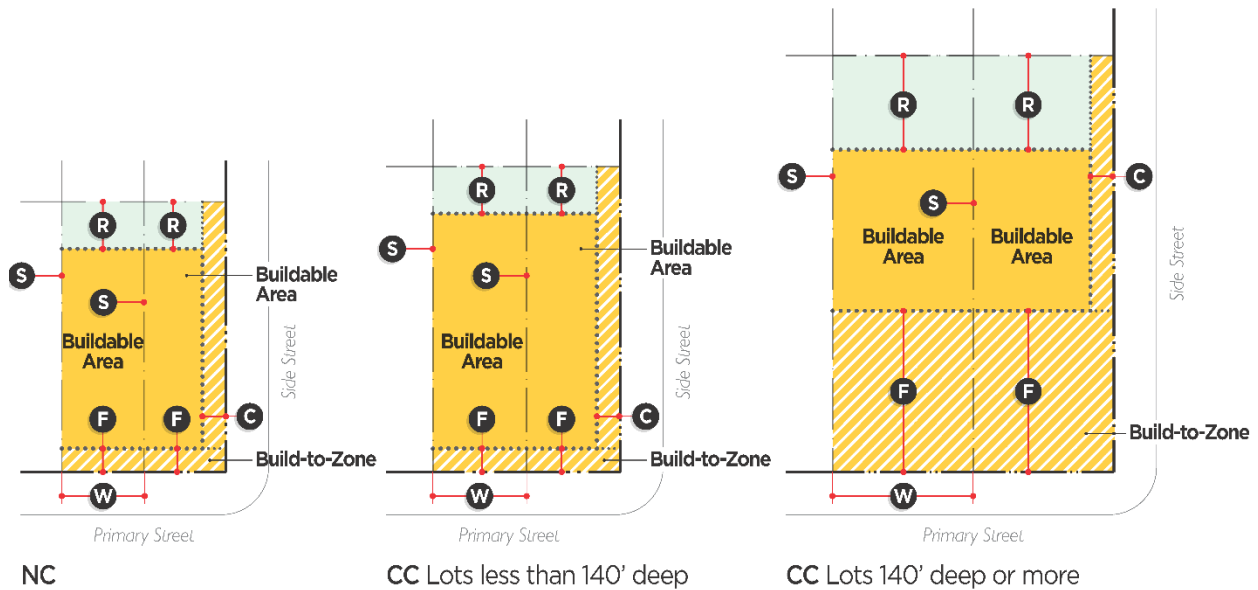


Table 50-31B (Exhibit 16):

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'

Commercial Zone Bulk Standards

DE, DC Districts

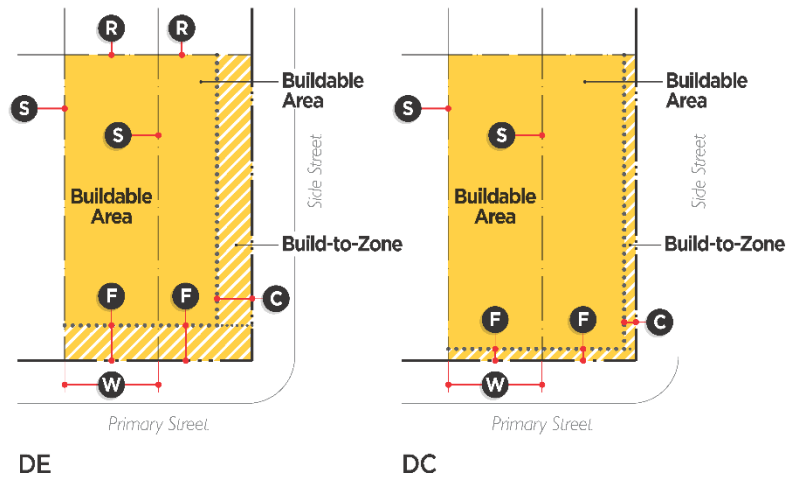


Diagram 50-31B (Exhibit 17):
§ 50-33 Building Element Requirements
Diagram 50-33F (Exhibit 18):

Expression Line

§ 50-33F

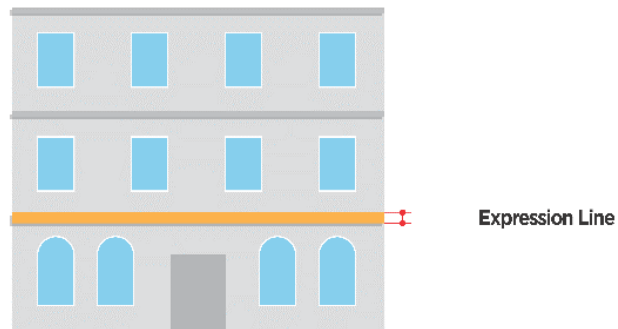
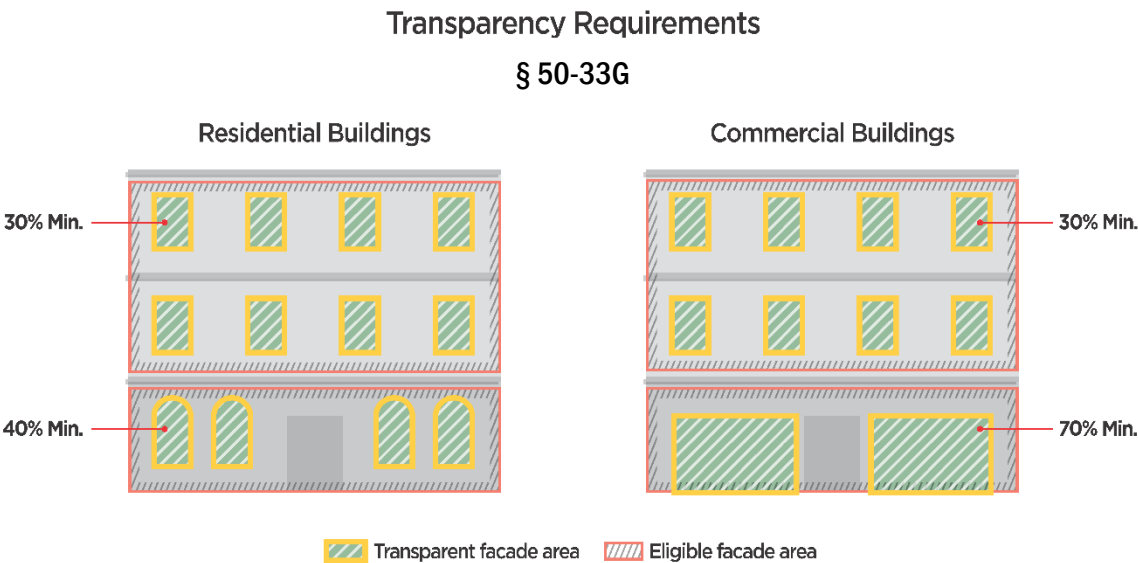


Table 50-33 (Exhibit 19):

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 SITE 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

District	Lot Characteristics		Site Design			
	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):

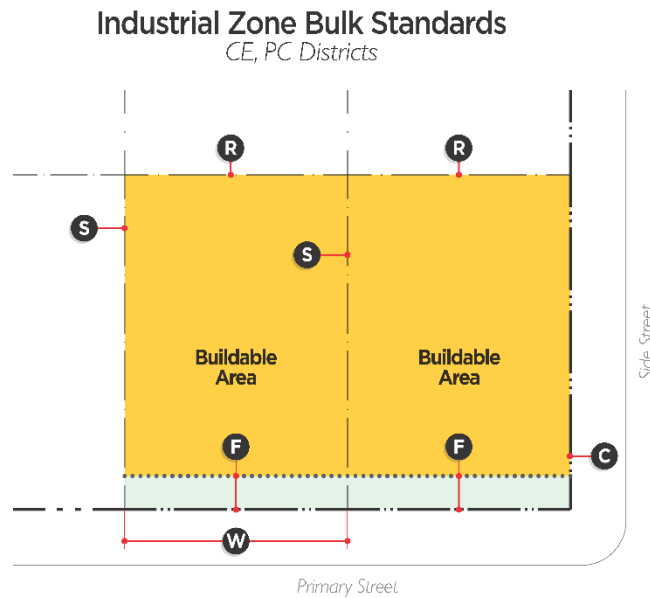
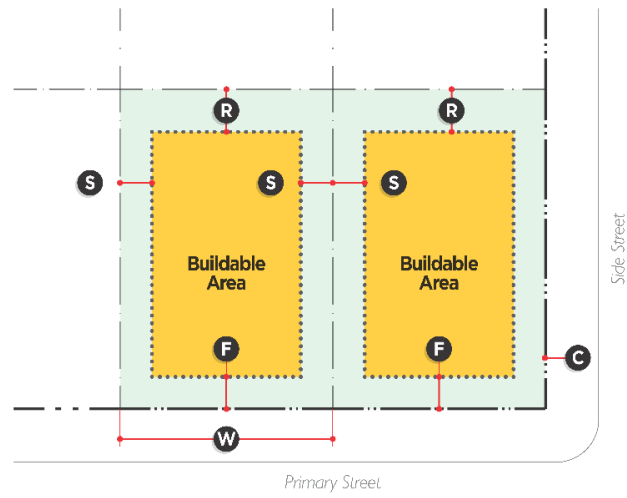


Diagram 50-38 (Exhibit 24):

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.**

**MATERIALS, AND
DETAILS.**

**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**

**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. ARCHITECTURA
L TRIM**

**FRAMING THE
DOOR OPENING.**

**WITH EXISTING
ADJACENT
DEVELOPMENT.**

**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**

**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		Corner Side Setback		Interior Side Setback	Rear Setback	Min. Lot Area per Dwelling Unit	Building height
			Min.	Max.	Min.	Max.	Min.	Min.		
IC	N/A	N/A	None, unless abutting or fronting on residential development, then 40'	None	None, unless abutting or fronting on residential development, then 20'	None	None, unless abutting or fronting on residential development, 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										
<i>District-wide</i>	40'	10,000	10', unless abutting or fronting on residential development, then 20'	None	None, unless abutting a development with residential on the ground floor, then 15'	None	None, unless abutting a development 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.
<i>For lots fronting on University Avenue</i>	20'	3,000	0'	10'	None, unless abutting a development with residential on the ground floor, then 10'	15'	None, unless abutting a development 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 stories min 70' max
GI-1										
<i>Residential *</i>	120', unless a non-residential use, then 80'	13,500 sq. ft., unless a non-residential use, then 8,000	25', or consistent with the average front setback of residential structures on the same	None	15'	None	Width of Smaller Side Yard (S1) Aggregate Width of Both Side Yards (S1+S2)	25'	15,000 sq. ft.	2-1/2 stories /35'

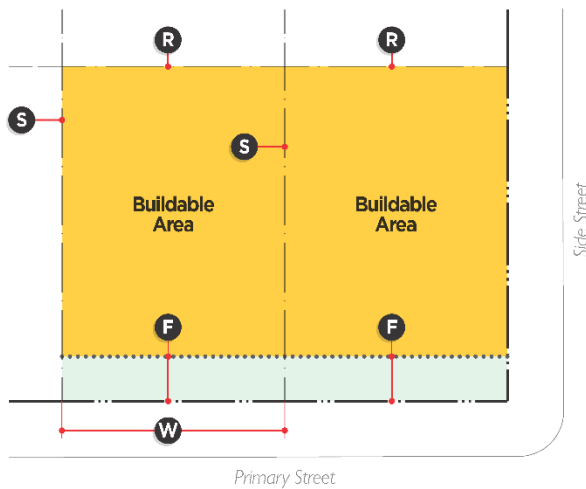
		sq. ft.	block				15'	50'			
<i>Industrial</i>	120'	30,000	25' or consistent with the front setback of residential structures on the same block, whichever is less	None	15'	None	15'	20'	None		

*Maximum Impervious Lot Coverage for GI-1 Residential: 30%, unless a non-residential use, then 80%

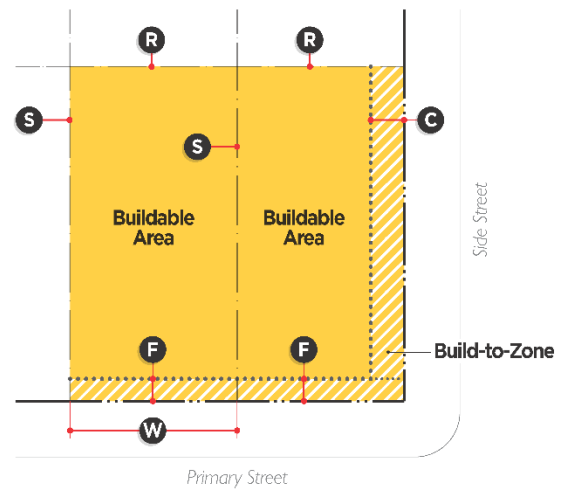
Diagram 50-44 (Exhibit 27):

University Core Zone Bulk Standards

UC Districts



UC District-wide



UC Lots fronting on University Avenue

Diagram 50-44 (Exhibit 28):

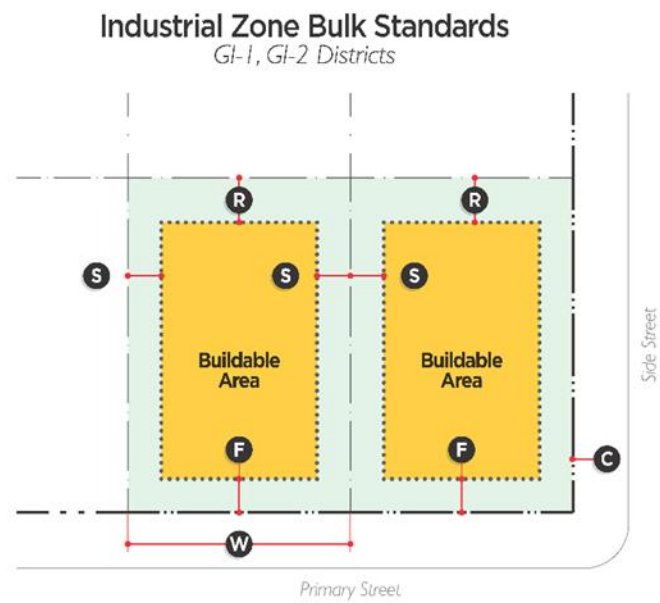


Table 50-46H (Exhibit 29):

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):

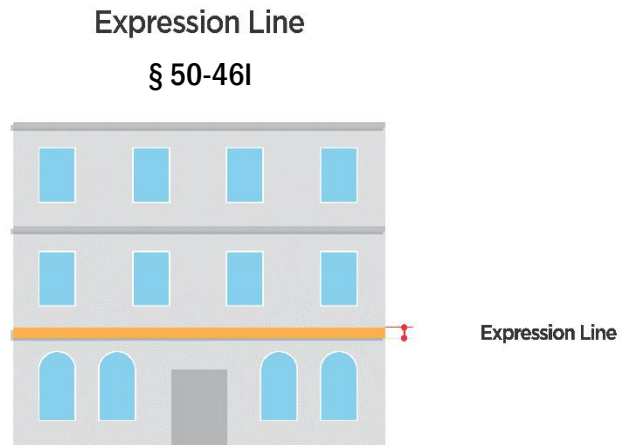
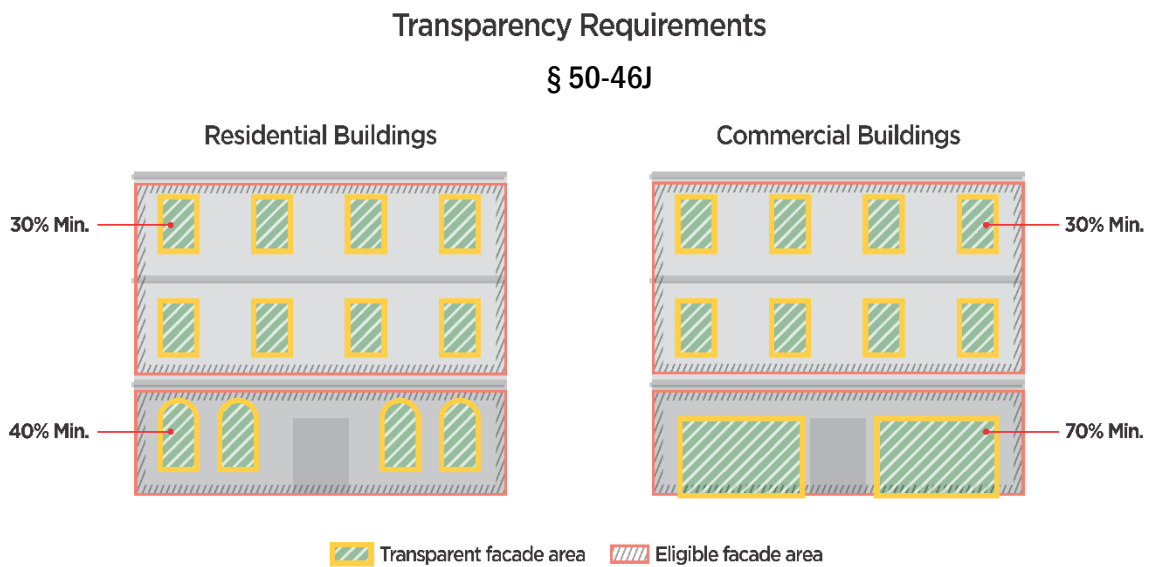


Diagram 50-46J (Exhibit 31):



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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 SITE 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

District	Lot Characteristics		Site Design			
	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 BE PROJECTED INTO THE FRONT YARD BY

NOT MORE
THAN
THREE (3)
FEET.

B. UNENCLOS
ED
PORCHES
AND
STOOPS.
UNENCLOS
ED
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. ARCHITEC
TURAL
ELEMENTS.
ARCHITEC
TURAL
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
PERMITTE
D WHERE IT
DOES NOT
OBSTRUCT
LIGHT OR
VENTILATI
ON, AS
DETERMIN
ED BY THE
ZONING
ADMINISTR
ATOR. IN
NO CASE
SHALL AN
ARCHITEC
TURAL
ELEMENT
BE
PERMITTE
D WITHIN
FIVE (5)
FEET OF A
LOT LINE.

B. UNENCLOS
ED
PORCHES
AND
STOOPS.
AN
UNENCLOS
ED 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.

RIGHT-OF-
WAY; OR
REAR
YARD,
PROVIDED
IT IS AT
LEAST FIVE
(5) FEET
FROM ALL
LOT LINES.

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

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.

NOT A STREET LOT
LINE.

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

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 ONLY IN
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 UNDESIRABLE EFFECTS. 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.

ADEQUATE PROTECTION OF THE PUBLIC;

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

- 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**

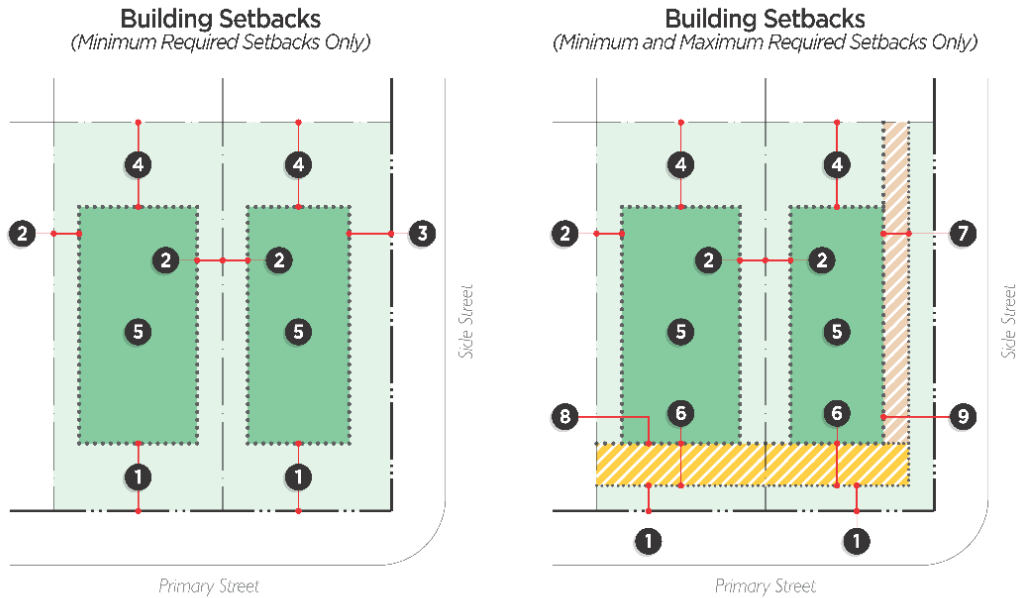
OFFICIALS OF COMPETENT JURISDICTION, AGREE TO FUND THE NEEDED INFRASTRUCTURE OR SERVICE IMPROVEMENTS PURSUANT TO A WRITTEN AGREEMENT APPROVED BY THE CITY COUNCIL. THE AMOUNT OF THAT PAYMENT SHALL BE DETERMINED BASED ON THE ACTUAL COSTS OF THE IMPROVEMENTS.

- 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.**

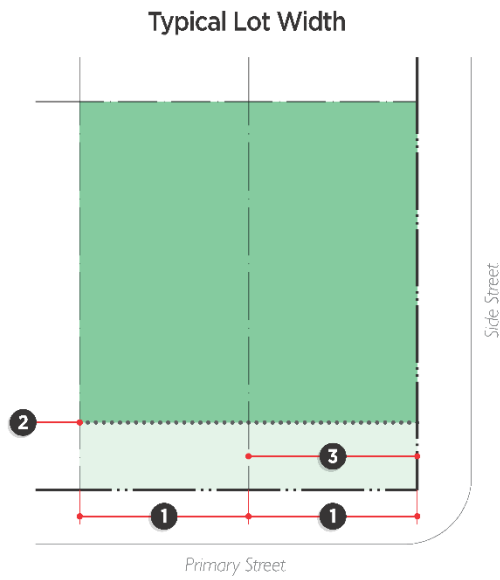
§50-57. Lot and Yard Measurements
Diagram 50-57C (Exhibit 34):



Key

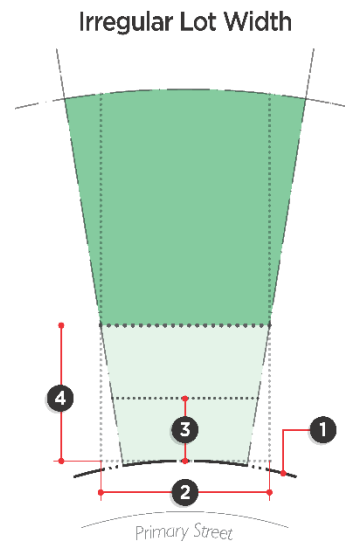
- | | |
|-------------------------------------|-------------------------------------|
| 1 Front Yard Setback | 6 Front Yard Build-to-Zone |
| 2 Interior Side Yard Setback | 7 Side Yard Build-to-Zone |
| 3 Corner Side Yard Setback | 8 Maximum Front Yard Setback |
| 4 Rear Yard Setback | 9 Maximum Side Yard Setback |
| 5 Buildable Lot | |

Diagram 50-57D (Exhibit 35):



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



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):

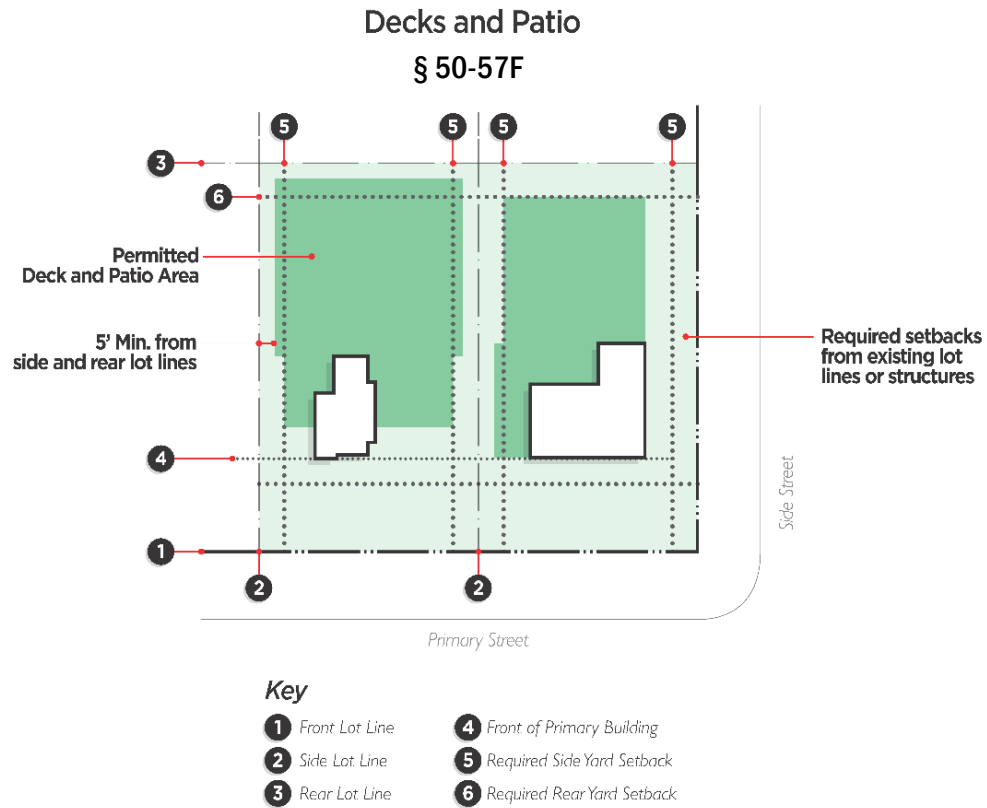
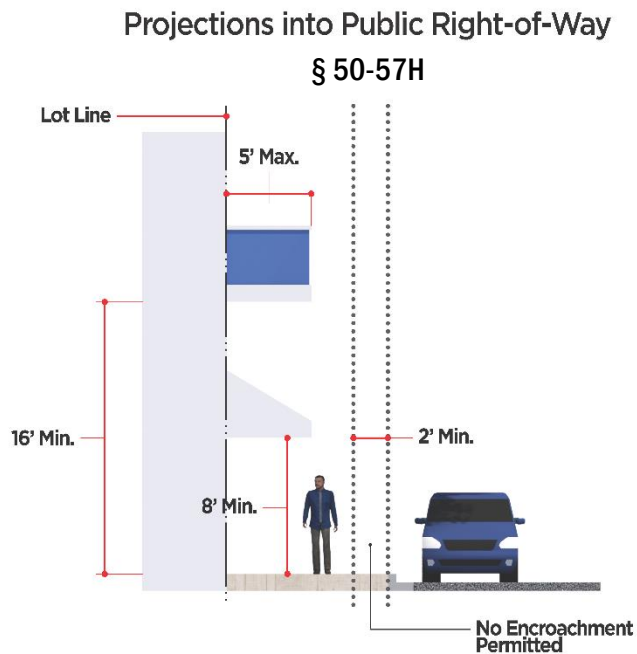
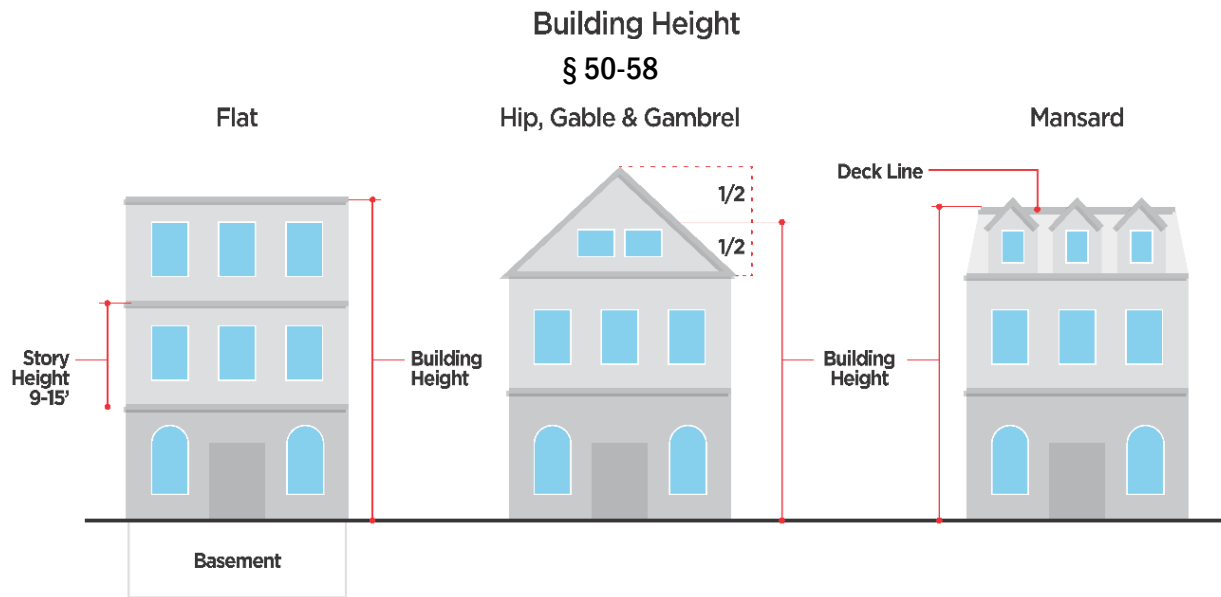


Diagram 50-57H (Exhibit 37):



§ 50-58. BUILDING HEIGHT

Diagram 50-58 (Exhibit 38):



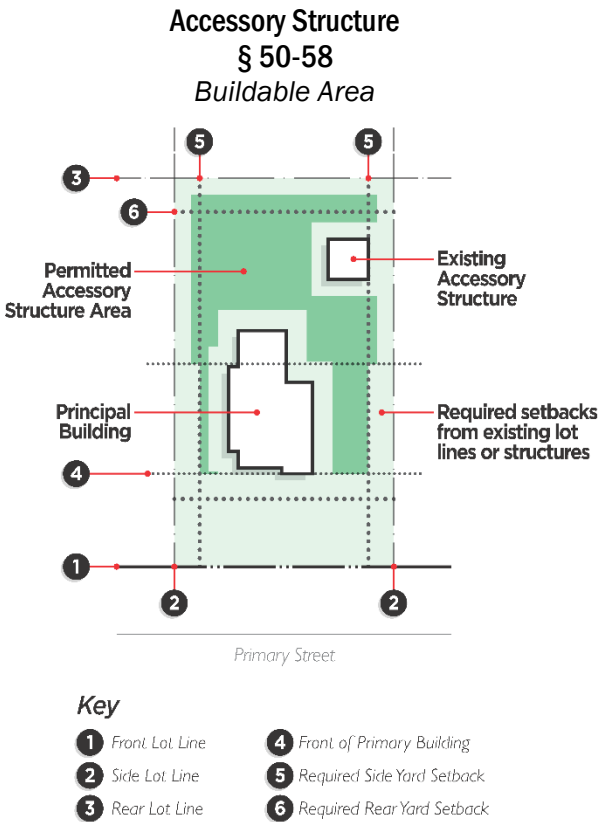
§50-60. ACCESSORY STRUCTURES

Table 50-60 (Exhibit 39):

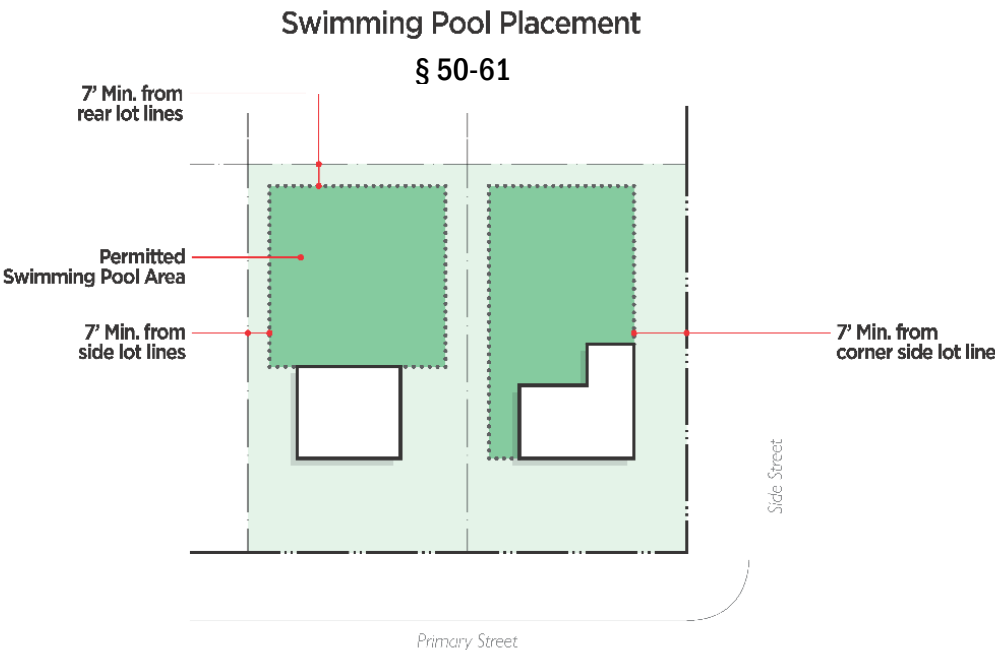
Table 50-60. Permitted Residential Accessory Structures for Single-Family, Two-Family and Non-Residential Uses

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):

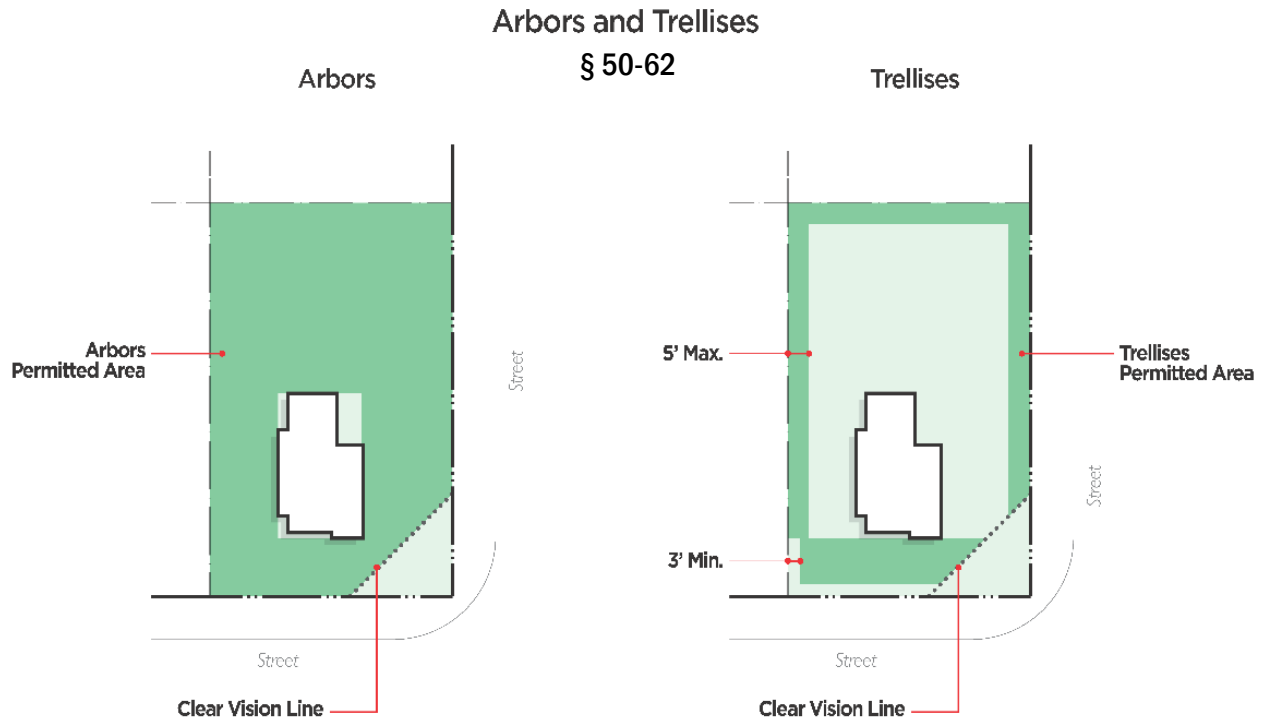


§ 50-61. SWIMMING POOL PLACEMENT
Diagram 50-61 (Exhibit 41):



§ 50-62. ARBORS AND TRELLISES

Diagram 50-62 (Exhibit 42):



§ 50-63. FENCES AND WALLS

Diagram 50-63 (Exhibit 43):

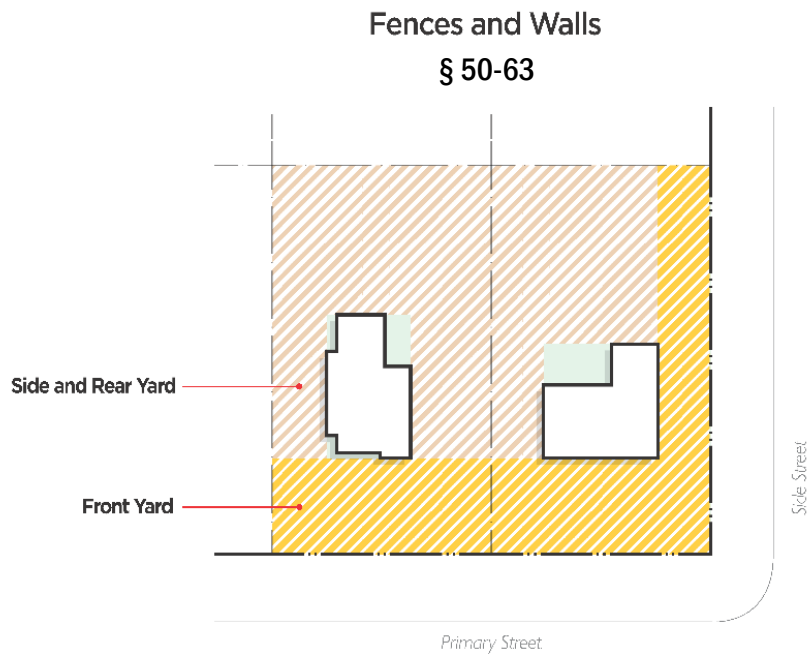


Table 50-63 (Exhibit 44):

Table 50.8.12.C. Maximum Fence and Wall Height

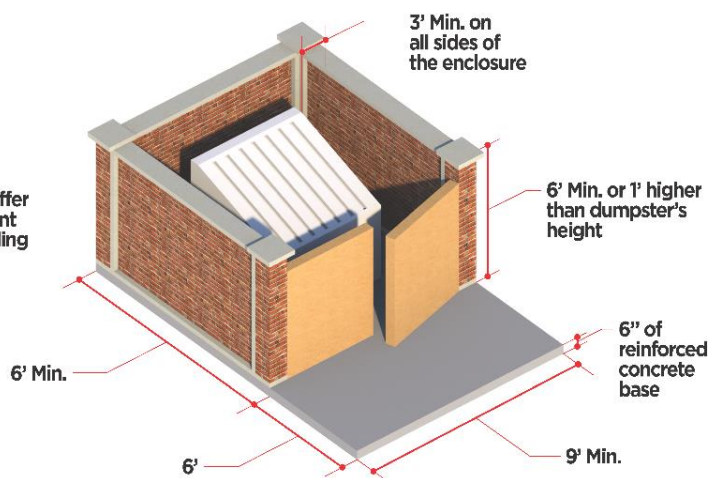
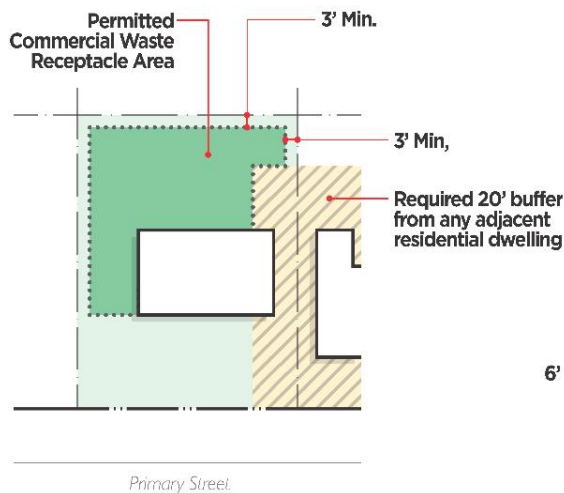
Type	Residential Uses [3]		Non-Residential and Other Uses [2, 3]	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Open/Solid Fences and Walls	4 ft	6 ft	4 ft	8 ft
Retaining wall	4 ft	8 ft	6 ft	10 ft
Parking lot screen along ROW [1]	3 ft min., 4 ft max.		3 ft min., 4 ft max.	
<div>[1] Refer to Section 50-157 for parking lot screening requirements.</div> <div>[2] Refer to Section 50-158 for required screening of outdoor storage.</div> <div>[3] Refer to Section 50-63(B)(d) for waterfront lots.</div>				

§ 50-65. COMMERCIAL WASTE RECEPTACLES AND ENCLOSURES

Diagram 50-65 (Exhibit 45):

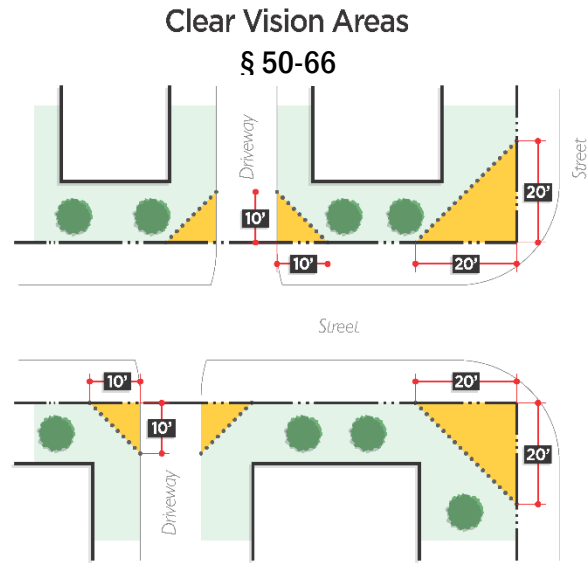
Commercial Waste Receptacles

§ 50-65



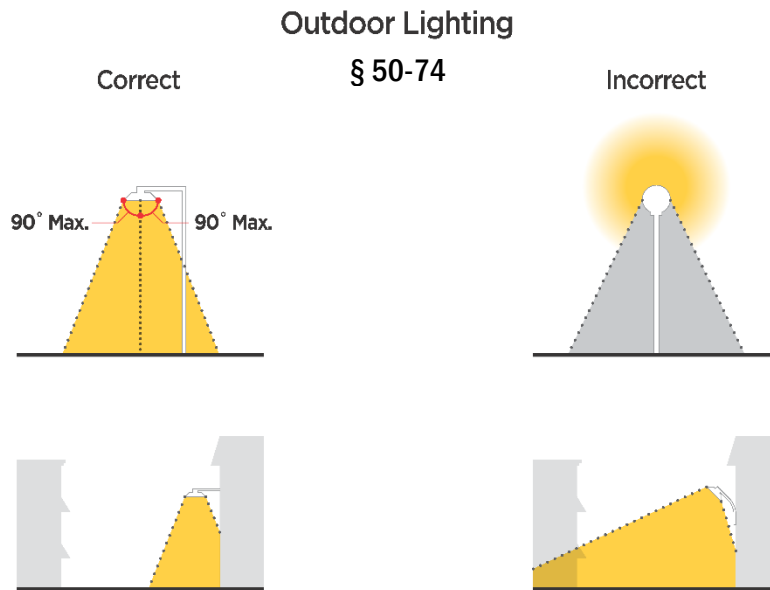
§ 50-66. CLEAR VISION AREAS

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
ESTABLISHMENT
S**

**V. ESTABLISHMENT
S 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
ESTABLISHMENT
S**

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 WITH 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.

THE DISTRICTS ACCORDING TO THE MASTER USE CHART.

3. GROUP "B" ADDITIONALLY REGULATED USES CANNOT HAVE DRIVE-THROUGH FACILITIES.

ALSO, EACH ADDITIONALLY REGULATED USE SHALL BE SUBJECT TO THE SPECIFIC REQUIREMENTS OF EACH ZONING DISTRICT AND ALL OTHER APPLICABLE REGULATIONS.

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

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/GR
OWING
CENTERS/FACILI
TIES OPERATING
WITHIN THE CITY
LIMITS OF THE
CITY OF FLINT.**

**1. MULTIPLE
COMMERCIAL**

GROWING
 “GROUP D”
 LICENSEES
 CAN
 OPERATE
 WITHIN
 THE SAME
 STRUCTUR
 E, ON THE
 SAME
 PARCEL,
 BUT MUST
 ADHERE TO
 REGULATI
 ONS
 DETAILED
 IN 50-9.04.
 C.4, III.
 (FLOOR
 PLAN).
 ADDITIONA
 LLY, THE
 TOTAL SQ.
 FOOTAGE
 OF
 BUILDING
 SPACE
 CANNOT
 EXCEED
 60,000 SQ.
 FT.

§ 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.

§ 50-80.1. MARIHUANA FACILITIES

PLACEHOLDER FOR MARIHUANA ORDINANCES

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.

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.

**§ 50-83. ALCOHOL SALES AND
CONSUMPTION**

**ATTACHMENT:
TABLE 50-83B (EXHIBIT 48)**

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.

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
ESTABLISHMENT
S 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 CLOSING 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
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 50-86 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.

ATTACHMENT:
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
QUEUEING.**

**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 COMMERCIALY 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

ATTACHMENT:

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
REQUIREM
ENTS FOR
DETACHED
ACCESSOR
Y
STRUCTUR
ES.**

**C. THE AREA
THE FREE-
STANDING
SYSTEM
OCCUPIES
IS NOT
GREATER
THAN 60
PERCENT
OF THE
TOTAL LOT
WHEN
ACCESSOR
Y TO A
RESIDENTI
AL USE,
AND NOT
GREATER
THAN 75
PERCENT
WHEN
ACCESSOR
Y TO A
COMMERC
IAL 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. MAXIMUM DURATION.
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. ASSEMBLY AND
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 VACANT LOT'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 PEDESTRIAN OR 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 THE CITY 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
RECOMMENDATI
ONS TO DIRECTOR
CLOVER-ADAMS
AND SENATOR
HUNE).

II. REPRESENTATIV
E 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
CONCENTRATIO
NS OF SOIL
CONTAMINANTS
AS SHOWN IN
APPENDIX B, OF
*URBAN
LIVESTOCK
TECHNICAL
WORKGROUP
REPORT (AN
APPENDIX TO
URBAN
LIVESTOCK
WORKGROUP
RECOMMENDATI
ONS 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.**

**WASTEWA
TER.**

**C. ENVIRONM
ENTAL
IMPACT OF
THE
PROPOSED
OPERATIO
N,
ESPECIAL
Y WITH
REGARD TO
AIR
QUALITY,
WATER
QUALITY,
SOIL
EROSION,
AND
SEDIMENT
ATION.**

**D. TYPES OF
VEHICLES,
HOURS,
FREQUENC
Y OF USE,
AND THE
PROPOSED
ACCESS
ROUTES.**

**E. WASTE-
HANDLING
AND
DISPOSAL
PROCEDUR
ES FOR
SUCH AS
MANURE,
ORGANIC
AND NON-
ORGANIC
MATTER,
AND**

**F. THE USE OF
A DUST
MANAGEM
ENT PLAN,
SOIL
EROSION
PLAN, AND
OTHER
NECESSAR
Y PLANS
AND
PROCEDUR
ES.**

**G. EVALUATI
ON OF
EXISTING
SOIL
CONDITION
S AND
PLANS TO
MITIGATE
SOIL
ISSUES, AS
NECESSAR
Y, AND/ OR
DEMONSTR
ATION OF
HOW
METHODS
OF
CULTIVATI
ON AND
CROPS ARE
PROTECTE
D FROM
POSSIBLE
NEGATIVE
IMPACTS.**

**H. THE
APPLICANT
'S
COMPLIAN**

CE WITH ANY EXISTING LAND USE GRANTS AT OTHER LOCATIONS, AND THE OPERATIONS 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 COMMERCIALY 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.

ATTACHMENT:
DIAGRAM 50-125 (EXHIBIT 59)

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.

**2. BUILDING MOUNTED
SYSTEMS.**

I. **QUANTITY.** ONE
TURBINE IS
ALLOWED FOR
EVERY 70
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.

SYSTEM SHALL
HAVE AN
INTERNAL
AUTOMATIC
BRAKING DEVICE
TO PREVENT
UNCONTROLLED
ROTATION OF
OVER SPEEDING.

IV. LOCATION.
ALLOWED ON
ALL PRINCIPAL
AND ACCESSORY
STRUCTURES.

§ 50-126. WIRELESS
COMMUNICATION FACILITIES

3. REQUIREMENTS FOR
ALL SMALL WIND
ENERGY SYSTEMS.

A. PURPOSE. THE PURPOSE OF
THIS SECTION IS TO PERMIT
FACILITIES WITHIN THE
CITY THAT ARE NECESSARY
FOR THE OPERATION OF
WIRELESS
COMMUNICATIONS
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.

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:

II. SAFETY. EVERY
WIND ENERGY

I. MAXIMIZE
THE USE OF
EXISTING AND
FUTURE
WIRELESS
COMMUNICAT
ION
FACILITIES BY
ENCOURAGIN
G 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
TELECOMMUNICATION
S 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
INCOMPLETENES
S, 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.

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.

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

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.

FACILITY OR, IF NECESSARY, THROUGH APPROPRIATE JUDICIAL REMEDIES.

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

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

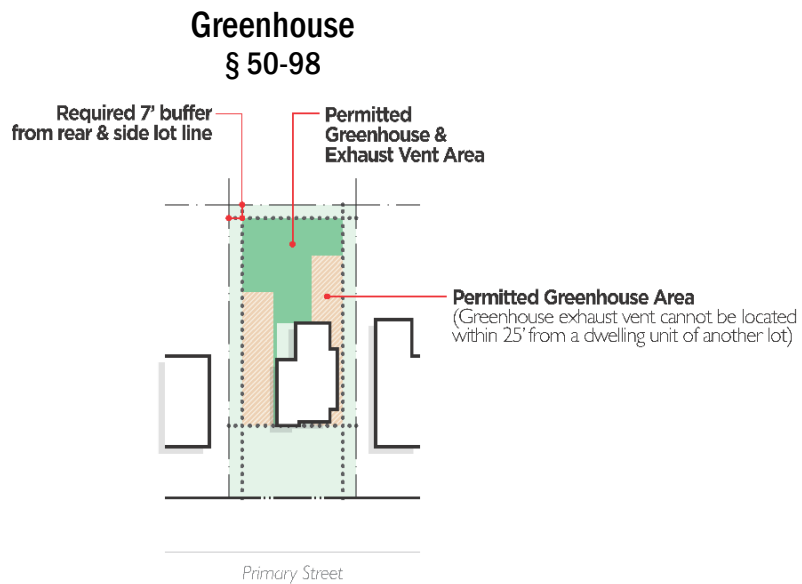
Table 50-83B (Exhibit 48):

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

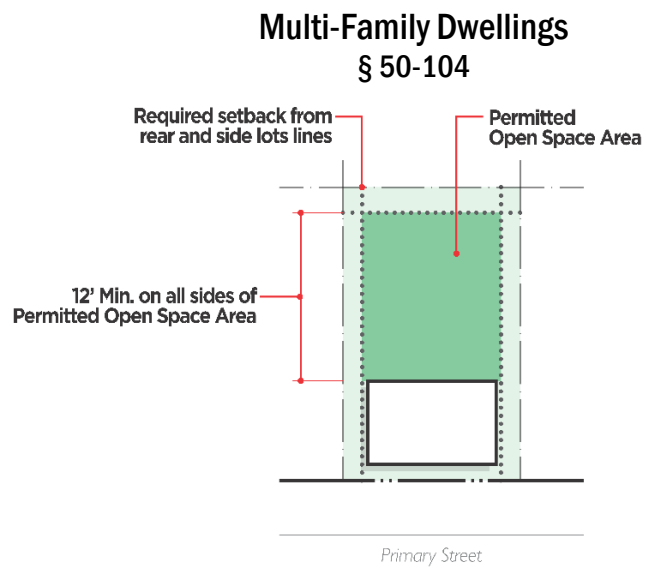
§ 50-98. GREENHOUSE (ACCESSORY STRUCTURE)

Diagram 50-98 (Exhibit 51):



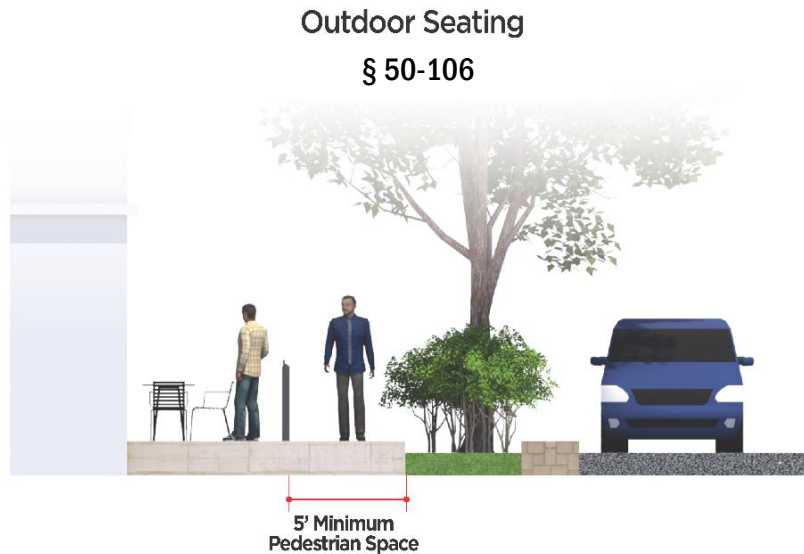
§ 50-104. MULTIPLE-FAMILY DWELLINGS

Diagram 50-104 (Exhibit 51):



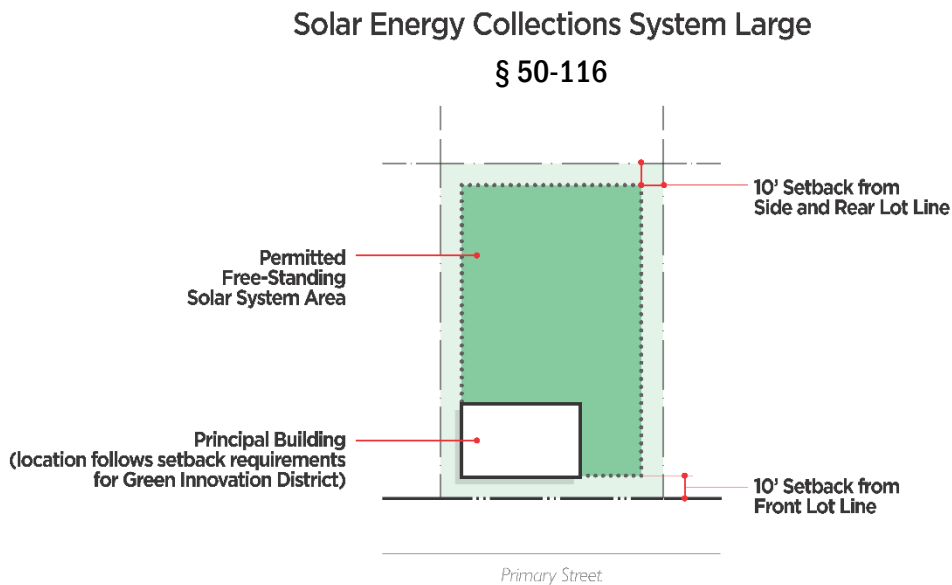
§ 50-106. OUTDOOR SEATING AREAS

Diagram 50-106 (Exhibit 53):



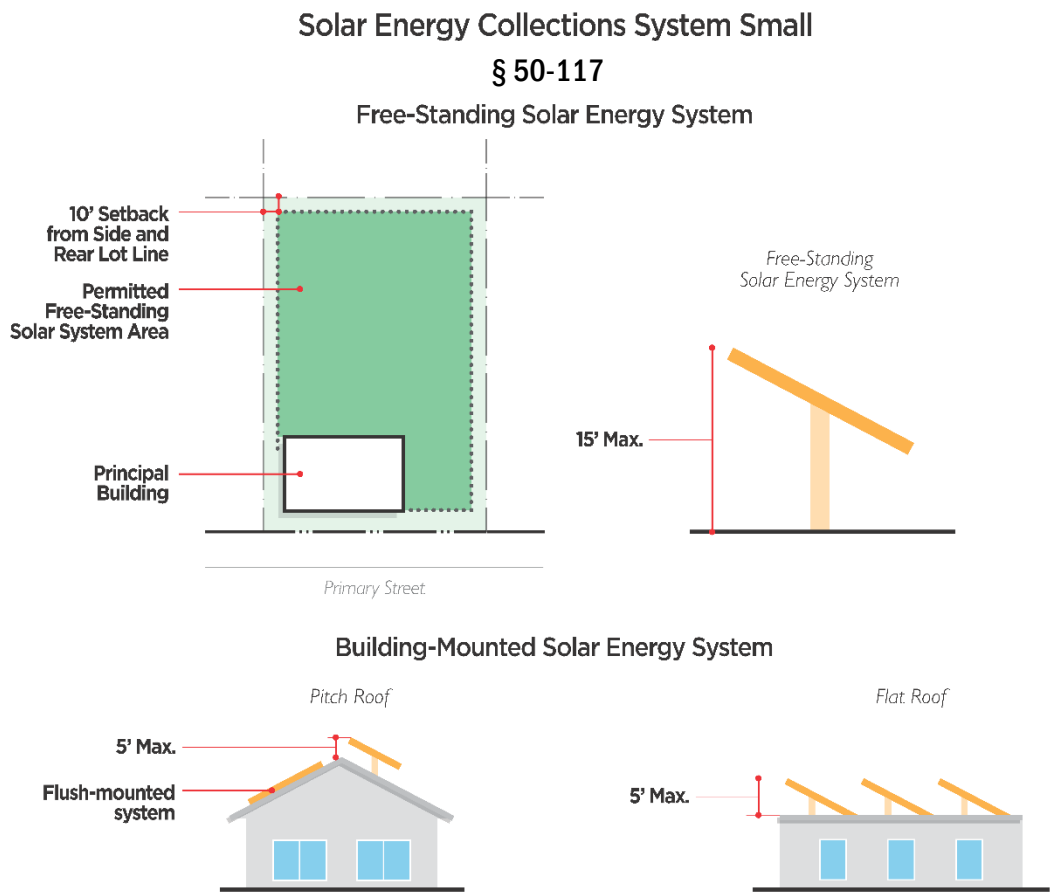
§ 50-116. SOLAR ENERGY COLLECTIONS SYSTEM-LARGE (CAPACITY GREATER THAN OR EQUAL TO 250 KILOWATTS)

Diagram 50-116 (Exhibit 54):



§ 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):

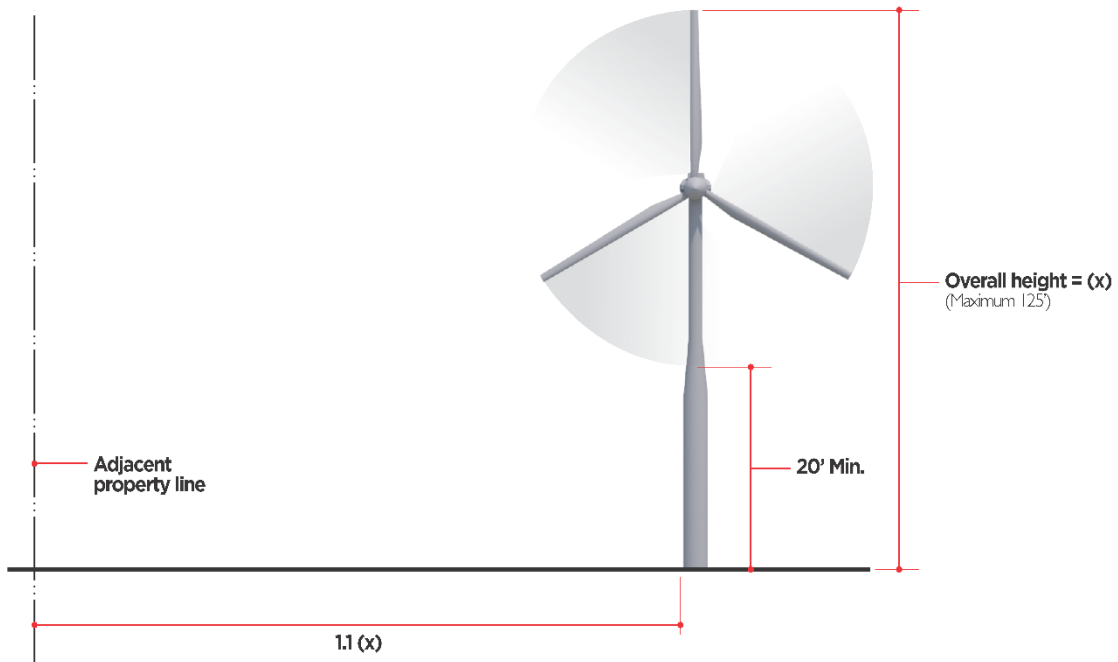
Table 50-118A. Temporary Structures and Uses		
Structure or Use	Duration	Permit Required
Construction-Related Temporary Structures	1 year	Building and Temporary Use Permit
Temporary Storage in a Portable Commercial Shipping Container	30 days per calendar year	None
Temporary Portable Residential Storage 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



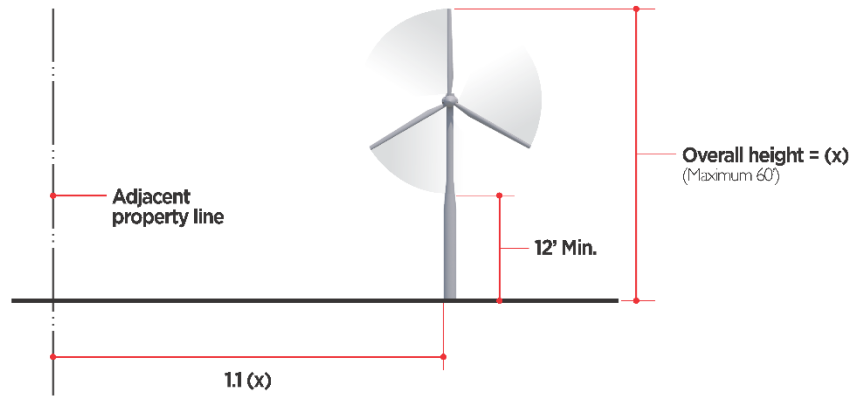
§ 50-125. WIND ENERGY COLLECTION SYSTEM-SMALL

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):

**Wind Energy – Small Turbines
§ 50-125**



**ARTICLE 10 PLANNED
UNIT DEVELOPMENT
(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 OR REDEVELOPED WITH INNOVATION, IMAGINATION, AND CREATIVE ARCHITECTURAL DESIGN WHEN SUFFICIENTLY JUSTIFIED UNDER THE PROVISIONS OF THIS CHAPTER. THE OBJECTIVE OF THE 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 OF LAND.**
- 2. TO PROVIDE MORE EFFICIENT USE OF LAND.**
- 3. TO BETTER PRESERVE AND PROTECT NATURAL FEATURES, ENVIRONMENTAL AREAS, AND ECOLOGICAL SYSTEMS.**
- 4. TO DEVELOP NEW APPROACHES TO THE BUILT ENVIRONMENT THROUGH VARIETY IN TYPE, DESIGN AND LAYOUT OF BUILDINGS, TRANSPORTATION SYSTEMS, AND PUBLIC FACILITIES.**
- 5. RECOGNIZING GREATER FLEXIBILITY IN ZONING STANDARDS FOR LARGER AND MULTI-LOT SITES.**
- 6. ENCOURAGING A SENSITIVE DESIGN THAT RESPECTS THE NEIGHBORHOOD CHARACTER AS WELL AS NATURAL OR CONSTRUCTED FEATURES OF THE SITE AND SURROUNDING AREA.**
- 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.**

**BODY FOR ANY PUD UP
TO FIVE (5) ACRES IN
SIZE.**

**10. TO ALLOW FOR
APPROPRIATE USES OF
LAND THAT SUPPORT
LOCAL EMPLOYMENT
AND ECONOMIC
BENEFIT TO THE
COMMUNITY.**

**2. CITY COUNCIL IS THE
APPROVING BODY FOR
ANY PUD GREATER**

**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
DEVELOPMENT
DEVELOPMENT**

**FOLLOWING DEVELOPMENTS SHALL BE DEVELOPED O
IN ACCORDANCE WITH THIS CHAPTER, UNLESS EXEM
NOT MEETING ANY OF THE CONDITIONS IDENTIFIED A**

**1. THE
PLANNING
COMMISSION IS
THE APPROVING**

THAN FIVE (5) ACRES IN SIZE, FOLLOWING A RECOMMENDATION FROM THE PLANNING COMMISSION.

BE APPROVED BY THE CITY COUNCIL.

§ 50-129. STANDARDS FOR REVIEW

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

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
DEMONSTR
ATE THAT
THE PUD AS
PRESENTED
WOULD
BETTER FIT
THE
SURROUND
ING
NEIGHBOR
HOOD 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
DOCUMENTATIO
N 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
RECOMMENDATI

ONS 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 PREFILING 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.

CONCERNING
THE REQUEST.

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

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 THE SAME 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.**

**TERMS OF THAT PHASING
PLAN.**

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

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



**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
ACCORDANCE WITH THIS
SECTION.**

**B. TYPES OF
NONCONFORMITY. THERE
ARE SEVERAL TYPES OF
NONCONFORMITIES THAT
MAY EXIST, AS FOLLOWS:**

**1. NONCONFORMIN
G USES**

**2. NONCONFORMI
NG LOTS OF
RECORD**

**3. NONCONFORMI
NG SITES**

**4. NONCONFORMI
NG STRUCTURES**

**C. REGISTRATION OF
NONCONFORMITY. PERSONS
OR ENTITIES
WITH PROPERTY
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 OR SKETCH
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

THE LIST OF
HISTORIC
STRUCTURES, AND
CLOSED SCHOOL
BUILDINGS
SHALL BE

CLASSIFIED AS CLASS A
NONCONFORMING
STRUCTURES.

1. IN ORDER
TO QUALIFY AS
OWNED BY
FLINT
COMMUNITY
SCHOOLS AND
USED AS AN
ELEMENTARY,
MIDDLE, OR
HIGH
SCHOOL
OR
ADMINISTRATION
BUILDING.

2. IN ADDITION
TO BUILDINGS AND STRUCTURES
MAY BE
UPDATED BY
THE
ZONING
COORDINATOR
PERIODICALLY
BASED ON A DETERMINATION

3. THE BUILDING
OR SITE
IS
PARTICULARLY
REPRESENTATIVE
OF A
DISTINCT
ARCHITECTURAL
PERIOD,
TYPE, STYLE,
OR WAY OF LIFE.

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

OR SIGNIFICANT.

9. THE
OVERALL
EFFECT OF
THE DESIGN

OR BUILDING DETAILS ARE BEAUTIFUL

OR UNUSUAL

10. THE
BUILDING
CONTAINS
ORIGINAL
MATERIALS

OR WORKMANSHIP

WHICH IS OF HIGH OR UNUSUAL VALUE.

G. CLASS B
NONCONFORMING
STRUCTURES.
NONCONFORMING
STRUCTURES NOT
MEETING THE

REQUIREMENTS

NONCONFORMING USE
IS OPERATED AND
MAINTAINED
ARE
DAMAGED,
DESTROYED OR
BECOME OBSOLETE OR
SUBSTANDARD TO THE
EXTENT OF MORE
THAN 60 PERCENT OF

NONCONFORMING

§ 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,

O

R
OBSCOLESCENCE
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 OBSOLETE OR
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
SIMILARLY DAMAGED.
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
HAS DETERMINED 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 LESS
PARKING.
2. THE NEW
NONCONFORMING USE
WOULD UTILIZE THE SAME
AMOUNT OR LESS OF 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
PLANNING AND
DEVELOPMENT
IDENTIFIES A LEGAL
NONCONFORMING USE
THAT THEY BELIEVE HAS
BEEN ABANDONED, THEY
SHALL SUBMIT THE
PROPERTY TO THE
ZBA FOR A DETERMINATION
IF A 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
AS FROM THE
BUILDING & SAFETY
INSPECTIONS DIVISION
OR A HEALTH
DEPARTMENT
INDICATING
THE PROPERTY IS OR
HAS NOT BEEN
SUITABLE FOR
OCCUPATION.
3. DISCONNECTION
OF UTILITIES.
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 THEIR PROPERTY TAX DESIGNATION INCONSISTENT WITH THE NONCONFORMING USE.

10. THE PROPERTY WAS

FORECLOSED.

11. OTHER ACTIONS BY THE PROPERTY OWNER OR LESSEE THAT DEMONSTRATES AN INTENT TO ABANDON THE NONCONFORMING USE.

H. SPECIAL STANDARDS FOR RESIDENTIAL PROPERTIES THAT CONTAINS MORE OR LESS DWELLING UNITS.

1. ABANDONMENT.

I. A NONCONFORMING SINGLE-FAMILY DWELLING THAT MAY BE SUBSECTION (G) SHALL NOT BE CONSIDERED TO BE ABANDONED AND MAY BE REOCCUPIED AT ANY TIME, PROVIDED THAT THE STRUCTURE HAS NOT BEEN CHANGED, LEGALLY OR 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)

§ 50-138.
NONCONFORMING LOTS
OF RECORD

A. IF THERE ARE TWO OR
MORE ADJACENT
RESIDENTIAL OR
OTHER LOTS OF
RECORD UNDER
COMMON OWNERSHIP
THEY SHALL BE
TREATED AS ONE
ZONING LOT IF
NECESSARY TO
COMPLY WITH THE
LOT SIZE OR 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
HOUSE IF ALL
SETBACK
REQUIREMENTS
ARE MET.

ISSUED WITHIN TWO YEARS OF THE ISSUANCE OF
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
NONCONFORMIN
G CLASS B
STRUCTURE MAY
BE ALTERED OR
EXPANDED SO
LONG AS THE
NONCONFORMIT
Y 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 THE AMOUNT OF IMPERVIOUS SURFACES IN PARKING AREAS AND ADEQUATE DRAINAGE STRUCTURES IN ORDER TO REDUCE THE**

**ENVIRONMENTAL
IMPACTS OF STORM
WATER RUNOFF;**

- 4. ENCOURAGING PAVING OR 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 THE CITY.

B. EXISTING STRUCTURES AND FACILITIES

- 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 SHALL PROVIDE 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 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 ALL LANDSCAPING REQUIREMENTS.

K. SETBACKS EXCEPT FOR PARKING AREAS ON 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 YARD SETBACKS NO PARKING SHALL BE PERMITTED IN THE FRONT AREA OF THE

PROPERTY BETWEEN THE RIGHT-OF-WAY AND THE MAIN BUILDING OR STRUCTURE 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 PARKING IS LOCATED ALONG THE FRONT PROPERTY LINE, A REQUIRED SETBACK OF 10' SHALL BE PROVIDED BETWEEN THE PROPERTY LINE AND EDGE OF THE PARKING LOT.

2. SIDE AND REAR YARD SETBACKS RESIDENTIAL WHERE LOCATED WITHIN OR ABUTTING A RESIDENTIAL ZONE DISTRICT, THE PARKING AREA SHALL MAINTAIN 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.

OF

FLINT'S STANDARD
CONSTRUCTION
SPECIFICATIONS.

SURFACES

SUCH AS

PERVIOUS

ASPHALT, PERVIOUS

CONCRETE OR TURF

BLOCKS ARE

PERMITTED;

SUBJECT

TO

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 AND REAR
SETBACKS MAY BE REDUCED
TO FIVE (5) FEET SO LONG AS
PROPER LANDSCAPING AND
GREENSPACE
REQUIREMENTS ARE
SATISFIED.

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.

M. SURFACING

1. ALL OFF-STREET
PARKING, STACKING,
AND LOADING AREAS
SHALL BE
SURFACED WITH

ASPHALT, CONCRETE,

BRICK, STONE, PAVERS,
OR AN EQUIVALENT
MATERIAL

N. ACCESS

1. ALL OFF-STREET
PARKING, STACKING
AND LOADING AREAS
SHALL BE ARRANGED
FOR CONVENIENT
ACCESS AND SAFETY
OF PEDESTRIANS,
BICYCLISTS, AND
VEHICLES.

IN
ACCORDANCE

WITH CITY

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 50-1430 (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 50-144E.
- 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 $\frac{1}{2}$ IS ROUNDED DOWN TO THE NEXT LOWER WHOLE NUMBER, AND ANY FRACTION OF $\frac{1}{2}$ 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 TO A
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
METHODOLOGIE
S ESTABLISHED
BY THE URBAN
LAND
INSTITUTE'S
PUBLICATION,
SHARED
PARKING, OR
SIMILAR
METHODOLOGIE
S 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 RADIUS 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.

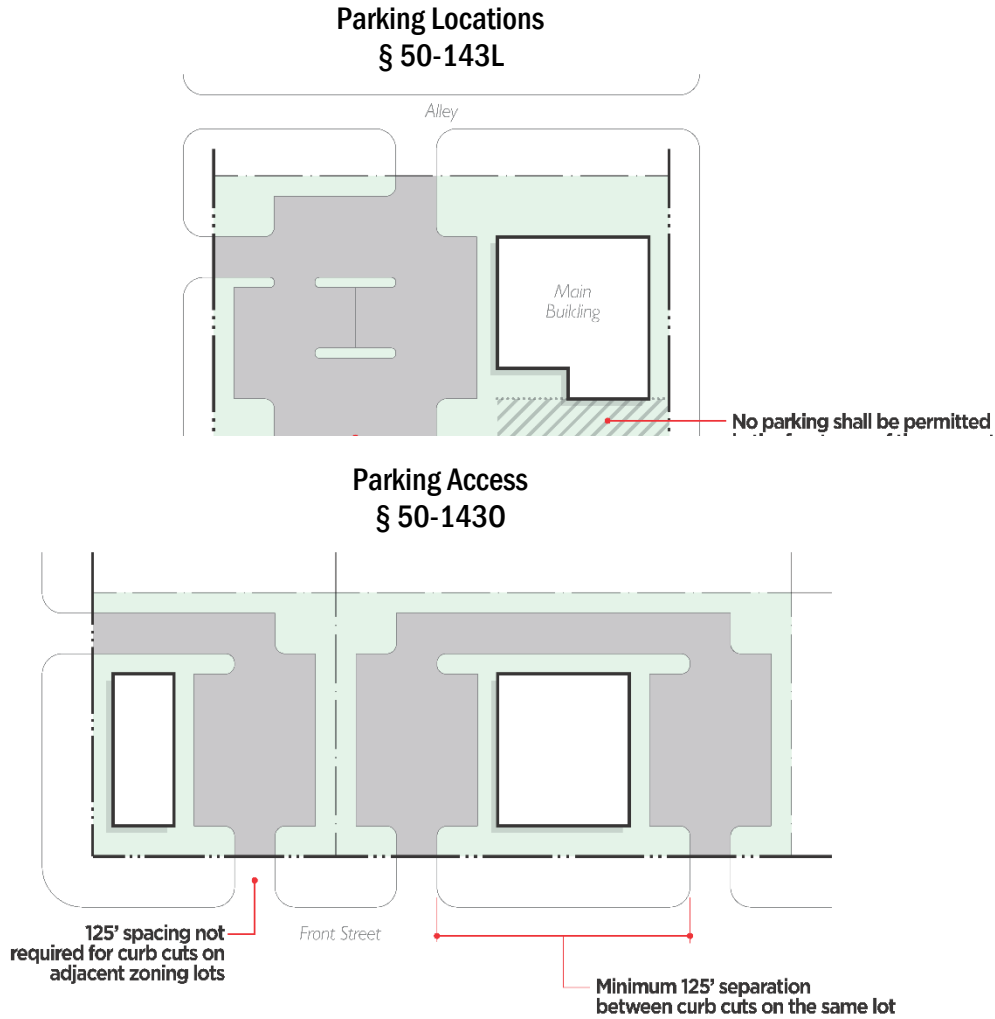
II. AT LEAST ONE PEDESTRIAN WALKWAY WITH A MINIMUM WIDTH OF FIVE (5) FEET SHALL BE PROVIDED FROM THE INTERNAL PEDESTRIAN WALKWAY NETWORK TO THE PUBLIC SIDEWALK

**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/STAMPE
D CONCRETE OR
ASPHALT.**

§ 50-143. GENERAL STANDARDS FOR OFF-STREET PARKING, STACKING AND LOADING AREAS

Diagram 50-143L (Exhibit 60):



§ 50-144. PARKING REQUIREMENTS

Table 50-144E-1 (Exhibit 62):

Table 50-144E-1 Final Parking Requirement Multipliers																	
Zoning District		G N	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 space 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**

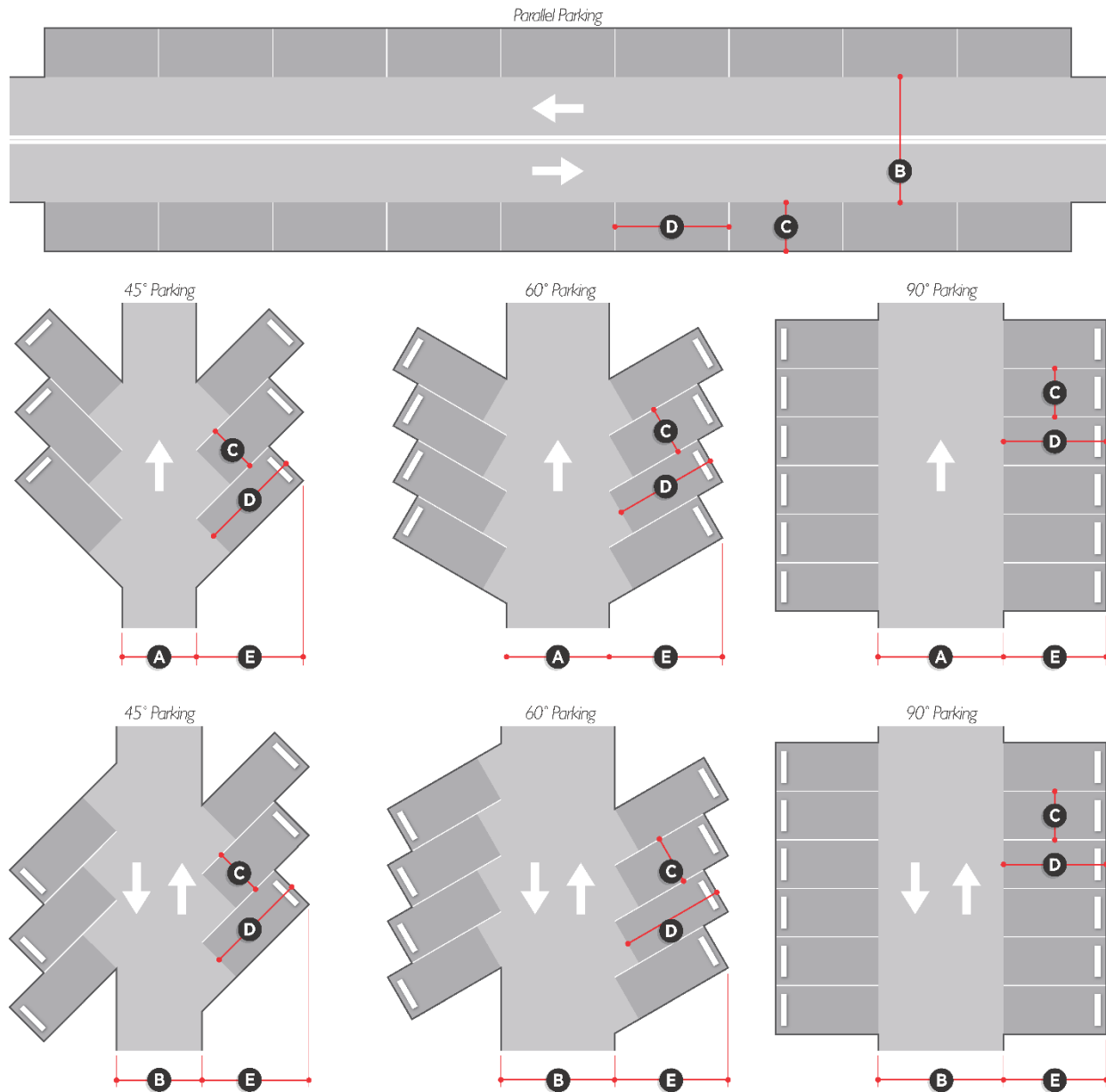


Table 50-145F (Exhibit 67):

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
76-100	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):

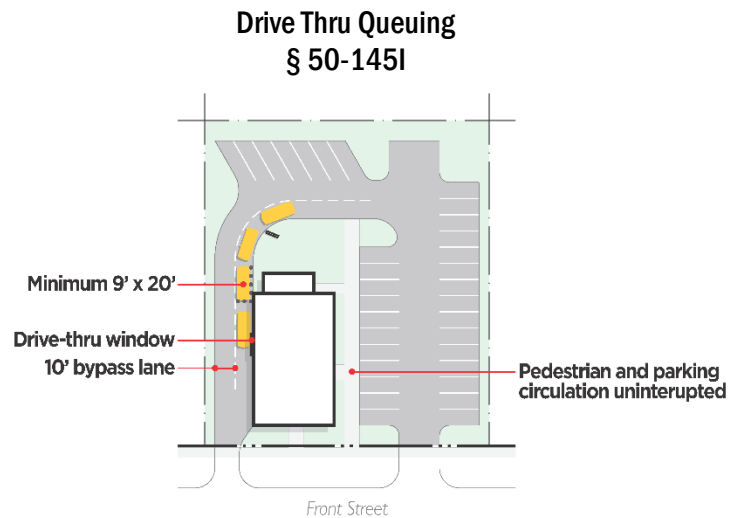


Table 50-147D (Exhibit 69):

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 MAINTENANCE OF EXISTING TREES AND LANDSCAPING;**
- 5. IMPROVE AIR QUALITY;**
- 6. PREVENT THE EROSION OF TOPSOIL;**
- 7. DECREASE THE AMOUNT OF ENERGY CONSUMPTION REQUIRED FOR**

HEATING AND COOLING;

- 8. PROTECT WATER QUALITY AND REDUCE THE RATE OF STORMWATER RUNOFF BY INCREASING PERVIOUS SURFACE AREAS AND PROVIDING VEGETATED AREAS TO 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 INCLUDING THE USE OF NON-INVASIVE NATIVE AND REGIONALLY 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 EFFECTIVE DATE OF THIS ORDINANCE MAY BE REDEVELOPED, RENOVATED OR REPAIRED WITHOUT MODIFYING LANDSCAPING, SCREENING, AND BUFFERING IN CONFORMANCE WITH THIS SECTION, UNLESS A CHANGE OF USE

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 BRITTLINESS, 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](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
GROUND COVER. 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
BUMPER
(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
CONCERNS FOR
AUTOMOBILES
AND
PEDESTRIANS.

V. GROUND COVER
A MINIMUM OF
SEVENTY-FIVE
PERCENT (75%)
OF EVERY
PARKING LOT
ISLAND SHALL BE
PLANTED IN TURF
OR OTHER LIVE
GROUND COVER,
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.

ATTACHMENT: 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.

II. GROWING AREAS
FOR NURSERY
STOCK LOCATED
IN THE FRONT OR
CORNER SIDE
YARD ARE
CONSIDERED TO
MEET
SCREENING
REQUIREMENTS.

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.

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
THROUGH
SCREEN.
VISIBLE
THE**

**WAY OR ADJACENT
LOTS.**

**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-**

**I. THE SCREENING
SHALL CONSIST
OF EITHER OF
THE
FOLLOWING:**

**A. OPAQUE
MASONRY
(STONE OR
BRICK),
SOLID
WOOD OR
SIMULATE
D WOOD
FENCE
HAVING A
MINIMUM
HEIGHT OF
SIX (6)
FEET.**

**B. MULTI-
STEMMED
ORNAMENT
AL TREES,
EVERGREE
N TREES,
LARGE
SHRUBS OR
SOME
COMBINAT
ION
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):

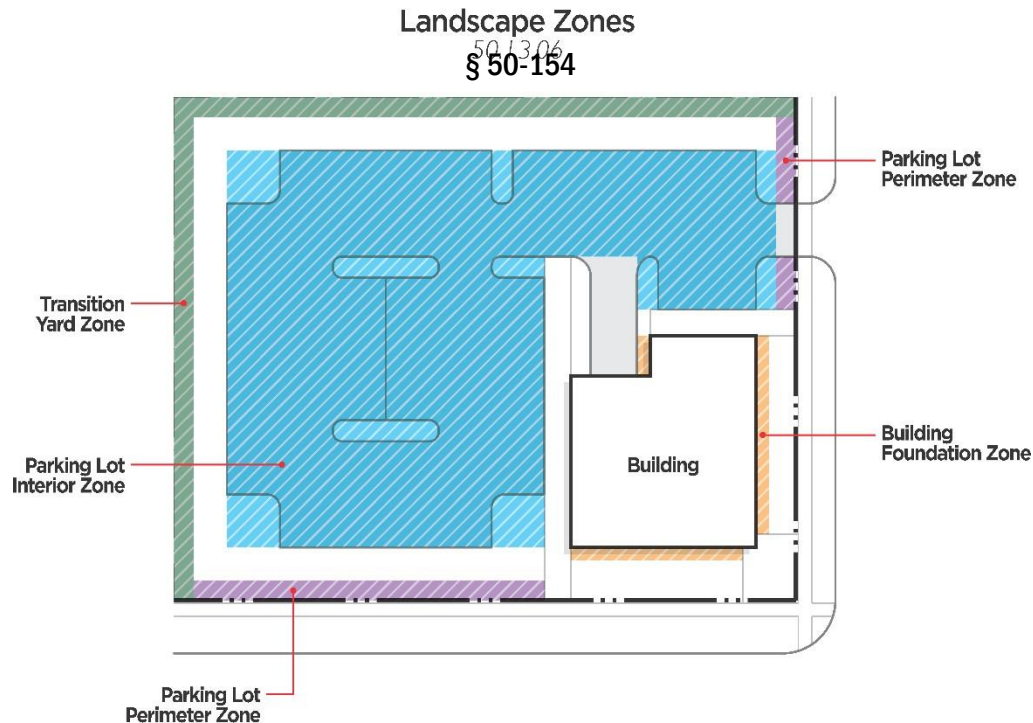
Table 50-153P. Plant Species Diversity			
Total Number of Plants Per Plant Type	Maximum of Any Species	Minimum of Any Species	Minimum Number of Species
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

Table 50-153Q (Exhibit 72):

Table 50-153Q. Unaccredited 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
Ginkgo Biloba (female)	Female Ginkgo
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
Elaeagnus 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):

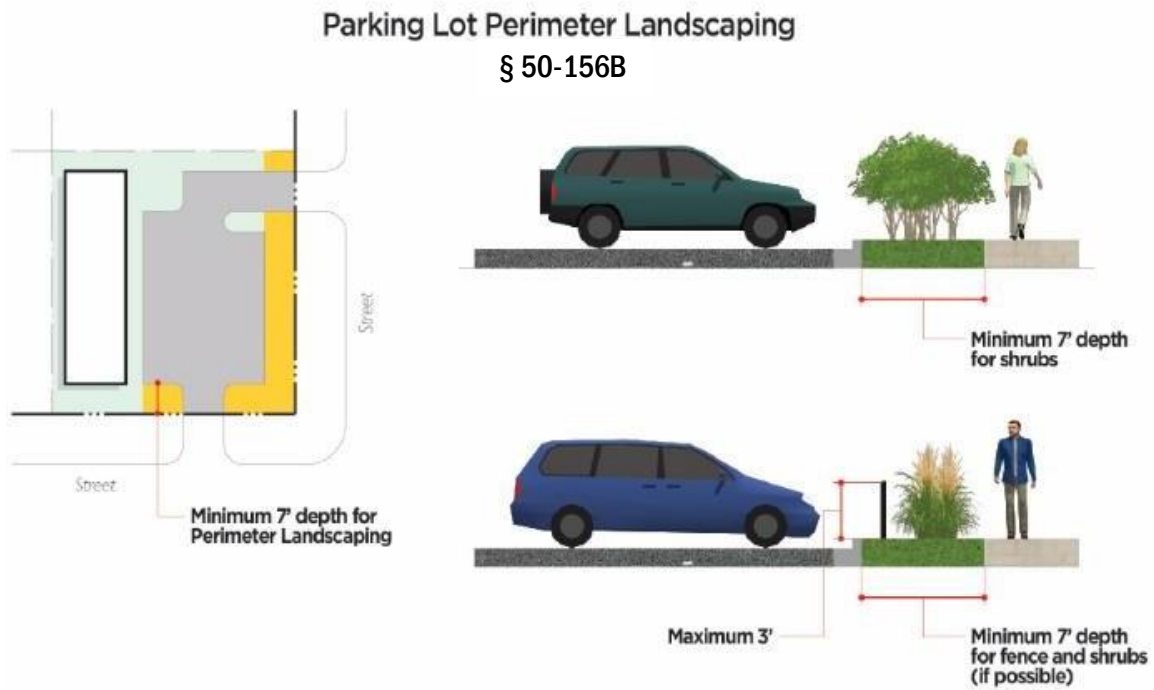


Diagram 50-156C-1 (Exhibit 76):

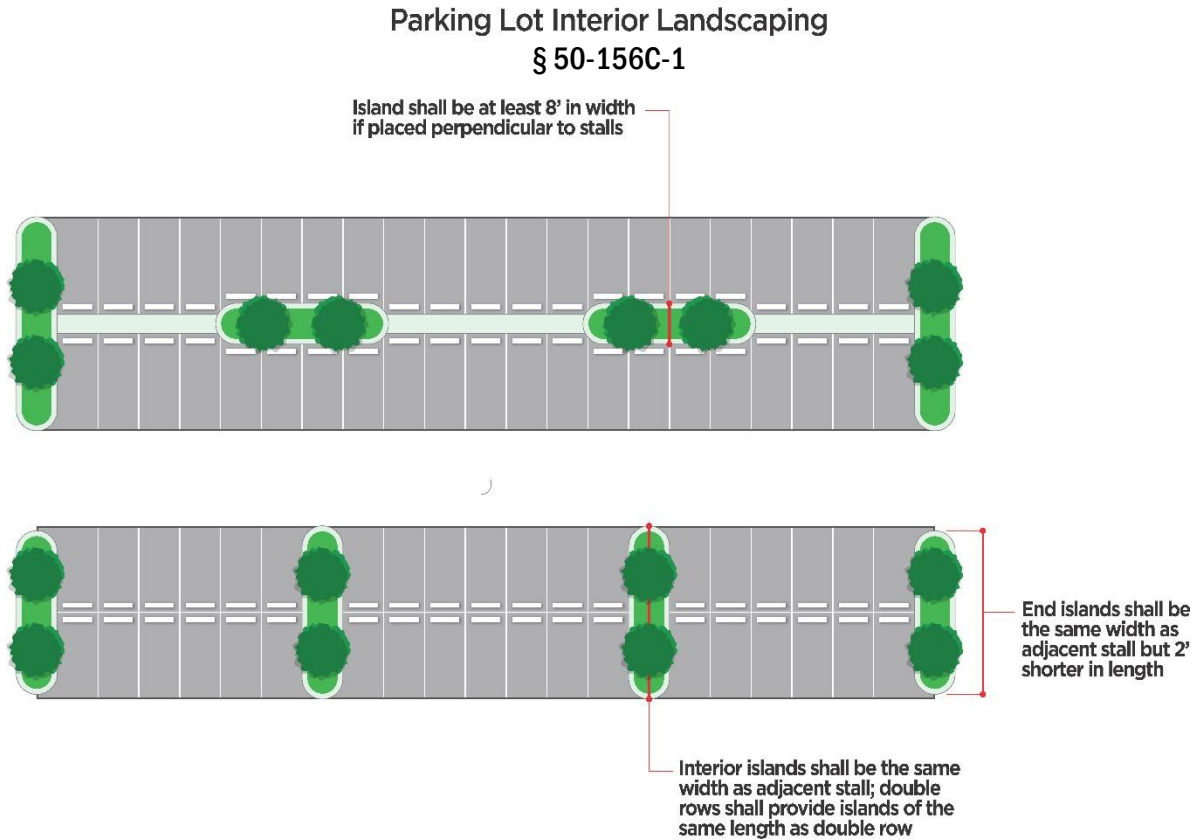


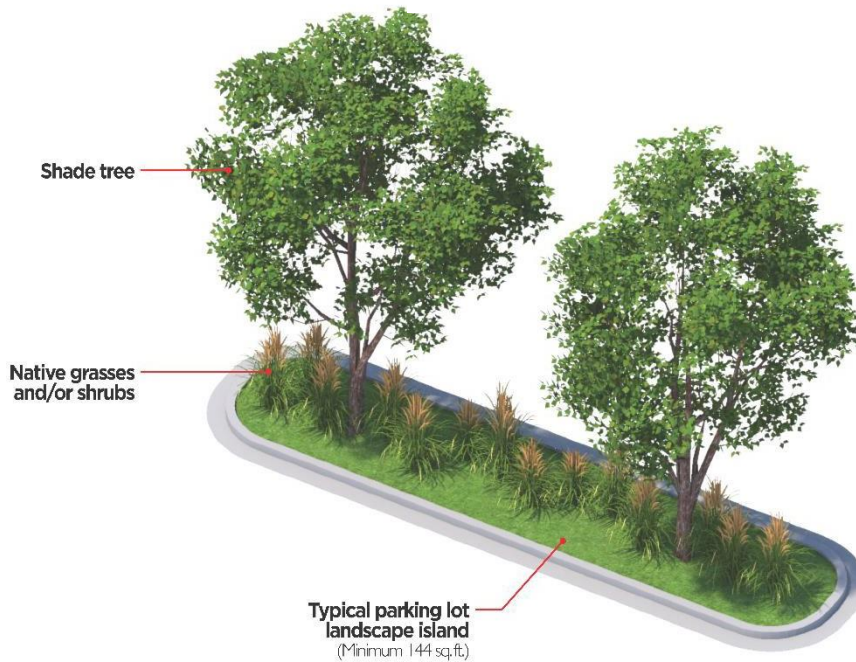
Diagram 50-156C-2 (Exhibit 77):**Typical Parking Lot Landscape Island****§ 50-156C-2****§ 50-157. TRANSITION YARDS****Table 50-157B (Exhibit 78):**

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
<p>[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.</p>				

Diagram 50-157B-1 (Exhibit 79):

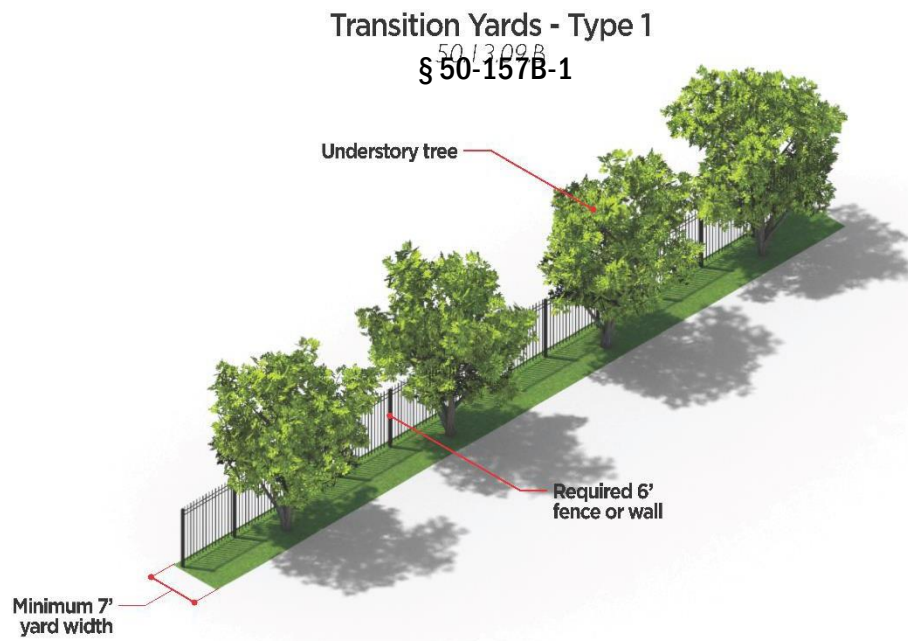


Diagram 50-157B-2 (Exhibit 80):



Diagram 50-157B-3 (Exhibit 81):

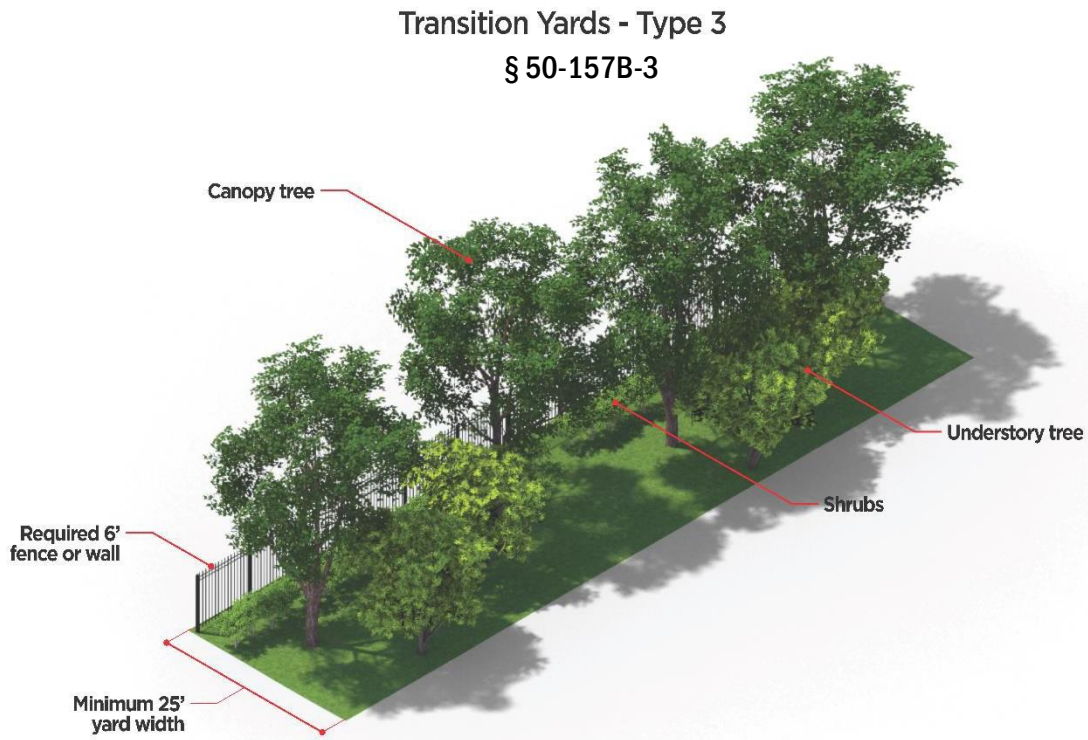


Diagram 50-157B-4 (Exhibit 82):

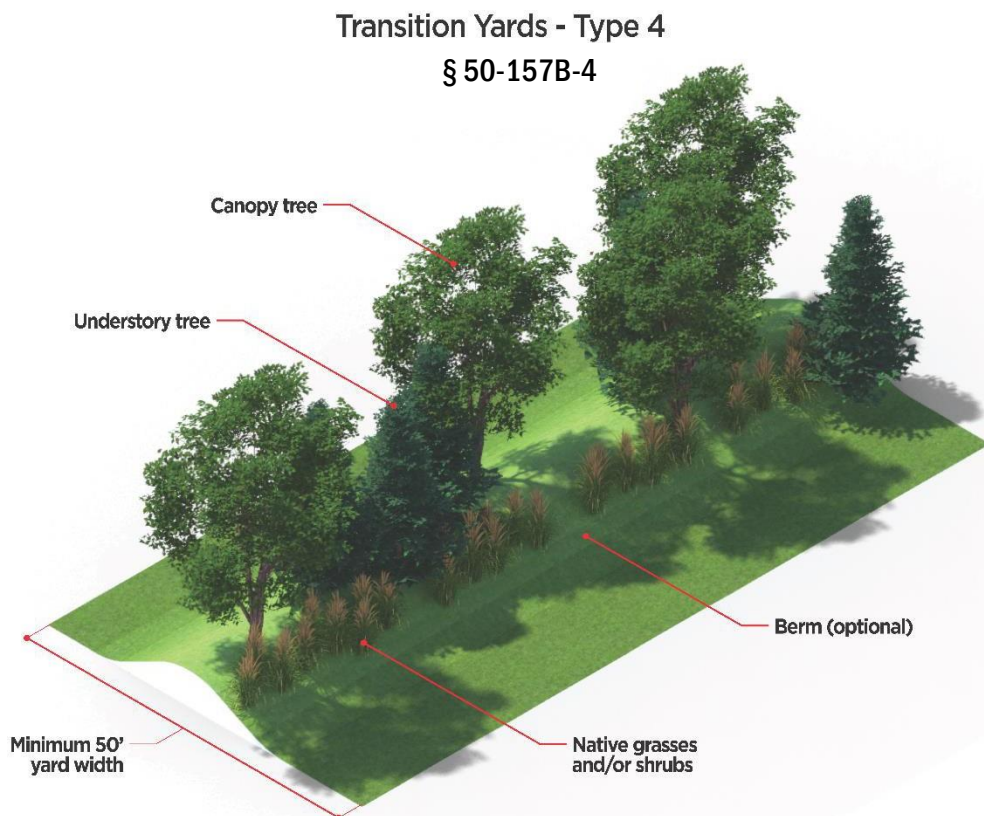


Table 50-157D (Exhibit 83):

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	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
GN-2	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
TN-1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
TN-2	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
MR-1	TY 1	TY1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
MR-2	TY 1	TY1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
MR-3	TY 2	TY2	TY2	TY2	----	----	----	----	----	----	----	----	----	----	----	----	TY 2
NC	TY 1	TY2	TY1	----	----	----	----	----	----	----	----	----	----	----	----	----	TY 1
CC	TY 2	TY2	TY2	TY2	TY2	TY2	TY2	----	TY 1	TY1	----	----	----	----	----	----	TY 3
D-E	TY 2	TY2	TY2	TY1	TY1	TY1	TY1	TY 1	----	----	----	----	----	----	----	----	TY 2
D-C	TY 2	TY2	TY2	TY2	TY2	TY2	TY2	----	----	----	----	----	----	----	----	----	TY 2
CE	TY 4	TY4	TY4	TY4	TY4	TY4	TY3	TY 3	TY 3	TY3	----	----	----	----	TY3	TY 3	TY 4
PC	TY 4	TY4	TY4	TY4	TY4	TY4	TY4	TY 4	TY 4	TY4	TY 4	----	TY 3	----	TY4	TY 4	TY 4
GI-1	TY 3	TY3	TY3	TY3	TY3	TY3	TY3	TY 3	TY 3	TY3	TY 3	TY 3	----	----	TY3	TY 3	TY 3
GI-2	TY 4	TY4	TY4	TY4	TY4	TY4	TY4	TY 4	TY 4	TY4	TY 3	TY 3	----	----	TY4	TY 4	TY 4
IC	TY 2	TY2	TY2	TY2	TY2	TY2	TY2	TY 3	TY 2	TY2	----	----	----	----	----	----	TY 3
UC	TY 1	TY2	TY1	TY1	----	----	TY2	TY 3	TY 1	TY3	----	----	----	----	----	----	TY 3
OS	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

[1] Zoning relationship indicated by “required setbacks and other landscaping requirements of this Chapter.

“ imply that no transition yard is required. However, lots are still subject to

§ 50-158. ADDITIONAL LANDSCAPE AND SCREENING REQUIREMENTS

Diagram 50-158 (Exhibit 84):

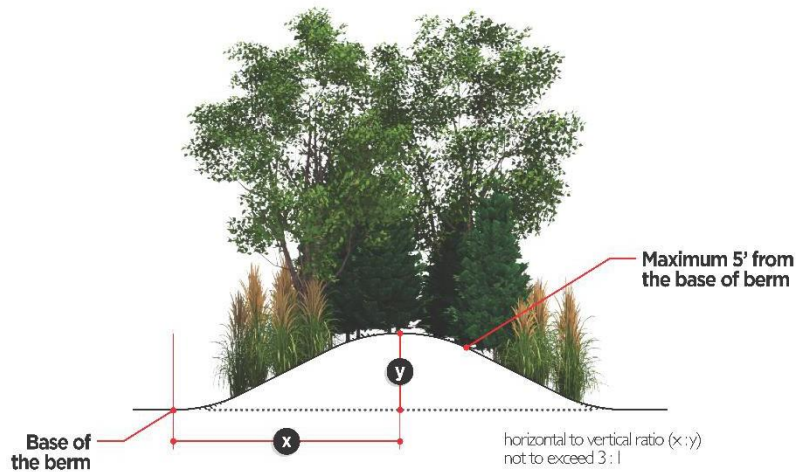
**Drive-Thru Facility
§ 50-158**



§ 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 DAMAGE S, CONTROLLING RUNOFF POLLUTANTS, SAVING ENERGY AND COSTS OF MUNICIPALLY TREATING STORMWATER, AND IMPROVING WATER AND SOIL QUALITY.
- 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 ADMINISTRATIVE DEPARTURE.

§ 50-162. ESTABLISHMENT OF WATER 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.**
- FOR THE FLINT RIVER IS NOT LESS THAN 30 FEET FROM THE FLOOD WAY.**
- 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**
- 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:**

**OR
RECREATION
ON
ALPA
THWAYS.
S.**

**1. UTILITIES
LINES,
OTHER
RIGHTS
AND
WASTEWATER
AT
ERLINES.
S.**

**3. DOCKS,
MARINAS
AND
DWARVES.
HARVES.
ES.**

**4. OPEN
ENSEMPLEMENT
ACRE
E**

**2. TRAILS
AND
OTHER
REPEDESTRIAN**

**B. PRIVATE OPEN
SPACE
OF ANY
TYPE,
INCLUDING
SPORTS
FIELDS
AND
GOLF
COURSES,
DEVELOPMENT**

**PED
WITHIN
THE
CWQZ,
MUST
SUBMIT
A
MAINTENANCE
PROCESS
S 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
EFFLUENT**

NCE
FROM
THE
DEVELO
PMENT
WILL
FLOW
DIRECT
LY INTO
THE
WATER
WAY:

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§ 50-163. CONSTRUCTION ON SLOPES

1. AL
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E

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 AID 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.

2. AL
L
IN
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AL
US
ES

B. APPLICABILITY. THE FOLLOWING REQUIREMENTS APPLY TO ALL CONSTRUCTION OR DISRUPTION ACTIVITIES ON ANY PRIVATE PARCEL.

3. TE
M
PO
RA
RY
ST
OR
AG

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.**

**SHALL BE REVIEWED
DURING THE SITE PLAN
REVIEW PROCESS.**

**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**

**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
CIRCULATI
ON 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
IMPERVIOU
S 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.**

**ONE-HALF (2½) INCHES
CALIPER.**

**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**

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 CREATING A 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 OF MOTORISTS, 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 DISSEMINATION OF
PUBLIC
INFORMATION,
INCLUDING BUT NOT LIMITED TO,

§ 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
OTHER CHAPTERS OF THE
MUNICIPAL

C
ODE APPLICABLE TO THE
CONSTRUCTION

A
ND 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
MESSAGE 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 OR DEVICE
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 IT IS ATTACHED;
PROVIDED, HOWEVER,
THAT A RECEPTACLE OR
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

AS MEASURED AT THE PROPERTY LINE OF THE SUBJECT PROPERTY. ILLUMINATION LEVELS FOR ELECTRONIC MESSAGE CENTERS SIGNS SHALL BE PRESCRIBED IN PARAGRAPH G OF THIS SECTION.

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 UNSCREENED LIGHT 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.

PERMITS: SIGNS
PERMITTED
PURSUANT TO
SECTION 50-127
OF THIS ARTICLE
SHALL BE
ILLUMINATED
ONLY AS
PERMITTED IN
THAT SECTION.

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.

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

7. ADDITIONAL
LIGHTING STANDARDS
THE FOLLOWING ARE
ADDITIONAL
LIGHTING STANDARDS
FOR
R SPECIFIC SIGN
TYPES:

I. SIGNS
WITHOUT

- | | |
|--|--|
| <p>MUST BE INDIVIDUALLY AFFIXED. ANY DIRECT LIGHT SOURCE SHALL BE CONCEALED FROM VIEW FROM THE RIGHT-OF-WAY.</p> <p>IV. WALL SIGNS: LETTERS SHALL BE INDIVIDUALLY AFFIXED TO WALLS OF A BUILDING AND BE EITHER INTERNALLY ILLUMINATED OR BACKLIT.</p> <p>V. ELECTRONIC MESSAGE CENTER SIGNS:</p> <p>1. ALL ELECTRONIC MESSAGE CENTERS SHALL COME EQUIPPED WITH AUTOMATIC DIMMING TECHNOLOGY WHICH AUTOMATICALLY ADJUSTS THE SIGN'S BRIGHTNESS BASED ON AMBIENT LIGHT</p> | <p>CONDITIONS.</p> <p>2. NO ELECTRONIC MESSAGE CENTER SHALL EXCEED A BRIGHTNESS LEVEL OF 0.3 FOOT CANDLES ABOVE AMBIENT LIGHT AS MEASURED USING A FOOT CANDLE (LUX) METER AT A PRESET DISTANCE DEPENDING ON SIGN AREA, MEASURED ACCORDING TO TABLE 50-170.</p> <p><u>ATTACHMENT:</u>
TABLE 50-170 (EXHIBIT 86)</p> <p>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</p> |
|--|--|

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.

ATTACHMENT:

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.

ATTACHMENT:

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.

**ATTACHMENT:
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.**

ATTACHMENTS:

**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.**

ATTACHMENT:

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.**

ATTACHMENT:

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.**

ATTACHMENT:

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.

DEPENDENT UPON A
BUILDING FOR
SUPPORT AND THAT
PROJECTS MORE THAN
TWELVE (12) INCHES
FROM SUCH BUILDING.

ATTACHMENT:

DIAGRAM 50-171B-9 (EXHIBIT 98)

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.

10. PYLON SIGN. A SIGN
THAT IS MOUNTED ON A
FREESTANDING POLE
OR OTHER SUPPORTS.

ATTACHMENT:

50-171B-10 (EXHIBIT 99)

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.

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.

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.

ATTACHMENT:

50-171B-11 (EXHIBIT 100)

9. PROJECTING SIGN. A
SIGN THAT IS WHOLLY
OR PARTIALLY

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.

ATTACHMENT:

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) MONUMENT 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.

SIGN AREA OF SIXTY (60) SQUARE FEET.

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

- 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
PROPORTIONALL
Y 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

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.

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

§ 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 SANDWICH BOARD SIGNS:

- I. TEMPORARY SANDWICH BOARD SIGNS ARE PERMITTED ONLY WITHIN THE NC, DC, DE, UC, IC, CC, MR-2, MR-3 AND OS DISTRICTS.
- II. TEMPORARY SANDWICH BOARD SIGNS ARE LIMITED TO SIX (6) SQUARE FEET IN AREA AND FOUR FEET (4') IN HEIGHT.
- III. THE USE OF TEMPORARY SANDWICH BOARD SIGNS IS LIMITED TO BUSINESS HOURS ONLY. SIGNS MUST BE STORED INDOORS AT ALL OTHER TIMES. TEMPORARY SANDWICH BOARD SIGNS MUST NOT BE USED OUTDOORS

WHEN HIGH WINDS OR HEAVY SNOW CONDITIONS EXIST.

IV. ONLY ONE TEMPORARY SANDWICH BOARD SIGN IS PERMITTED PER BUSINESS. A MINIMUM TWENTY FOOT (20') SEPARATION IS REQUIRED BETWEEN ALL TEMPORARY SANDWICH BOARD SIGNS.

V. A TEMPORARY SANDWICH 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 SANDWICH BOARD SIGNS MUST MAINTAIN

**A FIVE FOOT (5')
SIDEWALK
CLEARANCE AT
ALL TIMES.**

**VI. TEMPORARY
SANDWICH
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
ENCROACHMEN
T 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

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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.

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.

§ 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

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. 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.**
- 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

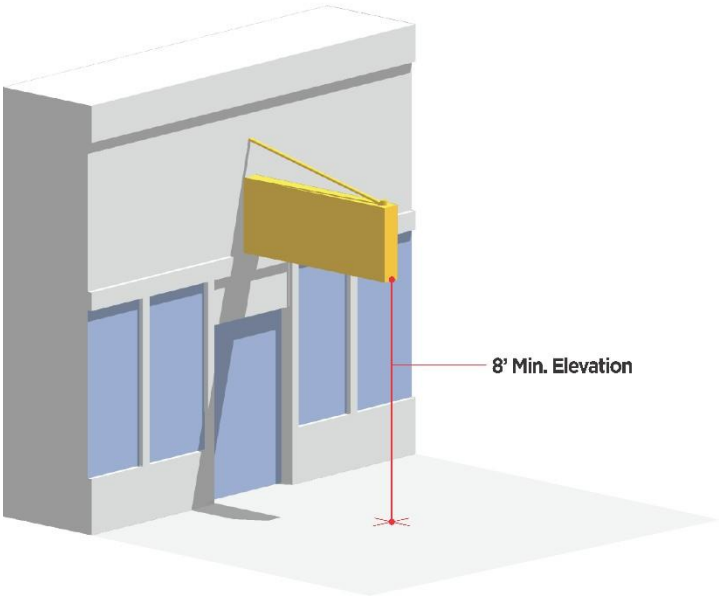


Diagram 50-170G (Exhibit 88):

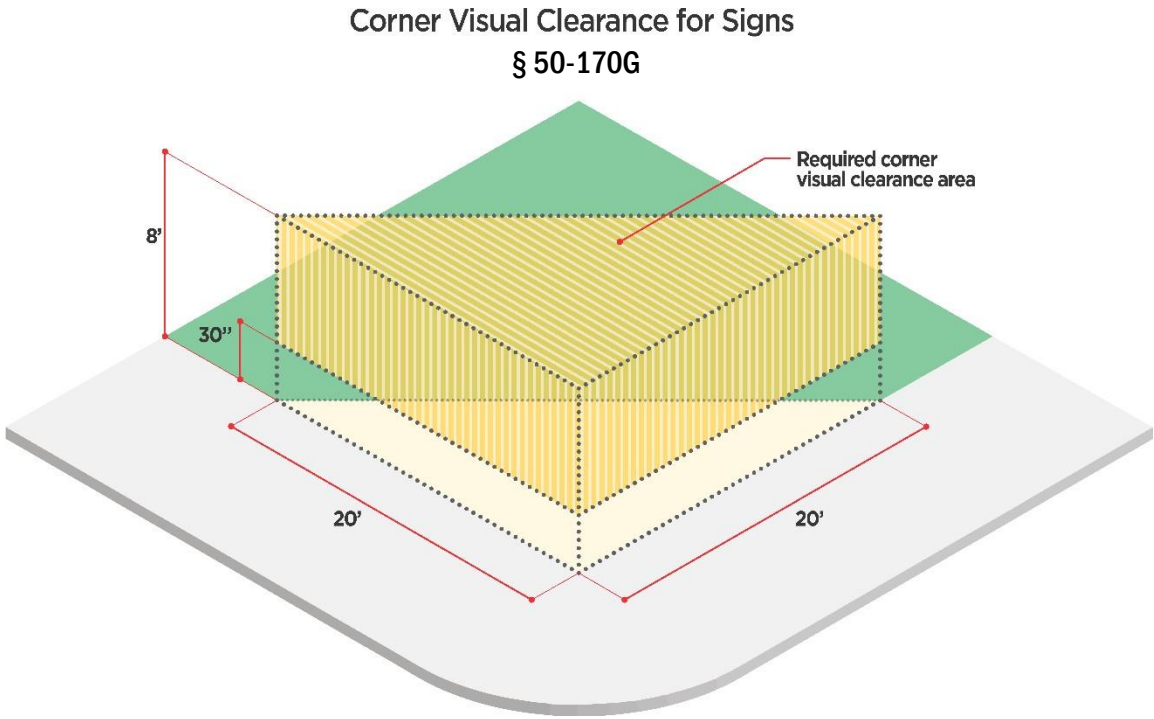
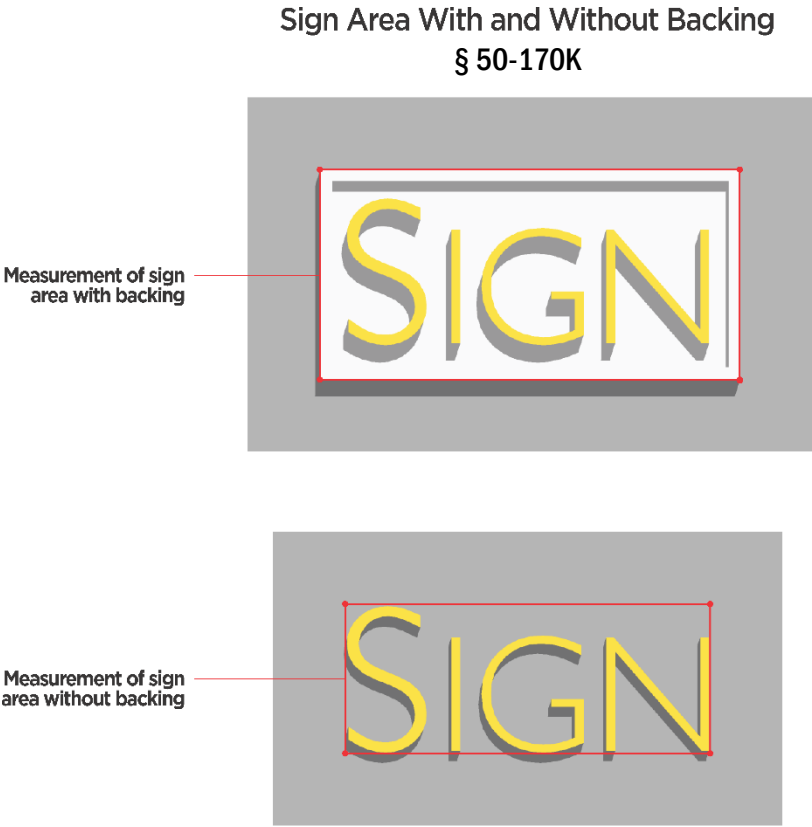


Diagram 50-170K (Exhibit 89):



§ 50-171. CLASSIFICATION OF SIGNS

Diagram 50-171B-1 (Exhibit 90):

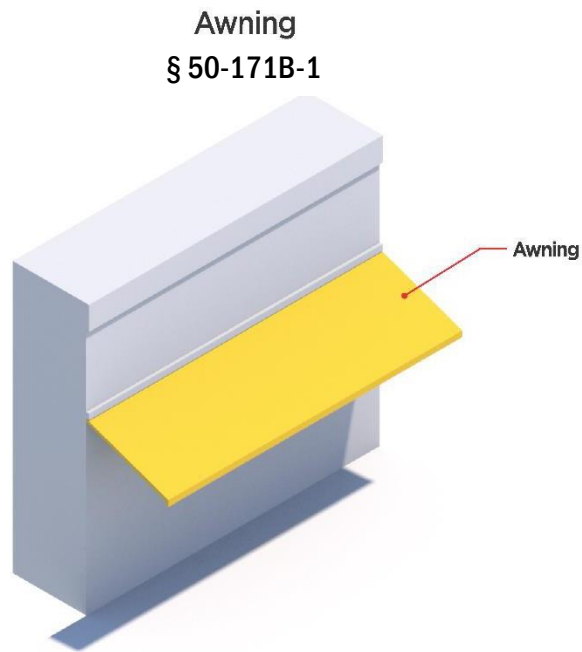


Diagram 50-171B-2 (Exhibit 91):

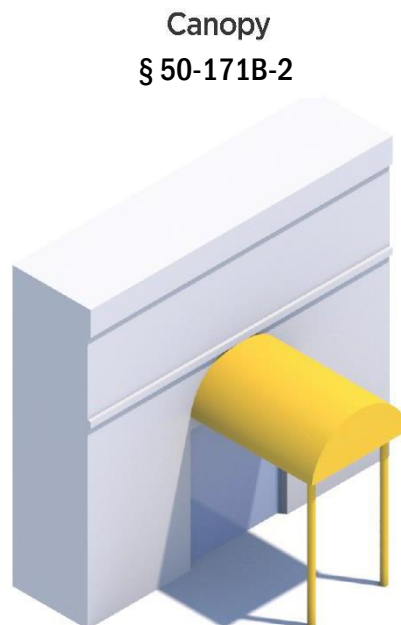


Diagram 50-171B-3 (Exhibit 92):

Marquee
§ 50-171B-3

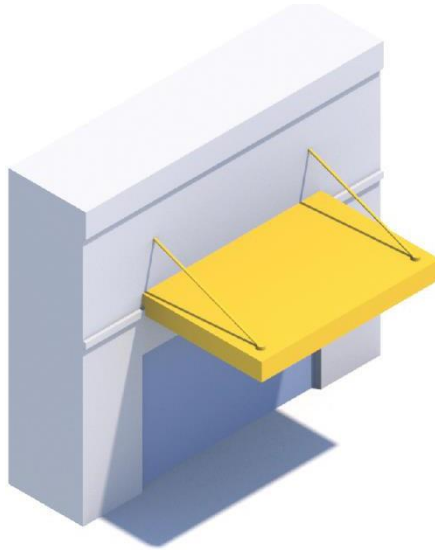


Diagram 50-171B-4 (Exhibit 93):

Banners
§ 50-171B-4

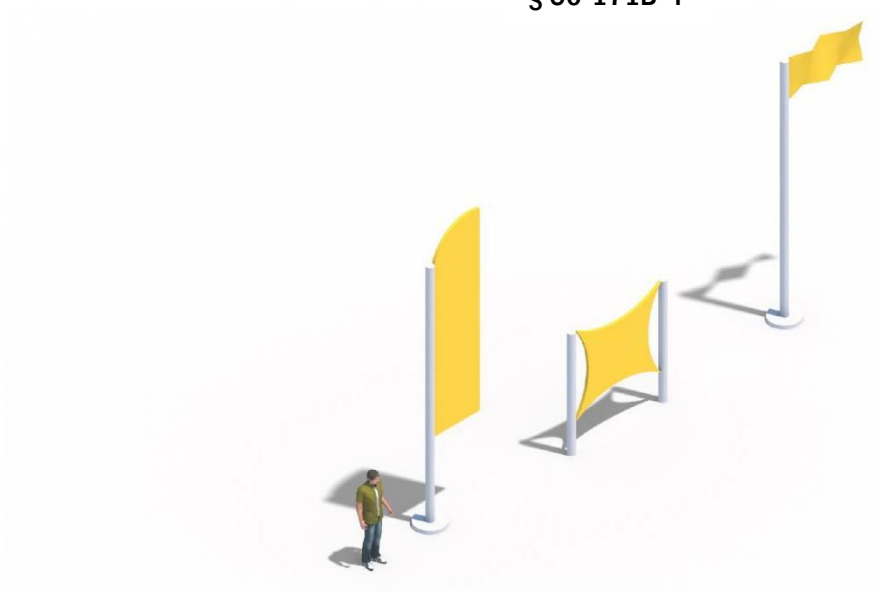


Diagram 50-171B-5 (Exhibit 94):

Billboard Sign
§ 50-171B-5

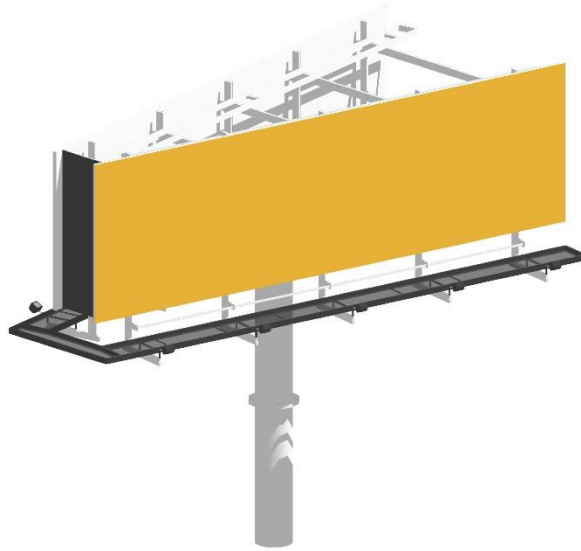


Diagram 50-171B-6 (Exhibit 95):

Box Sign
§ 50-171B-6

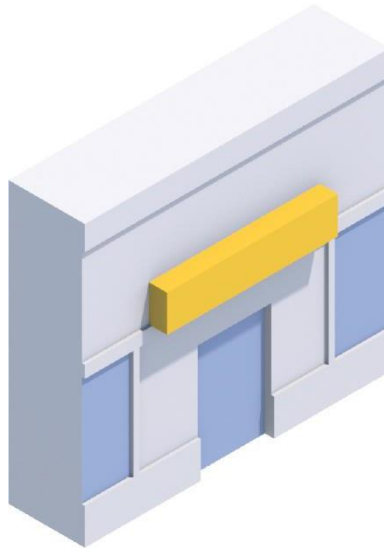


Diagram 50-171B-7 (Exhibit 96):

Electronic Message Center / Manual Changeable Copy Sign
§ 50-171B-7



Diagram 50-171B-8 (Exhibit 97):

Monument Sign
§ 50-171B-8

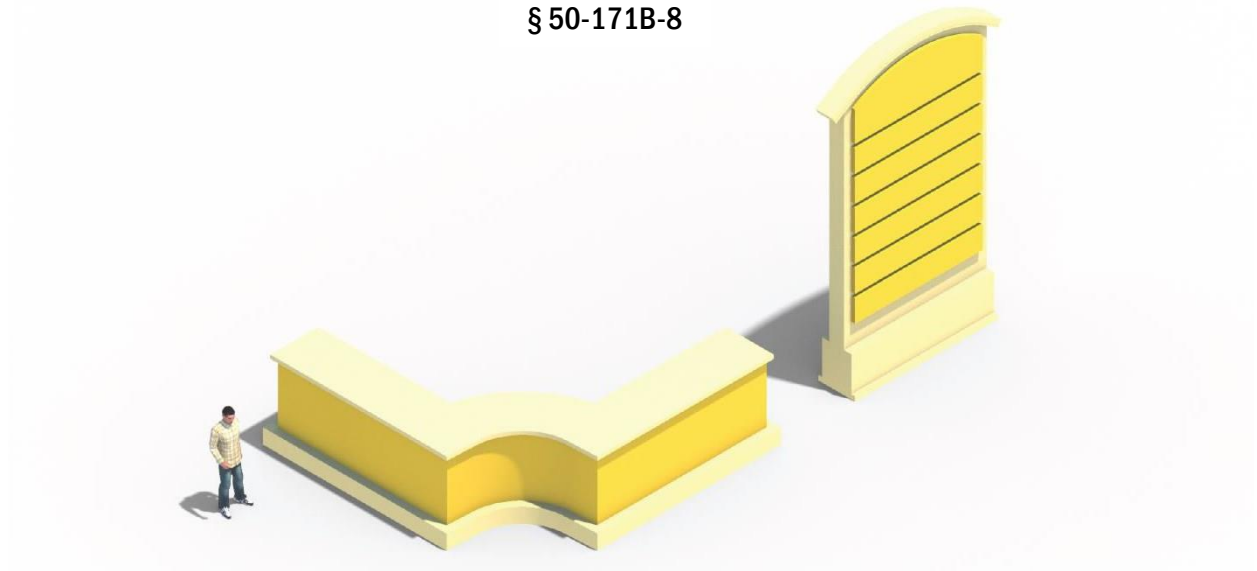


Diagram 50-171B-9 (Exhibit 98):

Projecting Sign
§ 50-171B-9

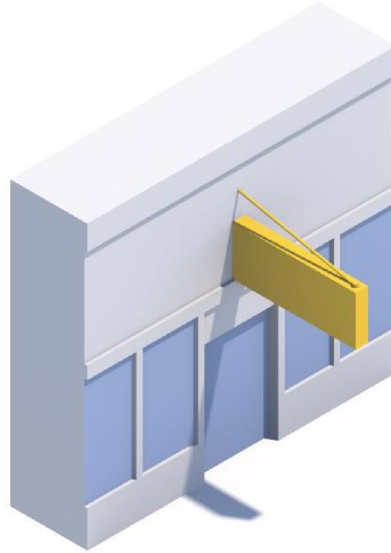


Diagram 50-171B-10 (Exhibit 99):

Pylon Sign
§ 50-171B-10



Diagram 50-171B-11 (Exhibit 100):

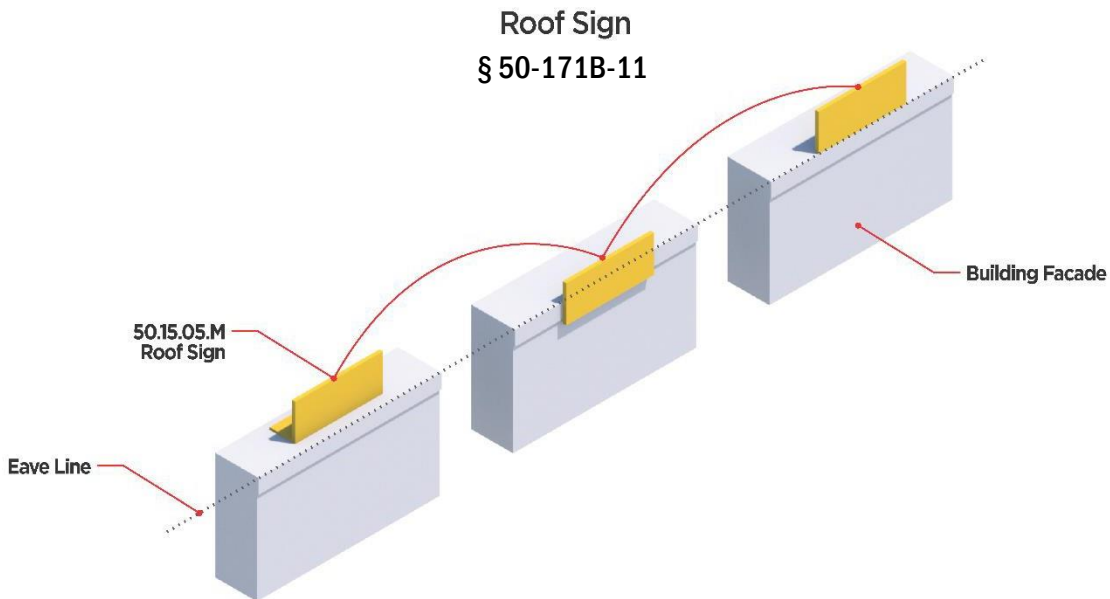


Diagram 50-171B-12 (Exhibit 101):

Sandwich Board Sign
§ 50-171B-12



Diagram 50-171B-13 (Exhibit 102):

Wall Sign
§ 50-171B-13

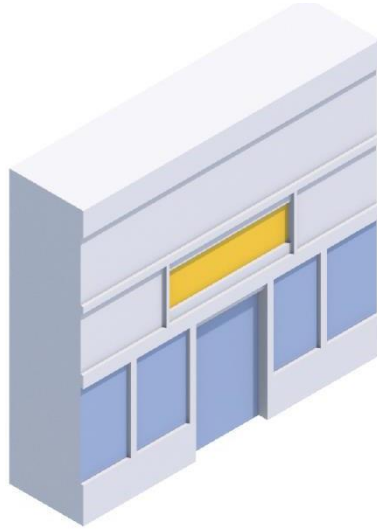
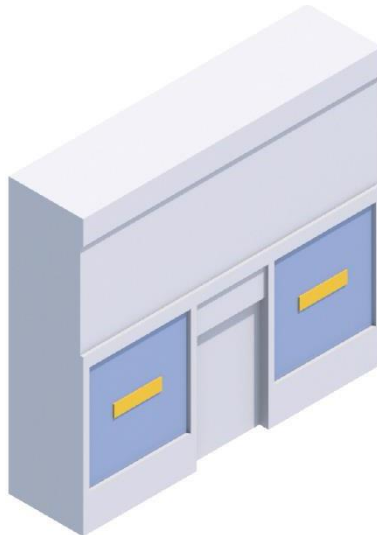


Diagram 50-171B-14 (Exhibit 103):

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, DE and DC	CE, PC, GI-1 and GI-2	GN-1, GN-2, TN-1, TN- 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			
<p>[1]: Only permitted when within 300 feet of Interstate 69 or Interstate 475</p> <p>[2]: Only permitted if the following conditions are met (conditions apply in all districts when permitted):</p> <ul style="list-style-type: none"> • 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			
Sign Type	Max. Sign Area	Max Sign Height	Min. Required Setback
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 which 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			
Sign Type	Max. Sign Area	Max Sign Height	Min. Required Setback
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
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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 HVAC 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 OF THIS 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 AND ANY CAPTION OR ILLUSTRATION, THE TEXT SHALL CONTROL.**
 - 4. A BUILDING OR STRUCTURE INCLUDES ANY 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 INDICATES THE CONTRARY, WHERE A REGULATION INVOLVES TWO OR MORE ITEMS, CONDITIONS, PROVISIONS OR EVENTS CONNECTED BY THE CONJUNCTIONS "AND," "OR" OR "EITHER . . . OR," THE CONJUNCTION SHALL BE INTERPRETED AS FOLLOWS:**
 - I. "AND" INDICATES THAT THE 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 PARCELS HAVING A COMMON PROPERTY LINE OR BOUNDARY BUT NOT INCLUDING CASES WHERE ADJOINING 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 SAME LOT

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 OR PLATTED.

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 PROPERTY LINES 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

ALCOHOLIC BEVERAGES, 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 WHICH ARE CHARACTERIZED BY THEIR EMPHASIS**

UPON THE 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 MESSAGES, 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 MASSAGE ONLY TO THE NECK, SHOULDER, SCALP, AND FACE OR BY A LICENSED OR CERTIFIED THERAPIST ACTING WITHIN THE STANDARDS OF A GENERALLY RECOGNIZED LICENSING 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 AS A PART OF THE ONGOING BUSINESS OF THE ADULT ENTERTAINMENT BUSINESS.**
- **RESTRICTED ADULT BUSINESS - ANY ADULT ENTERTAINMENT USE THAT IS CUSTOMARILY OPEN ONLY TO 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 ANATOMICAL AREAS -

SPECIFIED ANATOMICAL AREAS ARE DEFINED AS:

- **LESS THAN COMPLETELY AND OPAQUELY COVERED:**
- **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 - ONE OR 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 PLANTS UNDER CONTROLLED CONDITIONS.**
- **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 –

- **BREW PUB** – 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

**ENTERPRISE
S, 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
ROOSTER
S, 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,

REVEAL S, 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.

ATTACHMENT:

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.

ATTACHMENT:

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 OR INTERCEPTING STREETS, RAILROAD RIGHTS-OF-WAY, WATER BODIES, OR UNSUBDIVIDED 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.

ATTACHMENT:
DIAGRAM 50-184C (EXHIBIT 109)

BUILDING FRONT LINE - A LINE THAT COINCIDES WITH THE FACE 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 IN DIAMETER.

ATTACHMENT:

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 THAN TWO (2) DAYS ON TWO (2)SEPARATE OCCASIONS PER YEAR ARE CONSIDERED ACOMMERCIAL USE.

COMMERCIAL VEHICLE - A VEHICLE DESIGNED, OR MAINTAINED 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.

**ATTACHMENT:
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.

ATTACHMENT:

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”.

ATTACHMENT:

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).**

ATTACHMENT:
DIAGRAM 50-184I (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.**

ATTACHMENT:

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.

ATTACHMENT:
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.**

ATTACHMENT:

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.”**

ATTACHMENT:

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.

ATTACHMENT:

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 COMMERCIALY.

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 NEIGHBORHOODS, 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 BUSES, 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.**

ATTACHMENT:

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):

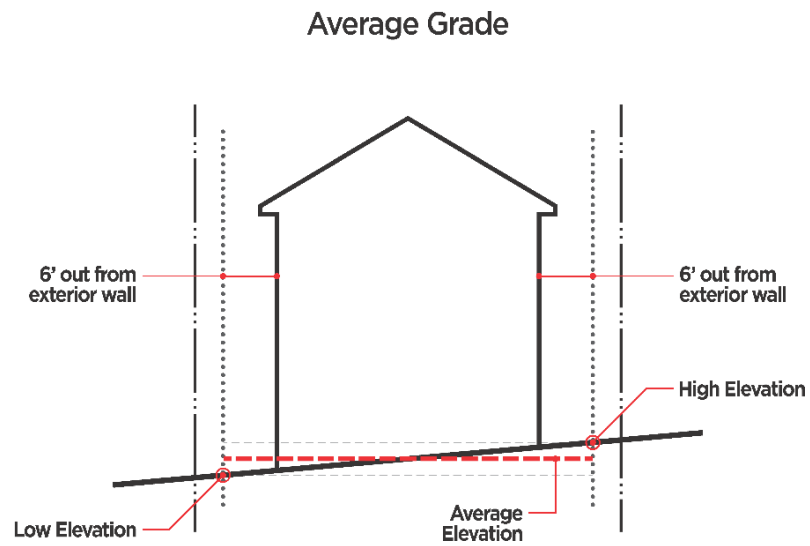


Diagram 50-184B (Exhibit 108):

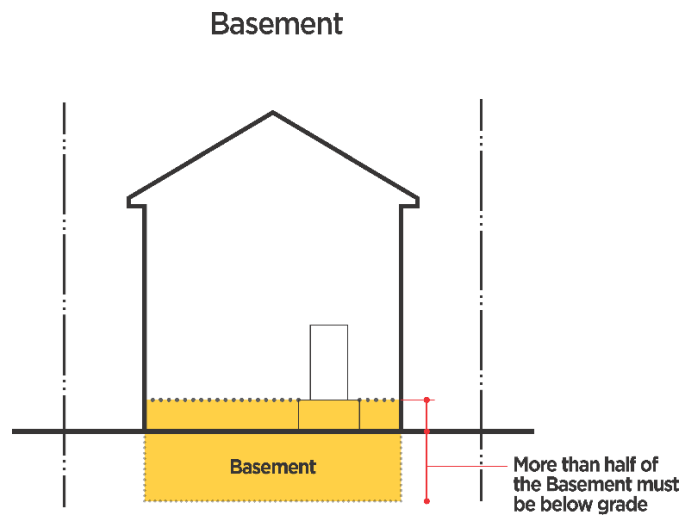


Diagram 50-184C (Exhibit 109):

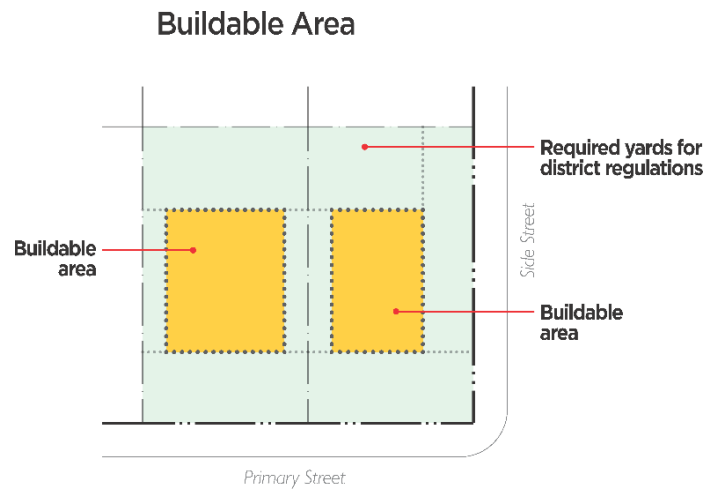


Diagram 50-184D (Exhibit 110):

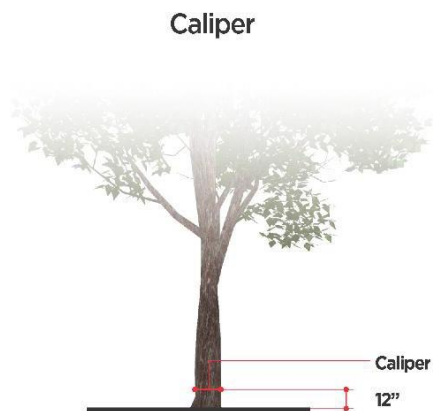


Diagram 50-184E (Exhibit 111):

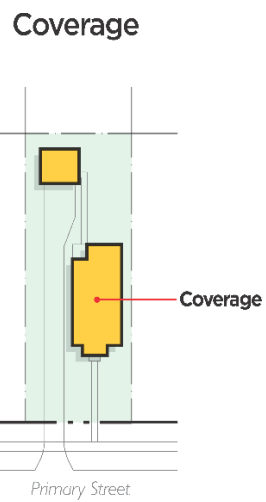


Diagram 50-184F (Exhibit 112):

Dwellings

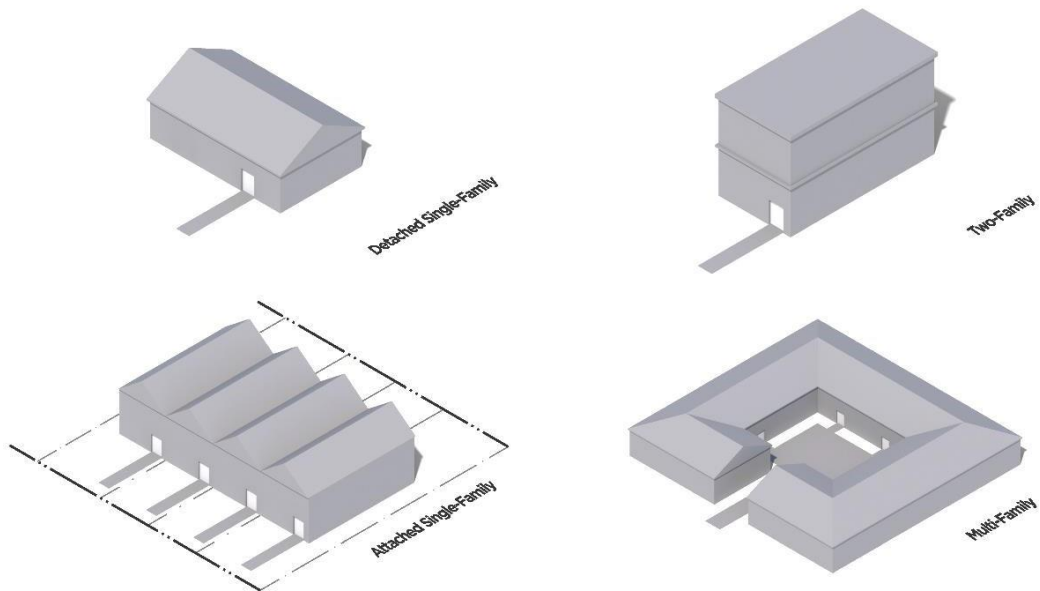


Diagram 50-184G (Exhibit 113):

Accessory Dwelling Units

Detached



Attached



Above Garage



Diagram 50-184H (Exhibit 114):

Fence or Wall Height

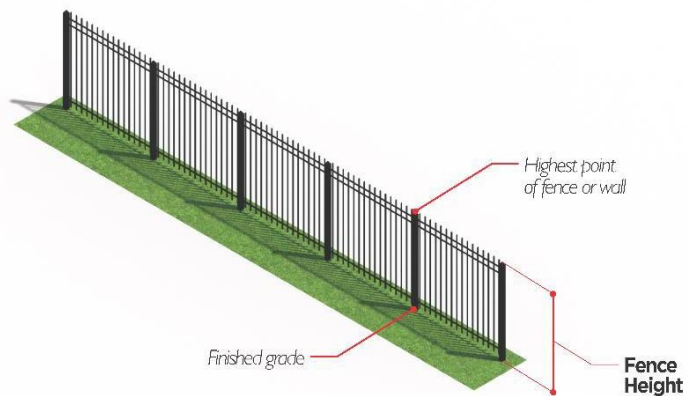


Diagram 50-184I (Exhibit 115):

Height of Tree

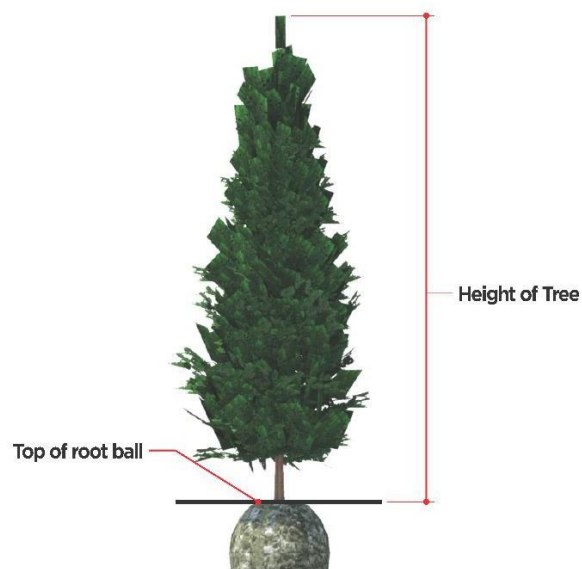


Diagram 50-184J (Exhibit 116):

Lighting Cut-off Angle

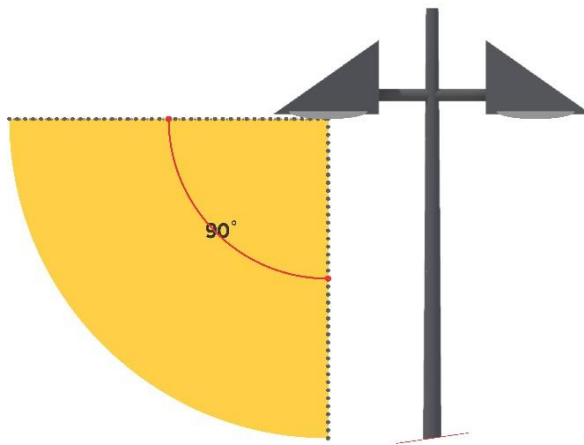


Diagram 50-184K (Exhibit 117):

Lighting Mount Height

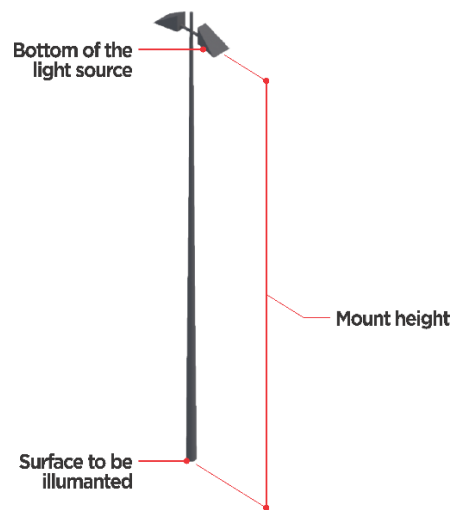


Diagram 50-184L (Exhibit 118):

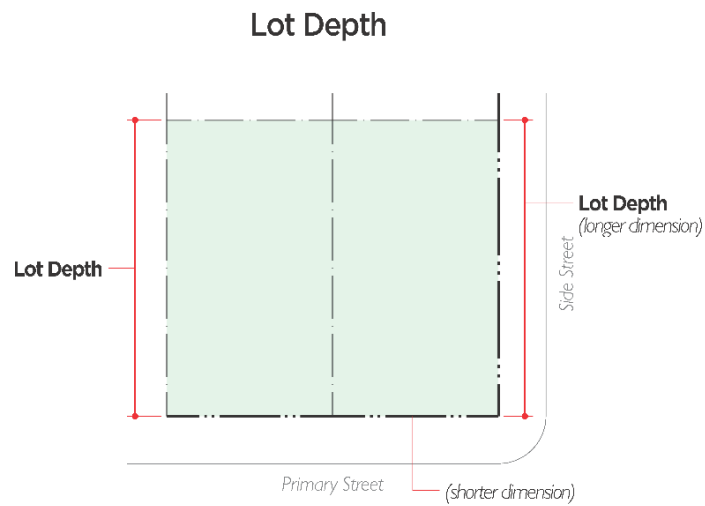


Diagram 50-184M (Exhibit 119):

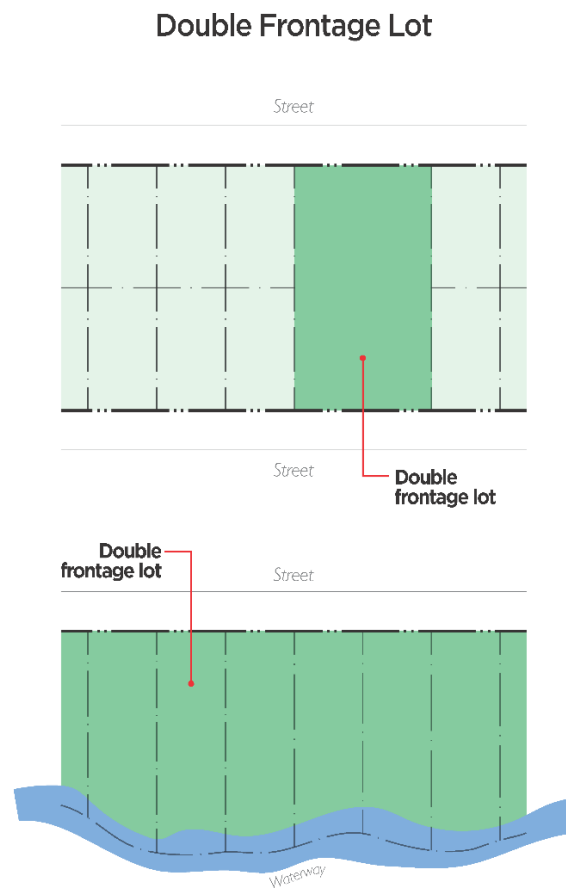


Diagram 50-184N (Exhibit 120):

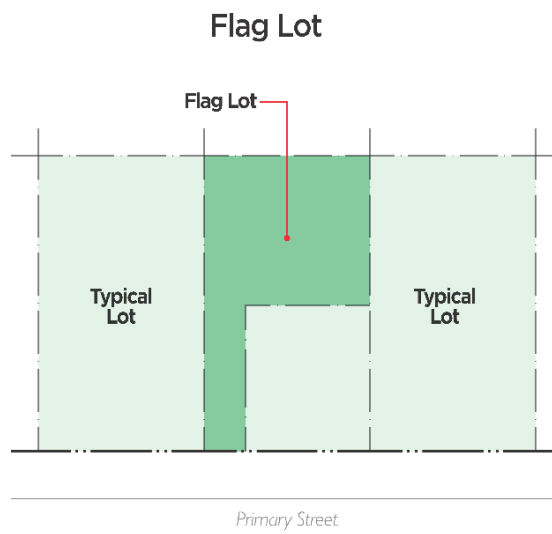


Diagram 50-184O (Exhibit 121):

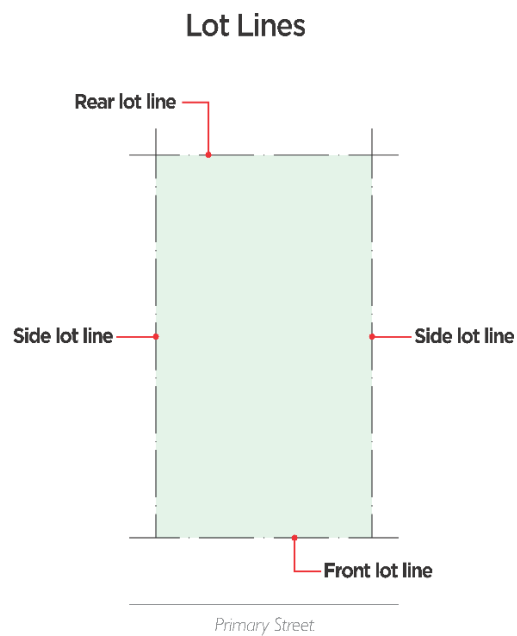


Diagram 50-184P (Exhibit 122):

Lot Width

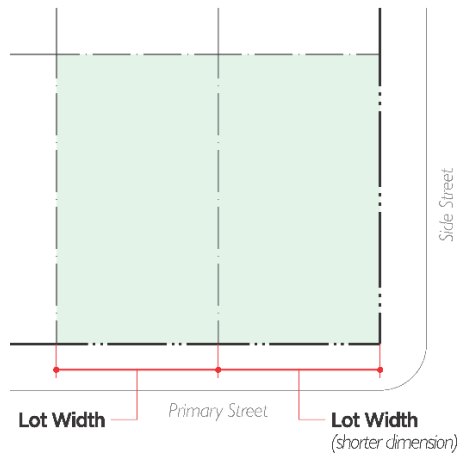


Diagram 50-184Q (Exhibit 123):

Roof Line

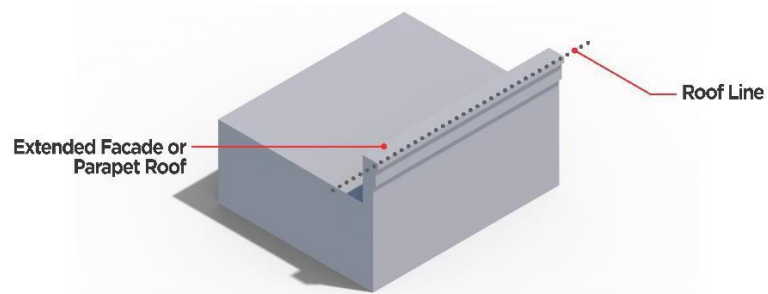
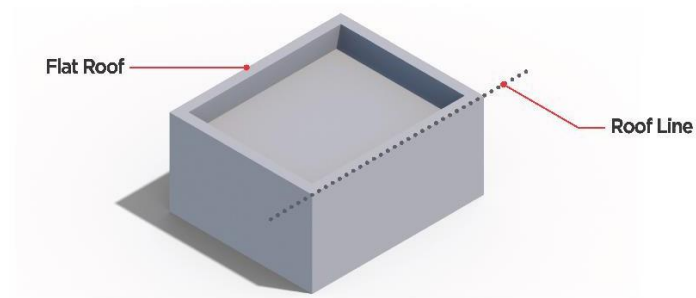
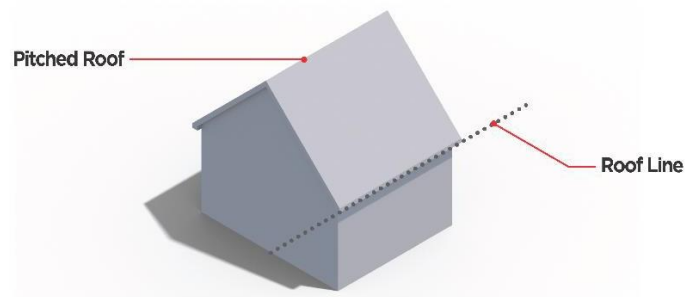
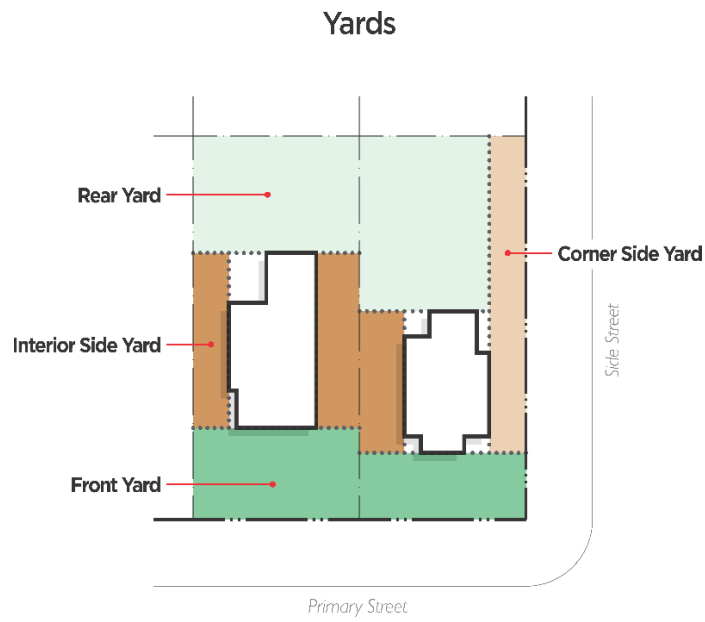


Diagram 50-184R (Exhibit 124):



**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.**

**ATTACHMENT:
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
ELSEWHER
E IN THIS
ORDINANC
E, THE
PLANNING
COMMISSI
ON'S
BYLAWS
AND AS
PERMITTE
D BY STATE
LAW;**

**B. ESTABLISH
OR AMEND
BYLAWS AS
NECESSAR
Y TO
FACILITAT
E THE**

**PERFORMA
NCE 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. RECOMMENDATI
ONS
THE PLANNING
COMMISSION
SHALL MAKE
RECOMMENDATI
ONS REGARDING
THE
FOLLOWING:**

**A. MAP
AMENDME
NTS (RE-
ZONINGS)
AND TEXT
AMENDME
NTS
(SECTION
50-191);**

**B. PLANNED
UNIT
DEVELOPM
ENTS
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
DEVELOPM
ENTS
UNDER
FIVE ACRES
IN SIZE
(ARTICLE
10 OF THIS
CHAPTER).**
- B. SPECIAL
LAND USE
SITE
PLAN/PERM
IT AND
ADDITIONA
LLY
REGULATE
D USE SITE
PLAN/PERM
IT 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
DISQUALIFICATI
ON 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
RECOMMENDATI
ON 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.

OUTLINED
IN THE
MICHIGAN
ZONING
ENABLING
ACT
(MZEA).

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

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
(REZONING
S) 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
REGULATE
D USE
PERMIT
REVIEWS
(SECTION
50-193);**

**E. SUMMARIES
OF**

**ZONING
PERMIT
REVIEW
AND
ZONING
COORDINA
TOR
REVIEW
CASES, DUE
MONTHLY
TO THE
PLANNING
COMMISSI
ON;**

**F. VARIATION
S (SECTION
50-195); AND**

**G. EXCEPTION
S (SECTION
50-196).**

**II. FINAL DECISIONS
THE ZONING
COORDINATOR
SHALL MAKE
FINAL DECISIONS
REGARDING THE
FOLLOWING:**

**A. ADMINISTR
ATIVE
WAIVER
AND
ADMINISTR
ATOR
APPEAL AS
PROVIDED
BY THE
REGULATI
ONS AND
STANDARD
S OF THIS
CHAPTER.**

**B. ZONING
COORDINA
TOR
REVIEW
(SECTION
50-191) OF
SITE PLANS
OF NEW
CONSTRUC
TION OF
PRINCIPAL
BUILDINGS
AND
PERMITTE
D AND
ACCESSOR
Y USES NOT
ELIGIBLE
FOR
ZONING
PERMIT
REVIEW.**

**C. REVIEW OF
OTHER
APPLICATI
ONS FOR
PERMITS
SPECIFICA
LLY NOTED
AS
NEEDING
ZONING
COORDINA
TOR
APPROVAL
IN THIS
CHAPTER
OR OTHER
CITY
ORDINANC
ES.**

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
DEVELOPM
ENT TO A
PERMITTE
D USE (NOT
A SPECIAL
LAND USE
OR AN
ADDITIONA
LLY
REGULATE
D USE) NOT
REQUIRING
ADDITIONA
L PARKING
OR THE
NEED TO
CONFORM
TO THE
LANDSCAPI
NG
REQUIREM
ENTS OF
ARTICLE 13.**

**B. CONSTRU
TION OR
ALTERATI
ON TO AN
ACCESSOR
Y BUILDING
OR
STRUCTUR
E.**

**C. INSTALLAT
ION OR
ALTERATI
ON OF A
SWIMMING
POOL, SPA,
HOT TUB
OR
SIMILAR
USE.**

**D. CONSTRU
TION OR
ALTERATI
ON OF A
DECK.**

**E. INSTALLAT
ION OR
ALTERATI
ON OF A
FENCE.**

**F. LIMITED
USES AS
IDENTIFIED
IN ARTICLE
9
SPECIFICA
LLY
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/FE
NCING/BUFFERIN
G 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. CERTIFICATE
S OF
APPROPRIATE
NESS;**
 - 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.**

**ATTACHMENT:
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.

ATTACHMENT:

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,

THE ZONING COORDINATOR SHALL FORTHWITH TRANSMIT TO THE BOARD ALL THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM IS TAKEN. THE ZONING COORDINATOR SHALL ALSO INVESTIGATE THE APPEAL AND SUBMIT A REPORT TO THE ZONING BOARD OF APPEALS.

F. ACTION BY ZONING BOARD OF APPEALS
THE BOARD OF APPEALS SHALL HAVE THE POWER TO HEAR AND DECIDE APPEALS FILED AS PROVIDED IN THIS ARTICLE, WHERE IT IS ALLEGED BY THE APPELLANT THAT THERE IS ERROR IN ANY ORDER, REQUIREMENTS, DECISION, DETERMINATION, GRANT OR REFUSAL MADE BY THE ZONING COORDINATOR OR OTHER ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT AND INTERPRETATION OF THE PROVISIONS OF THIS CHAPTER.

G. FINDINGS OF FACT
THE ZONING BOARD OF APPEALS SHALL, WITHIN ITS PRESCRIBED AUTHORITY, HAVE THE POWER TO MAKE ITS OWN, OR REVERSE, AFFIRM, OR MODIFY, EITHER IN WHOLE OR IN PART, ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE ZONING COORDINATOR

OR OTHER ADMINISTRATIVE OFFICIAL THAT IS BEFORE IT.

H. STAY OR PROCEEDINGS
AN APPEAL SHALL STAY ALL PROCEEDINGS REGARDING THE ACTION ON APPEAL, UNLESS THE ENTITY OR OFFICER FROM WHICH THE APPEAL IS TAKEN CERTIFIES TO THE ZONING BOARD OF APPEALS THAT A STAY WOULD CAUSE IMMINENT PERIL TO LIFE OR PROPERTY. THE ENTITY OR OFFICER DESCRIBED ABOVE SHALL STATE THE FACTUAL BASIS FOR THE OPINION PROVIDED IN A CERTIFICATE PROVIDED TO THE BOARD OF APPEALS. OTHERWISE, PROCEEDINGS SHALL ONLY BE STAYED BY A RESTRAINING ORDER GRANTED BY THE ZONING BOARD OF APPEALS OR CIRCUIT COURT.

M. NOTICE OF DECISION
A CERTIFIED COPY OF THE BOARD OF APPEALS' DECISION SHALL BE TRANSMITTED TO THE APPLICANT AND TO THE ZONING COORDINATOR.

I. EXTENDED APPEAL OF AN ADMINISTRATIVE DECISION

1. AN APPEAL OF AN ADMINISTRATIVE DECISION MAY BE FILED AFTER 20 CALENDAR DAYS IF THE PARTY FILING THE APPEAL DID NOT RECEIVE ACTUAL NOTICE OF THE ADMINISTRATIVE

DECISION.

- 2. THE DECISION TO HEAR AN APPEAL DESCRIBED IN (A), ABOVE, MUST BE APPROVED BY NOT LESS THAN SIX MEMBERS OF THE ZONING BOARD OF APPEALS (ZBA).**
- 3. THE ZBA DOES NOT HAVE THE AUTHORITY TO HEAR AN APPEAL OF AN ADMINISTRATIVE DECISION FILED MORE THAN 30 CALENDAR DAYS AFTER THE APPEALING PARTY HAS RECEIVED ACTUAL OR CONSTRUCTIVE NOTICE.**
- 4. AN APPEAL TAKEN TO THE ZBA UNDER THIS SECTION SHALL BE CONSISTENT WITH THE PROCEDURES ESTABLISHED IN THIS SECTION.**

§ 50-196. VARIANCE PROCEDURE

A. APPLICABILITY

THE ZONING BOARD OF APPEALS SHALL HAVE THE POWER TO AUTHORIZE, UPON APPLICATION (OR APPEAL IN SPECIFIC CASES) FILED AS PROVIDED IN THIS ARTICLE, SUCH VARIANCES FROM THE TERMS, PROVISIONS OR REQUIREMENTS OF THIS CHAPTER AND AS OTHERWISE PROVIDED IN THE CODE OF ORDINANCES AS WILL NOT BE CONTRARY TO THE PUBLIC INTEREST;

PROVIDED, THAT SUCH VARIANCES SHALL BE GRANTED ONLY IN SUCH CASES WHERE, OWING TO SPECIAL AND UNUSUAL CONDITIONS PERTAINING TO A SPECIFIC PIECE OF PROPERTY, THE LITERAL ENFORCEMENT OF THE PROVISIONS OR REQUIREMENTS OF THIS CHAPTER WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP. IN AUTHORIZING A VARIANCE, THE BOARD MAY ATTACH THERETO SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE INTEREST OF THE FURTHERANCE OF THE PURPOSES OF THIS CHAPTER AND IN THE PUBLIC INTEREST. IN AUTHORIZING A VARIANCE, WITH ATTACHED CONDITIONS, THE BOARD SHALL REQUIRE SUCH EVIDENCE AND GUARANTEE OR BOND AS IT SHALL DEEM TO BE NECESSARY TO ENFORCE COMPLIANCE WITH THE CONDITIONS ATTACHED.

- 1. USE VARIANCE
A USE VARIANCE
ALLOWS A USE IN A
ZONING DISTRICT
THAT IS OTHERWISE
NOT ALLOWED IN THAT
DISTRICT UNDER THE
TERMS OF THE ZONING
ORDINANCE. AN**

APPLICANT MUST
SHOW “UNDUE
HARDSHIP” TO BE
GRANTED A USE
VARIANCE.

2. NONUSE/DIMENSIONAL
VARIANCE
A NONUSE VARIANCE IS
A VARIANCE RELATING
TO THE
CONSTRUCTION,
STRUCTURAL
CHANGES, OR
ALTERATIONS OF
BUILDINGS OR
STRUCTURES RELATED
TO DIMENSIONAL
REQUIREMENTS OF
THE ZONING
ORDINANCE OR TO ANY
OTHER NONUSE-
RELATED STANDARD IN
THE ORDINANCE. AN
APPLICANT MUST
SHOW “PRACTICAL
DIFFICULTY” TO BE
GRANTED A NONUSE
VARIANCE.

B. INITIATION

AN APPLICATION, IN CASES IN
WHICH THE BOARD OF
APPEALS HAS ORIGINAL
JURISDICTION UNDER THE
PROVISIONS OF THIS
CHAPTER, MAY BE TAKEN BY
ANY PROPERTY OWNER, OR
OPTION HOLDER, OR BY A
TENANT, WITH THE CONSENT
OF THE PROPERTY OWNER,
OR BY A GOVERNMENTAL
OFFICER, DEPARTMENT,
BOARD OR BUREAU. SUCH
APPLICATIONS SHALL BE
FILED WITH THE ZONING
COORDINATOR.

**C. APPLICATION
REQUIREMENTS**

ALL APPLICATIONS FOR
VARIATION SHALL BE
SUBMITTED IN ACCORDANCE
WITH THE MINIMUM
SUBMISSION REQUIREMENTS
OF SECTION 50-187 AT A
MINIMUM, SUCH
APPLICATION SHALL
SPECIFY THE GROUNDS FOR
THE VARIATION.

- 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
THE ZONING COORDINATOR
SHALL INVESTIGATE THE
APPLICATION AND SUBMIT A
REPORT TO THE BOARD OF
APPEALS.

- F. ACTION BY BOARD OF
APPEALS

1. THE BOARD SHALL
DECIDE ALL
APPLICATIONS AND
APPEALS WITHIN 30
DAYS AFTER THE FINAL
HEARING THEREON. A
COPY OF THE BOARD'S
DECISION SHALL BE
TRANSMITTED TO THE
APPLICANT OR
APPELLANT, AND TO
THE ZONING
COORDINATOR. THE
DECISION SHALL BE
BINDING UPON THE
ZONING COORDINATOR
AND OBSERVED BY HIM,

AND HE SHALL INCORPORATE THE TERMS AND CONDITIONS OF THE SAME IN THE PERMIT TO THE APPLICANT OR APPELLANT, WHENEVER A PERMIT IS AUTHORIZED BY THE BOARD.

2. THE DECISION OF THE BOARD SHALL NOT BECOME FINAL UNTIL THE EXPIRATION OF FIVE DAYS FROM THE DATE OF ENTRY THEREOF, UNLESS THE BOARD SHALL FIND THE IMMEDIATE TAKING EFFECT OF SUCH DECISION IS NECESSARY FOR THE PRESERVATION OF PROPERTY OR PERSONAL RIGHTS AND SHALL SO CERTIFY ON THE RECORD.

ATTACHMENT:

DIAGRAM 50-196 (EXHIBIT 130)

G. REVIEW STANDARDS
NO VARIANCE SHALL BE AUTHORIZED BY THE BOARD UNLESS THE BOARD FINDS THAT ALL OF THE FOLLOWING FACTS AND CONDITIONS ARE MET:

1. USE VARIANCES:

**I. UNDUE
HARDSHIP. THAT
THE CONDITION,
LOCATION, OR
SITUATION OF
THE SPECIFIC**

**PROPERTY OR
INTENDED USE OF
THE PROPERTY
THAT CREATES
AN UNDUE
HARDSHIP IS
UNIQUE TO THAT
PROPERTY AND
THE ZONING
DISTRICT.**

**II. NOT SELF-
CREATED. THAT
THE NEED FOR
THE VARIANCE
WAS NOT
CREATED BY THE
APPLICANT OR
THE
APPLICANT'S
PREDECESSORS
IN TITLE.**

**III. NO SUBSTANTIAL
DETRIMENT.
THAT THE USE
VARIANCE SHALL
NOT ALTER THE
ESSENTIAL
CHARACTER OF
THE
NEIGHBORHOOD,
NOR BE A
DETRIMENT TO
ADJACENT
PROPERTIES.**

**IV. CANNOT BE
REASONABLY
USED. THAT THE
LAND, BUILDING
OR STRUCTURE
CANNOT BE
REASONABLY
USED FOR THE
PERMITTED USES**

IN THE ZONING DISTRICT.

- V. CONSISTENCY WITH MASTER PLAN/ZONING ORDINANCE. THAT THE VARIANCE SHALL BE CONSISTENT WITH, AND NOT MATERIALLY IMPAIR, THE PURPOSE AND INTENT OF THE MASTER PLAN AND ZONING ORDINANCE INCLUDING THE ZONING DISTRICT.**

2. NONUSE/DIMENSIONAL VARIANCES:

- I. EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS. THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLYING TO THE PROPERTY THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES IN THE SAME ZONING**

DISTRICT OR IN THE GENERAL VICINITY. EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS MAY INCLUDE:

- A. EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE OF A SPECIFIC PROPERTY IN EXISTENCE ON THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENT; OR**
- B. EXCEPTIONAL TOPOGRAPHIC OR ENVIRONMENTAL CONDITIONS OR OTHER EXTRAORDINARY SITUATIONS ON THE LAND, BUILDING OR**

**STRUCTURE;
OR**

C. THE USE OR DEVELOPMENT OF THE PROPERTY IMMEDIATELY ADJACENT TO THE SUBJECT PROPERTY WOULD PROHIBIT THE LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THIS CHAPTER OR WOULD INVOLVE SIGNIFICANT PRACTICAL DIFFICULTIES.

II. SUBSTANTIAL PROPERTY RIGHT. THAT THE VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT SIMILAR TO THAT POSSESSED BY OTHER PROPERTIES IN

THE SAME ZONING DISTRICT AND IN THE NEIGHBORING AREA.

III. NOT SELF-CREATED. THAT THE IMMEDIATE PRACTICAL DIFFICULTY CAUSING THE NEED FOR THE VARIANCE WAS NOT CREATED BY THE APPLICANT OR THE APPLICANT'S PREDECESSORS IN TITLE.

IV. NO SUBSTANTIAL DETRIMENT. THE VARIANCE SHALL NOT CAUSE SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY AND THE SURROUNDING NEIGHBORHOOD.

V. CONSISTENCY WITH MASTER PLAN/ZONING ORDINANCE. THAT THE VARIANCE SHALL BE CONSISTENT WITH, AND NOT MATERIALLY IMPAIR, THE PURPOSE AND INTENT OF THE MASTER PLAN

**AND ZONING
ORDINANCE
INCLUDING THE
ZONING
DISTRICT.**

H. CONDITIONS OF APPROVAL

**1. IN AUTHORIZING A
VARIATION THE BOARD
OF APPEALS MAY
IMPOSE SUCH
CONDITIONS
REGARDING THE
LOCATION,
CHARACTER AND
OTHER FEATURES OF
THE PROPOSED
STRUCTURE OR USE AS
IT MAY DEEM
NECESSARY IN THE
PUBLIC INTEREST, AND
MAY REQUIRE A
GUARANTEE OR BOND
TO INSURE THAT THE
CONDITIONS IMPOSED
ARE BEING AND WILL
CONTINUE TO BE
COMPLIED WITH.**

**2. ALL CONDITIONS
ATTACHED TO A
VARIANCE ARE
ENFORCEABLE IN THE
SAME MANNER AS ANY
REQUIREMENTS OF
THIS ORDINANCE.**

**I. NOTICE OF DECISION
A CERTIFIED COPY OF THE
BOARD OF APPEALS'
DECISION SHALL BE
TRANSMITTED TO THE
APPLICANT AND TO THE
ZONING COORDINATOR.**

J. EXPIRATION OF VARIANCE

**1. VARIANCE APPROVAL
IS VALID FOR ONE
YEAR FROM THE DATE
OF APPROVAL. IF THE
APPLICANT HAS NOT
ESTABLISHED THE USE
IN THE CASE OF A USE
VARIANCE OR PULLED
A BUILDING PERMIT TO
CONSTRUCT THE
STRUCTURE
AUTHORIZED BY A
NON-USE VARIANCE,
VARIANCE APPROVAL
SHALL EXPIRE. IF A
BUILDING PERMIT IS
ISSUED WITHIN A YEAR
OF THE VARIANCE
APPROVAL, BUT THE
BUILDING IS NOT
COMPLETED BEFORE
EXPIRATION OF THE
BUILDING PERMIT AND
THE PERMIT IS NOT
EXTENDED, THE
VARIANCE APPROVAL
SHALL EXPIRE.**

**2. A USE VARIANCE THAT
CEASES TO BE USED
FOR 12 CONSECUTIVE
MONTHS SHALL
EXPIRE. WHERE
APPLICABLE, THE 12-
MONTH PERIOD SHALL
BEGIN TO RUN FROM
THE DATE THE USE
VARIANCE IS
APPROVED.**

§ 50-197. EXCEPTIONS PROCEDURE

A. APPLICABILITY

**THE BOARD OF APPEALS MAY
AUTHORIZE UPON
APPLICATION SUCH
EXCEPTIONS FROM THE**

TERMS OF THIS ORDINANCE AS WILL NOT BE CONTRARY TO THE PUBLIC INTEREST, WHEN THE STRICT APPLICATION OF THE DIMENSIONAL REGULATIONS OF THIS ORDINANCE WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE OWNER OF SUCH PROPERTY, AND WHERE A PROPERTY OWNER CAN SHOW THAT:

1. TO PERMIT THE RECONSTRUCTION OF A NONCONFORMING BUILDING WHICH HAS BEEN DESTROYED, OR PARTIALLY DESTROYED, BY FIRE OR ACT OF GOD WHERE THE BOARD SHALL FIND SOME COMPELLING PUBLIC NECESSITY REQUIRING A CONTINUANCE OF THE NONCONFORMING USE.
2. TO PERMIT THE ERECTION AND USE OF A BUILDING OR THE USE OF PREMISES IN ANY LOCATION FOR A PUBLIC SERVICE CORPORATION FOR PUBLIC UTILITY PURPOSES WHICH THE BOARD DEEMS REASONABLY NECESSARY FOR THE PUBLIC CONVENIENCE OR WELFARE. SUCH USES LAWFULLY

EXISTING ON THE EFFECTIVE DATE OF THIS ORDINANCE, SHALL BE DEEMED TO HAVE RECEIVED SUCH A PERMIT, SHALL BE PROVIDED WITH SUCH A PERMIT BY THE ZONING COORDINATOR UPON REQUEST, AND SHALL NOT BE NONCONFORMING USES; PROVIDED, HOWEVER, THAT A PERMIT SHALL BE REQUIRED FOR THE ENLARGEMENT, EXTENSION OR RELOCATION OF ANY OF THESE EXISTING USES.

N. INITIATION

AN OWNER OF LAND WITHIN THE CITY, OR SUCH OWNER'S DULY AUTHORIZED AGENT OR REPRESENTATIVE, MAY SUBMIT AN APPLICATION FOR AN EXCEPTION TO THE ZONING COORDINATOR AND BOARD OF APPEALS.

O. APPLICATION REQUIREMENTS

AN APPLICATION FOR EXCEPTION SHALL BE MADE BY FILING A WRITTEN REQUEST SPECIFYING THE GROUNDS FOR THE EXCEPTION. SUCH APPLICATION SHALL BE CONSIDERED FILED WHEN A COMPLETE APPLICATION IS DELIVERED TO THE ZONING COORDINATOR, WHO SHALL ENTER THE DATE AND TIME OF FILING ON THE NOTICE.

**P. NOTICE AND HEARING
ALL REQUIRED HEARINGS
AND NOTICE SHALL BE IN
ACCORDANCE WITH THE
REQUIREMENTS OF SECTION
50-189.**

**ATTACHMENT:
DIAGRAM 50-197 (EXHIBIT 131)**

**Q. ACTION BY ZONING
COORDINATOR
UPON RECEIPT OF A
COMPLETE APPLICATION,
THE ZONING COORDINATOR
SHALL FORTHWITH
TRANSMIT THE APPLICATION
AND ALL RELEVANT
MATERIALS PERTAINING TO
THE APPLICATION TO THE
BOARD OF APPEALS. THE
ZONING COORDINATOR
SHALL REVIEW THE
APPLICATION, PREPARE A
WRITTEN REPORT AND MAKE
A RECOMMENDATION.**

**R. ACTION BY BOARD OF
APPEALS
THE BOARD OF APPEALS
SHALL CONSIDER
APPLICATION IN A PUBLIC
HEARING.**

S. FINDINGS OF FACT

**1. EVERY EXCEPTION
GRANTED OR DENIED
BY THE BOARD OF
APPEALS SHALL BE
ACCOMPANIED BY A
WRITTEN FINDING OF
FACT, BASED ON
SWORN TESTIMONY
AND EVIDENCE,
SPECIFYING THE
REASON FOR
GRANTING OR**

**DENYING THE
EXCEPTION.**

**2. THE BOARD OF
APPEALS SHALL,
BEFORE MAKING ANY
FINDING IN A SPECIFIC
CASE, FIRST
DETERMINE THAT THE
PROPOSED CHANGE
WILL NOT CONSTITUTE
A CHANGE IN THE
DISTRICT MAP AND
WILL NOT IMPAIR AN
ADEQUATE SUPPLY OF
LIGHT AND AIR TO
ADJACENT PROPERTY,
OR INCREASE THE
CONGESTION IN
PUBLIC STREETS, OR
INCREASE THE PUBLIC
DANGER OF FIRE AND
SAFETY, OR
MATERIALLY DIMINISH
OR IMPAIR
ESTABLISHED
PROPERTY VALUES
WITHIN THE
SURROUNDING AREA,
OR IN ANY OTHER
RESPECT IMPAIR THE
PUBLIC HEALTH,
SAFETY, COMFORT,
MORALS OR WELFARE.**

**J. NOTICE OF DECISION
A CERTIFIED COPY OF THE
BOARD OF APPEALS'
DECISION SHALL BE
TRANSMITTED TO THE
APPLICANT AND TO THE
ZONING COORDINATOR.**

§ 50-198. JUDICIAL APPEALS

**ANY PERSONS HAVING AN
INTEREST AFFECTED BY A**

DECISION OF THE ZONING BOARD OF APPEALS SHALL HAVE THE RIGHT TO APPEAL TO THE CIRCUIT COURT ON QUESTIONS OF LAW AND FACT.

§ 50-199. PERFORMANCE GUARANTEE

A. AS A CONDITION OF APPROVAL OF A SITE PLAN, SPECIAL LAND USE OR PLANNED UNIT DEVELOPMENT, THE BUILDING OFFICIAL/ZONING ADMINISTRATOR MAY REQUIRE A FINANCIAL GUARANTEE OF SUFFICIENT SUM TO ASSURE THE INSTALLATION OF THOSE FEATURES OR COMPONENTS OF THE APPROVED ACTIVITY OR CONSTRUCTION WHICH ARE CONSIDERED NECESSARY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND OF USERS OR INHABITANTS OF THE PROPOSED DEVELOPMENT. SUCH FEATURES OR COMPONENTS, HEREAFTER REFERRED TO AS "IMPROVEMENTS," MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, ROADWAYS, CURBS, LANDSCAPING, FENCES, WALLS, SCREENS, LIGHTING, DRAINAGE FACILITIES, SIDEWALKS, DRIVEWAYS, PARKING AREAS, UTILITIES, AND SIMILAR ITEMS.

B. PERFORMANCE GUARANTEES SHALL BE

PROCESSED IN THE FOLLOWING MANNER:

1. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE OR OCCUPANCY PERMIT, THE APPLICANT SHALL SUBMIT AN ITEMIZED ESTIMATE OF THE COST OF THE REQUIRED IMPROVEMENTS, WHICH SHALL THEN BE REVIEWED BY THE BUILDING OFFICIAL/ZONING ADMINISTRATOR. THE AMOUNT OF THE PERFORMANCE GUARANTEE SHALL BE NO GREATER THAN ONE HUNDRED PERCENT (100%) OF THE COST OF INSTALLING THE REQUIRED IMPROVEMENTS, PLUS THE COST OF NECESSARY ENGINEERING AND A REASONABLE AMOUNT FOR CONTINGENCIES.
2. THE REQUIRED PERFORMANCE GUARANTEE MAY BE IN THE FORM OF A CASH DEPOSIT, CERTIFIED CHECK, IRREVOCABLE BANK LETTER OF CREDIT, OR SURETY BOND ACCEPTABLE TO THE CITY.

3. UPON RECEIPT OF THE REQUIRED PERFORMANCE GUARANTEE, THE BUILDING OFFICIAL/ZONING ADMINISTRATOR SHALL ISSUE A CERTIFICATE OF ZONING COMPLIANCE FOR THE SUBJECT DEVELOPMENT OR ACTIVITY, PROVIDED IT IS IN COMPLIANCE WITH ALL OTHER APPLICABLE PROVISIONS OF THIS ORDINANCE.

4. THE BUILDING OFFICIAL/ZONING ADMINISTRATOR, UPON THE WRITTEN REQUEST OF THE OBLIGER, SHALL REBATE PORTIONS OF THE PERFORMANCE GUARANTEE UPON DETERMINATION THAT THE IMPROVEMENTS FOR WHICH THE REBATE HAS BEEN REQUESTED HAVE BEEN SATISFACTORILY COMPLETED. THE PORTION OF THE PERFORMANCE GUARANTEE TO BE REBATED SHALL BE IN THE SAME PROPORTION AS STATED IN THE ITEMIZED COST ESTIMATE FOR THE APPLICABLE

IMPROVEMENT.

5. WHEN ALL OF THE REQUIRED IMPROVEMENTS HAVE BEEN COMPLETED, THE OBLIGER SHALL SEND WRITTEN NOTICE TO THE BUILDING OFFICIAL/ZONING ADMINISTRATOR OF COMPLETION OF SUCH IMPROVEMENTS. THEREUPON, THE BUILDING OFFICIAL/ZONING ADMINISTRATOR SHALL INSPECT ALL OF THE IMPROVEMENTS AND SHALL RECOMMEND TO THE CITY COUNCIL APPROVAL, PARTIAL APPROVAL, OR REJECTION OF THE IMPROVEMENTS WITH A STATEMENT OF THE REASONS FOR ANY REJECTIONS. IF PARTIAL APPROVAL IS RECOMMENDED, THE COST OF THE IMPROVEMENT REJECTED SHALL BE SET FORTH.

6. THE CITY COUNCIL SHALL EITHER APPROVE, PARTIALLY APPROVE, OR REJECT THE IMPROVEMENTS. THE BUILDING OFFICIAL/ZONING ADMINISTRATOR SHALL NOTIFY THE OBLIGER IN WRITING

**OF THE ACTION OF THE
COUNCIL WITHIN
THIRTY (30) DAYS
AFTER RECEIPT OF THE
NOTICE FROM THE
OBLIGER OF THE
COMPLETION OF THE
IMPROVEMENTS.**

**WHERE PARTIAL
APPROVAL IS
GRANTED, THE
OBLIGER SHALL BE
RELEASED FROM
LIABILITY PURSUANT
TO RELEVANT
PORTIONS OF THE
PERFORMANCE
GUARANTEE, EXCEPT
FOR THAT PORTION
SUFFICIENT TO SECURE
COMPLETION OF THE
IMPROVEMENTS NOT
YET APPROVED.**

- 7. A RECORD OF
AUTHORIZED
PERFORMANCE
GUARANTEES SHALL
BE MAINTAINED BY
THE BUILDING
OFFICIAL/ZONING
ADMINISTRATOR.**

§ 50-186. DECISION-MAKING BODIES

Table 50-186 (Exhibit 125):

Table 50-186. Summary of Review Procedure & Decision Making Bodies					
	Dept. of Planning & Development	Historic District Commission ¹	Planning Commission	Zoning Board of Appeals	City Council
Zoning Permit Review	D			A	
Special Land Use/ARU	R		H & D	A	
Zoning Coordinator Review	D		R*	A	
Zoning Text Amendment	R		H & R		M & D
Zoning Map Amendment	R		H & R		M & D
Planned Unit Development (PUD)	R		H & D		H&D (Over 5 acres)
Variance	R			H & D	
Exception	R			H & D	
Administrative Waiver	D		A	A	
Administrative Appeal	D			A	
R = Reviews & Reports; R* = Review and Recommend if requested by Zoning Coordinator; D = Decision; H = Public Hearing; M = Public Meeting; A = Authority for Appeal					
NOTE: 1. Historic District Commission powers and duties are limited to those historic district resources identified in the Code of Ordinances (Chapter 2, Article XIX).					

§ 50-190. SITE PLAN SUBMITTAL REQUIREMENTS

Table 50-190 (Exhibit 126):

Table 50-190. Site Plan Submittal Requirements			
		Required for	
		Preliminary	Final
Plan Data			
Application Form		✓	✓
Name & address of the applicant & property owner		✓	✓
Address & common description of property & complete legal description		✓	✓
Dimensions of land & total acreage		✓	✓
Zoning on the site & all adjacent properties		✓	✓
Description of proposed project or use, type of building or structures, & name of proposed development, if applicable		✓	✓
Proof of property ownership		✓	✓
Schedule of approximate phasing & construction timeline		-	✓
Site Plan Description and Identification Data			
Site Plan scale – (engineer's). Sheet size at least 24 x 36 in	Site size 3 acres or more: 1 inch = 100 ft.	✓	✓
	Site size of less than 3 acres: not less than 1 inch = 50 ft.	✓	✓
	If a large development is shown in sections on multiple sheets, then a composite sheet shall be included	✓	✓
Title Block	Sheet number/title	✓	✓
	Name, address & telephone number of the applicant & firm or individual who prepared the plans with seal	✓	✓

	Date(s) of submission & any revisions (month, day, year)	✓	✓
--	---	---	---

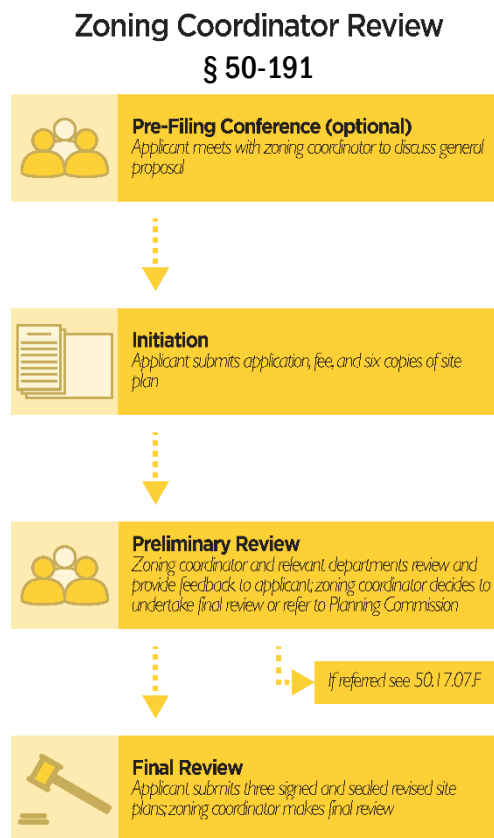
Scale & north arrow	✓	✓
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning & streets within a quarter mile	✓	✓
Easements or other restrictions, if applicable	✓	✓
Net acreage (minus rights-of-way and submerged land) & total acreage	✓	✓
Site Data		
Existing lot lines, building lines, structures, parking areas & other improvements on the site & within 50 feet of the site	✓	✓
Computations, with documentation, of average setbacks, where required	✓	✓
Topography on the site & within 100 feet of the site not to exceed two foot contour intervals, referenced to a U.S.G.S. benchmark	-	✓
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, & other improvements on the site & within 50 feet of the site	✓	✓
Proximity to intersection(s) & major thoroughfares	✓	✓
Location of existing drainage courses, floodplains, streams, & wetlands with elevations	✓	✓
Location of outdoor lighting (site & building lighting) including height of lights and a photometric plan	-	✓
Location of trash receptacle(s) & transformer pad(s) & method of screening	✓	✓
Extent of any outdoor sales or display area	✓	✓
Access and Circulation		
Dimensions, curve radii & centerlines of existing & proposed access points, roads & road rights-of-way or access easements	✓	✓
Driveways & intersections within 250 feet of site	-	✓
Cross section details of proposed roads, driveways, parking lots, sidewalks & non-motorized paths illustrating materials & thickness	-	✓
Dimensions of acceleration, deceleration, & passing lanes	-	✓
Dimensions of parking spaces, islands, circulation aisles & loading zones	✓	✓
Calculations for required number of parking & loading spaces	✓	✓
Designation of fire lanes	✓	✓
Traffic regulatory signs & pavement markings	-	✓
Location of existing & proposed sidewalks/pathways within the site or right-of-way	✓	✓
Location, height, & outside dimensions of all storage areas & facilities	✓	✓

Landscape Plans		
Location, sizes, & types of existing trees 6 inches or greater in diameter, measured at 3½ ft. off the ground & the general location of all other existing plant materials, with an identification of materials to be removed & materials to be preserved	✓	✓
Description of methods to preserve existing landscaping		✓
The location of existing & proposed lawns & landscaped areas	✓	✓
Landscape plan, including location & type of all proposed shrubs, trees, & other live plant material	-	✓
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical & common names, & quantity	-	✓
Proposed dates of plant installation	-	✓
Landscape maintenance schedule	-	✓
Building and Structure Details		
Location, height, & outside dimensions of all proposed main and accessory buildings or structures	✓	✓
Building floor plans & total floor area, including number and height of stories	✓	✓
Details on screening	-	✓
Size, height & method of shielding for all site & building lighting	-	✓
Location, size, height, & lighting of all proposed site & wall signs	✓	✓
Location, size, height & material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required	✓	✓
Building façade elevations for all sides, drawn at an appropriate scale	-	✓
Calculations for transparency requirements	-	✓

Description of all exterior building materials & colors (samples may be required)	✓	✓
Utilities, Drainage and Related Issues		
Location of sanitary sewers & septic systems, existing & proposed	-	✓
Location & size of existing & proposed water mains, well sites, water service, storm sewer loads, & fire hydrants	-	✓
Stormwater drainage & retention/detention calculations	✓	✓
Indication of site grading, drainage patterns & other stormwater management measures	✓	✓
Stormwater retention & detention ponds, including grading, side slopes, depth, high water elevation, volume & outfalls	✓	✓
Location & size of underground storm sewers & drains	✓	✓
Location of above & below ground gas, electric & telephone lines, existing & proposed	-	✓
Location of transformers & utility boxes	-	✓
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals and storage plan, if applicable	-	✓
Copies of all environmental studies required by law, if applicable	-	✓
Additional Information Required for Multiple-Family Residential Development		
The number & location of each type of residential unit (one bedroom units, two bedroom units, etc.)	-	✓
Density calculations by type of residential unit (dwelling units per acre)	-	✓
Garage &/or carport locations & details, if proposed	-	✓
Mailbox clusters	-	✓
Location, dimensions, floor plans & elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	-	✓
Swimming pool fencing detail, including height & type of fence, if applicable	-	✓
Location & size of recreation & open space areas	-	✓
Indication of type of recreation facilities proposed for recreation area	-	✓

§ 50-191. ZONING COORDINATOR REVIEW PROCEDURE

Diagram 50-191 (Exhibit 127):



§ 50-192. MAP (REZONING) AND TEXT AMENDMENT PROCEDURE

Diagram 50-192 (Exhibit 128):



§ 50-194. SPECIAL LAND USE AND ADDITIONALLY REGULATED USE PERMIT REVIEW PROCEDURE

Diagram 50-194 (Exhibit 129):

Special & Additionally Regulated Use Review

§ 50-194



§ 50-196. VARIANCE PROCEDURE

Diagram 50-196 (Exhibit 130):



§ 50-197. EXCEPTIONS PROCEDURE

Diagram 50-197 (Exhibit 131):



ARTICLE 18 ADMINISTRATION AND ENFORCEMENT

§ 50-200. AUTHORITY OF THE ZONING COORDINATOR

A. AUTHORITY OF THE ZONING COORDINATOR. THE ADMINISTRATION OF THE CHAPTER, AND THE INTERPRETATION OF THE PROVISIONS OF THIS CHAPTER, SHALL BE THE RESPONSIBILITY OF THE ZONING COORDINATOR, OR ANOTHER DESIGNEE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT IF THE ZONING COORDINATOR POSITION IS VACANT.

B. CODE ENFORCEMENT RESPONSIBILITY. THE ENFORCEMENT OF THIS CHAPTER SHALL BE THE RESPONSIBILITY OF THE ZONING COORDINATOR AND STAFF DESIGNATED BY THE ZONING COORDINATOR

C. LAPSE IN PERMITTING OR ENFORCEMENT.

**N
O
OVERSIGHT OR DERELICTION ON THE PART OF THE ZONING COORDINATOR SHALL LEGALIZE, AUTHORIZE, WAIVE OR EXCUSE THE VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER. NO PERMIT, NOR ANY LICENSE FOR ANY USE, BUILDING OR PURPOSE SHALL BE ISSUED BY ANY OFFICIAL OR EMPLOYEE OF THE CITY IF THE SAME**

WOULD BE IN CONFLICT WITH THE PROVISIONS OF THIS CHAPTER. ANY PERMIT OR LICENSE SO ISSUED SHALL BE NULL AND VOID.

D. APPEALS

**REGARDI
NGENFORCEMENT.
ALL
APPEALS TO DECISIONS MADE BY THE ZONING COORDINATOR
OR
APPOINTEE ARE SUBJECT TO THE
PROCEDU
RES CONTAINED IN
ARTICLE 17.**

§ 50-201. VIOLATIONS

**ALL LAND DEVELOPED OR REDEVELOPED, ALL BUILDINGS AND STRUCTURES ERECTED, CONVERTED,
ENLARGED,
RECONSTRUCTED, MOVED OR STRUCTURALLY ALTERED, AND ALL LAND,
BUILDINGS,
STRUCTURES, AND USES MUST COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS CHAPTER. FAILURE TO COMPLY WITH APPLICABLE PROVISIONS
CONSTITUTES A VIOLATION OF THIS CHAPTER. THE FOLLOWING LIST OF VIOLATIONS IS INTENDED TO BE ILLUSTRATIVE, AND NOT LIMITED TO THE SPECIFIC ITEMS.**

A. DEVELOPMENT OR REDEVELOPMENT VIOLATIONS.

- A. ENGAGING IN THE DEVELOPMENT OR REDEVELOPMENT OF LAND IN ANY WAY NOT CONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER.**
 - B. ERECTING A BUILDING OR OTHER STRUCTURE IN ANY WAY NOT CONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER.**
 - C. FAILURE TO COMPLY WITH ANY CONDITION OR STIPULATION IMPOSED ON A PERMIT OR APPROVAL, INCLUDING CONDITIONS OF APPROVAL FOR A CHANGE IN ZONING, SPECIAL USE, SITE PLAN REVIEW, VARIANCE, PLANNED UNIT DEVELOPMENT, OR OTHER APPROVAL.**
- B. ALTERATIONS TO EXISTING LAND, BUILDINGS OR STRUCTURES VIOLATIONS.**
- A. MODIFYING, CONVERTING, FILLING, EXCAVATING, REMOVING, ENLARGING,**

RECONSTRUCTING, MOVING OR STRUCTURALLY ALTERING LAND, VEGETATION, FENCES, AND OTHER SITE FEATURES IN ANY WAY EXCEPT AS PERMITTED BY OR PURSUANT TO THIS CHAPTER.

- B. MODIFYING, CONVERTING, ENLARGING, RECONSTRUCTING, DEMOLISHING, MOVING OR STRUCTURALLY ALTERING AN EXISTING BUILDING OR STRUCTURE EXCEPT AS PERMITTED BY OR PURSUANT TO THIS CHAPTER.**

C. USE VIOLATIONS.

- A. USING LAND, BUILDINGS OR STRUCTURES IN ANY WAY EXCEPT AS PERMITTED BY OR PURSUANT TO THIS CHAPTER.**
- B. ENGAGING IN THE USE OF A BUILDING OR LAND OR ANY OTHER ACTIVITY REQUIRING ONE OR MORE PERMITS, VARIANCE OR OTHER APPROVAL UNDER THIS CHAPTER WITHOUT OBTAINING ALL SUCH PERMITS, VARIANCES OR APPROVALS.**

D. COMPLIANCE VIOLATIONS.

- A. FAILURE TO COMPLY WITH ANY LAWFUL ORDER ISSUED BY THE ZONING COORDINATOR.**
- B. FAILURE TO ARRANGE FOR AN INITIAL INSPECTION OR A RE-INSPECTION TO DETERMINE COMPLIANCE WITH NOTICES ISSUED UNDER THIS CHAPTER.**
- C. FAILURE TO COMPLY WITH ANY PERMIT, VARIANCE, SPECIAL USE, PLANNED DEVELOPMENT, OR APPROVAL GRANTED UNDER THIS CHAPTER.**
- E. SEPARATE VIOLATION. EACH ACT OF VIOLATION AND EACH DAY UPON WHICH A VIOLATION OCCURS OR REMAINS SHALL CONSTITUTE A SEPARATE VIOLATION.**

§ 50-202. ENFORCEMENT POWERS

THE CITY MAY USE ANY LAWFUL REMEDY OR ENFORCEMENT POWERS AGAINST THE OWNER OR RESPONSIBLE PERSON FOR ANY VIOLATION OF THIS CHAPTER, INCLUDING, WITHOUT LIMITATION, ONE OR MORE OF THE FOLLOWING. REMEDIES MAY BE PURSUED SIMULTANEOUSLY OR SEQUENTIALLY AND THE PURSUIT OF ONE REMEDY DOES NOT FORECLOSE THE SIMULTANEOUS

OR SUBSEQUENT PURSUIT OF OTHER REMEDIES. THE REMEDIES ARE CUMULATIVE AND THE CITY SHALL HAVE ALL POWER GRANTED FROM TIME TO TIME UNDER ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS:

- A. WITHHOLD PERMIT. THE CITY MAY DENY OR WITHHOLD ANY AND ALL PERMITS OR OTHER FORMS OF AUTHORIZATION FROM AN APPLICANT ON ANY PROPERTY WHERE THERE IS AN UNCORRECTED VIOLATION OF A PROVISION OF THIS CHAPTER OR OF A CONDITION OR STIPULATION OF APPROVAL FOR A PERMIT OR OTHER AUTHORIZATION PREVIOUSLY GRANTED BY THE CITY. THIS ENFORCEMENT PROVISION SHALL APPLY REGARDLESS OF WHETHER THE CURRENT OWNER OR APPLICANT IS RESPONSIBLE FOR THE VIOLATION IN QUESTION.**
- B. PERMIT APPROVED WITH CONDITIONS. IN ADDITION TO DENYING OR WITHHOLDING A PERMIT OR OTHER AUTHORIZATION, THE CITY MAY GRANT SUCH PERMIT OR OTHER AUTHORIZATION SUBJECT TO THE CONDITION THAT THE VIOLATION BE CORRECTED.**
- C. REVOKE PERMIT. A PERMIT OR OTHER FORM OF AUTHORIZATION AUTHORIZED UNDER THIS**

CHAPTER MAY BE REVOKED WHEN THE ZONING COORDINATOR DETERMINES THAT: A) THERE IS DEPARTURE FROM THE PLANS, SPECIFICATIONS, OR CONDITIONS REQUIRED UNDER THE PERMIT; B) THE PERMIT OR OTHER FORM OF AUTHORIZATION WAS PROCURED BY FALSE REPRESENTATION OR WAS ISSUED IN ERROR; OR C) ANY OF THE PROVISIONS OF THIS CHAPTER ARE BEING VIOLATED. ANY PERMIT OR OTHER AUTHORIZATION REVOKED UNDER THIS PROCEDURE SHALL BECOME NULL AND VOID.

D. CEASE AND DESIST ORDER. WITH OR WITHOUT REVOKING A PERMIT, THE ZONING COORDINATOR MAY ISSUE A CEASE AND DESIST ORDER ON ANY LAND, BUILDING OR STRUCTURE FOR WHICH THERE IS AN UNCORRECTED VIOLATION OF A PROVISION OF THIS CHAPTER. THE CEASE AND DESIST ORDER MUST BE IN WRITING AND MUST STATE THE WORK IN VIOLATION THAT IS TO BE STOPPED, THE REASONS FOR THE STOPPAGE, AND THE CONDITIONS UNDER WHICH THE WORK MAY BE RESUMED.

E. COURT ORDER. THE CITY ATTORNEY MAY BRING AND PROSECUTE AN ACTION IN ANY COURT OF COMPETENT JURISDICTION TO: A) ENJOIN

THE OWNER OR RESPONSIBLE PERSON FROM CONTINUING SUCH USE, ERECTION, CONSTRUCTION, MOVING OR ALTERATION; OR IF SUCH IS BEING OR HAS BEEN ACCOMPLISHED, THE CITY ATTORNEY SHALL ENJOIN THE OWNER OR RESPONSIBLE PERSON FROM MAINTAINING THE SAME; AND/OR B) COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.

F. DECLARATION OF NUISANCE. A VIOLATION OF THIS CHAPTER IS A NUISANCE PER SE AND THE CITY MAY INSTITUTE APPROPRIATE ACTIONS OR COURT PROCEEDINGS TO CORRECT, OR ABATE ANY VIOLATION OF THE PROVISIONS OF THIS CHAPTER. IF THE OWNER OR RESPONSIBLE PERSON FAILS TO ABATE A VIOLATION, THE CITY MAY TAKE ACTION TO ABATE THE VIOLATION. THE ABATEMENT MAY BE PERFORMED BY THE CITY, BY A CONTRACT VENDOR, OR BY OTHER MEANS DETERMINED BY THE CITY. THE COST OF SUCH ACTION, PLUS AN ADMINISTRATIVE FEE, SHALL BE A PERSONAL DEBT OF THE OWNER, AND MAY BE ASSESSED AS A LIEN AGAINST THE PROPERTY UNTIL PAID.

G. PERFORMANCE GUARANTEE OR SURETY. IF A PERFORMANCE GUARANTEE OR SURETY WAS PREVIOUSLY REQUIRED AS A SPECIAL CONDITION BY THE

PLANNING COMMISSION,
ZONING BOARD OF APPEALS,
CITY COUNCIL, OR ZONING
COORDINATOR, THE CITY
MAY SEEK FORFEITURE OF
THE PERFORMANCE
GUARANTEE OR SURETY.

§ 50-203. ENFORCEMENT PROCESS

A. BASIS OF INSPECTIONS.
INSPECTIONS SHALL BE
MADE TO OBTAIN AND
MAINTAIN COMPLIANCE
WITH THE PROVISION OF
THIS CHAPTER BASED UPON
ONE (1) OR MORE OF THE
FOLLOWING:

A. TO DETERMINE
CONFORMITY WITH A
PERMIT, VARIANCE OR
OTHER APPROVAL, AS
WELL AS ANY SPECIAL
CONDITIONS IMPOSED
AT ANY TIME.

B. THE NEED TO
DETERMINE
COMPLIANCE WITH A
NOTICE OR AN ORDER
ISSUED BY THE CITY.

C. A COMPLAINT IS
RECEIVED BY THE
CITY, INDICATING
THAT THERE IS A
VIOLATION OF THE
PROVISIONS OF THIS
CHAPTER.

D. AN OBSERVATION BY
THE CITY OF A
VIOLATION OF THE
PROVISIONS OF THIS
CHAPTER.

E. AN EMERGENCY IS
OBSERVED OR
REASONABLY
BELIEVED TO EXIST.

F. A REQUEST FOR AN
INSPECTION IS MADE
BY THE OWNER OR
RESPONSIBLE PERSON.

G. DESIGNATION OF AN
AREA WHERE ALL
DWELLINGS,
ACCESSORY BUILDING,
YARDS, AND/OR SIGNS
ARE TO BE INSPECTED
UNIFORMLY OR
INTENSIVELY OR FOR
SPECIFIC VIOLATIONS.

B. CONTENT OF WRITTEN
NOTICES. NOTICES
AUTHORIZED BY THIS
CHAPTER SHALL:

A. BE IN WRITING.

B. INCLUDE A
DESCRIPTION OF THE
REAL ESTATE AND/OR
PROJECT NAME
SUFFICIENT FOR
IDENTIFICATION.

C. INCLUDE A STATEMENT
OF THE VIOLATION OR
VIOLATIONS.

D. INCLUDE A
CORRECTION ORDER
ALLOWING A
REASONABLE TIME TO
CORRECT THE
VIOLATION AND BRING
THE PROPERTY INTO
COMPLIANCE. IF A
NOTICE TO ABATE, THE
NOTICE SHALL
INDICATE THAT THE

CITY MAY ACT TO ABATE THE VIOLATION IF NOT BROUGHT INTO COMPLIANCE.

E. STATE THAT FAILURE TO COMPLY WITH THE NOTICE MAY RESULT IN FURTHER ENFORCEMENT ACTION.

F. STATE THAT A FEE SHALL BE CHARGED FOR THE ISSUANCE OF THE NOTICE. IF A NOTICE TO ABATE, THE COST OF CITY ACTION TO ABATE THE VIOLATION SHALL BE A PERSONAL DEBT OF THE OWNER, WHICH MAY BE ASSESSED AS A LIEN AGAINST THE PROPERTY UNTIL PAID.

G. INCLUDE A DESCRIPTION OF THE RIGHT TO APPEAL, AS APPLICABLE.

C. METHOD OF SERVICE. A WRITTEN NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED IN ONE (1) OF THE FOLLOWING WAYS:

A. DELIVERED PERSONALLY,

B. SENT BY FIRST-CLASS MAIL ADDRESSED TO THE LAST KNOWN ADDRESS OF THE RESPONSIBLE PERSON, OR

C. ANY OTHER METHOD AUTHORIZED FOR THE

SERVICE OF PROCESS BY COURT RULE OR STATE STATUTE.

D. POSTING. AFTER ISSUING A WRITTEN NOTICE, THE CITY MAY, BUT IS NOT REQUIRED TO, POST A COPY OF THE WRITTEN NOTICE AND/OR A PLACARD ON THE PROPERTY.

E. REASONABLE ENTRY. IF NEEDED, INSPECTIONS INSIDE A STRUCTURE, BUILDING, DWELLING, DWELLING UNIT OR ACCESSORY BUILDING SHALL BE MADE DURING REASONABLE HOURS. ENTRY WITHOUT CONSENT OF AN OWNER OR AN OCCUPANT SHALL REQUIRE AN ORDER OF THE COURT AS PROVIDED BY STATE LAW.

Sec. 2. The Ordinance shall become effective 90 days after publication.

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

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM

William Kim, City Attorney

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~~SECTION~~

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~~ARTICLE I - IN GENERAL~~

~~§ 50-1 DEFINITIONS.~~

~~FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:~~

~~ACCESSORY AMUSEMENT USE. ANY NONRESIDENTIAL ESTABLISHMENT IN WHICH 3 OR FEWER MECHANICAL AMUSEMENT DEVICES (EXCLUDING POOL TABLES AND BILLIARD TABLES) FOR HIRE ARE LOCATED, AS REGULATED IN §§ 12-24 THROUGH 12-37 OF THIS CODE OF ORDINANCES.~~

~~ACCESSORY BUILDING. A BUILDING OR PORTION OF A BUILDING SUBORDINATE TO A MAIN BUILDING ON THE SAME LOT THAT IS OCCUPIED BY OR DEVOTED EXCLUSIVELY TO AN ACCESSORY USE.~~

~~ACCESSORY STRUCTURE. A DETACHED STRUCTURE ON THE SAME LOT AS, AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL STRUCTURE.~~

~~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.~~

~~ACREAGE. ANY TRACT OR PARCEL OF LAND WHICH HAS NOT BEEN SUBDIVIDED OR PLATTED.~~

~~ADDITION. AN EXTENSION OR INCREASE IN FLOOR AREA OR HEIGHT OF A BUILDING OR STRUCTURE.~~

~~ADULT. A PERSON HAVING ARRIVED AT THE LEGAL AGE OF ADULTHOOD AS DEFINED BY MICHIGAN LAW.~~

~~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 DURING DAYTIME HOURS, NOT MORE THAN 12 HOURS A DAY OR MORE THAN 6 DAYS PER WEEK. THIS DEFINITION INCLUDES ADULT DAY HEALTH CARE CENTERS BUT DOES NOT INCLUDE NURSING HOMES, HOMES FOR THE AGED, HOSPITALS OR OTHER FACILITIES THAT ROUTINELY PROVIDE MEDICAL TREATMENT OR OVERNIGHT CARE.~~

~~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. ANY ESTABLISHMENT FEATURING LIVE PERFORMANCES BY NUDE OR SEMI-NUDE DANCERS, ENTERTAINERS, WAITSTAFF OR OTHER PERSONS.~~

~~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 MASSAGE ONLY TO THE NECK, SHOULDER, SCALP, AND FACE OR BY A LICENSED OR CERTIFIED THERAPIST ACTING WITHIN THE STANDARDS OF A GENERALLY RECOGNIZED LICENSING OR CERTIFYING ORGANIZATION.~~

~~RESTRICTED ADULT BUSINESS. ANY~~

~~ADULT ENTERTAINMENT USE THAT IS CUSTOMARILY OPEN ONLY TO ADULTS.~~

~~ADULT FOSTER CARE FACILITY. A LICENSED ESTABLISHMENT THAT PROVIDES FOSTER CARE TO ADULTS, INCLUDING AGED, MENTALLY ILL, DEVELOPMENTALLY DISABLED, OR PHYSICALLY HANDICAPPED ADULTS WHO REQUIRE SUPERVISION ON AN ONGOING BASIS BUT WHO DO NOT REQUIRE CONTINUOUS NURSING CARE. ADULT FOSTER CARE FACILITY DOES NOT INCLUDE NURSING HOMES, HOMES FOR THE AGED, HOSPITALS, ALCOHOL OR SUBSTANCE ABUSE REHABILITATION CENTERS, OR RESIDENTIAL CENTERS FOR PERSONS RELEASED FROM OR ASSIGNED TO A CORRECTIONAL FACILITY.~~

~~ADULT FOSTER CARE FAMILY HOME. 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 MUST BE A MEMBER OF THE HOUSEHOLD AND AN OCCUPANT OF THE RESIDENCE.~~

~~ADULT FOSTER CARE LARGE GROUP HOME. AN ADULT FOSTER CARE FACILITY WITH APPROVED CAPACITY TO RECEIVE AT LEAST 13~~

~~BUT NOT MORE THAN 20 ADULTS TO BE PROVIDED SUPERVISION, PERSONAL CARE, AND PROTECTION, IN ADDITION TO ROOM AND BOARD, FOR 24 HOURS A DAY, 5 OR MORE DAYS A WEEK AND FOR 2 OR MORE CONSECUTIVE WEEKS, FOR COMPENSATION.~~

TYPICALLY INTENDED

~~ADULT FOSTER CARE SMALL GROUP HOME. AN ADULT FOSTER CARE FACILITY WITH THE APPROVED CAPACITY TO RECEIVE 12 OR FEWER ADULTS WHO ARE PROVIDED SUPERVISION, PERSONAL CARE, AND PROTECTION, IN ADDITION TO ROOM AND BOARD, FOR 24 HOURS A DAY, 5 OR MORE DAYS A WEEK AND FOR 2 OR MORE CONSECUTIVE WEEKS, FOR COMPENSATION.~~

~~ALLEY. ANY ROADWAY, OTHER THAN A CITY STREET, AFFORDING A SECONDARY MEANS OF ACCESS TO ABUTTING PROPERTY, AND NOT INTENDED FOR GENERAL TRAFFIC CIRCULATION.~~

~~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.~~

~~APARTMENT. A ROOM OR SUITE OF ROOMS ARRANGED AND INTENDED AS A DWELLING UNIT FOR A SINGLE FAMILY OR A GROUP OF INDIVIDUALS LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT;~~

~~FOR RENTAL USE OR AS AN INDIVIDUAL UNIT IN A COLLECTION OF UNITS COOPERATIVELY OWNED BY ITS OCCUPANTS.~~

~~APARTMENT BUILDING. A BUILDING USED OR ARRANGED FOR RENTAL OCCUPANCY OR CO-OPERATIVELY OWNED BY ITS OCCUPANTS, HAVING THREE OR MORE ATTACHED SINGLE FAMILY OR SINGLE DWELLING UNITS, WITH A YARD, COMPOUND, SERVICE, OR UTILITIES IN COMMON.~~

~~APARTMENT, EFFICIENCY. A DWELLING UNIT IN A MULTIFAMILY BUILDING, CONSISTING OF NOT MORE THAN ONE HABITABLE ROOM, TOGETHER WITH KITCHEN OR KITCHENETTE AND SANITARY FACILITIES.~~

~~APARTMENT HOTEL. AN APARTMENT HOUSE WHICH FURNISHES SERVICES FOR THE USE OF ITS TENANTS WHICH ARE ORDINARILY FURNISHED BY HOTELS.~~

~~ARCADE OR AMUSEMENT CENTER. ANY ESTABLISHMENT THAT CONTAINS 4 OR MORE MECHANICAL AMUSEMENT DEVICES AND WHOSE PRINCIPAL USE IS PROVIDING ENTERTAINMENT THROUGH SUCH DEVICES.~~

~~ARCHITECTURAL FEATURES. ARCHITECTURAL FEATURES OF A BUILDING OR A STRUCTURE INCLUDE, BUT ARE NOT LIMITED TO, CORNICES, EAVES, GUTTERS, BELT COURSES, SILLS, LINTELS, BAY~~

~~WINDOWS, CHIMNEYS, AND DECORATIVE ORNAMENTS.~~

~~AUTOMOBILE REPAIR, MAJOR. A STRUCTURE OR USE DEVOTED TO THE GENERAL REPAIR, REBUILDING, OR RECONDITIONING OF MOTOR VEHICLES OR ENGINES, INCLUDING COLLISION SERVICE; BODY, FRAME, OR FENDER STRAIGHTENING AND REPAIR; OR OVERALL PAINTING AND UNDERCOATING.~~

~~AUTOMOBILE REPAIR, MINOR. A STRUCTURE OR USE PROVIDING LIMITED MOTOR VEHICLE REPAIR AND SERVICE, SUCH AS MINOR DENT REPAIR; DETAILING; LUBRICATION; RADIATOR OR FUEL SYSTEM FLUSHING; AND INSTALLATION OF MOTOR VEHICLE PARTS AND ACCESSORIES SUCH AS SPARK PLUGS, BATTERIES, TIRES, MUFFLERS, AND BELTS.~~

~~AUTOMOBILE OR TRAILER SALES AREA. AN OPEN AREA, OTHER THAN A STREET, USED FOR THE DISPLAY, SALE OR RENTAL OF NEW OR USED MOTOR VEHICLES OR TRAILERS IN OPERABLE CONDITION.~~

~~AUTOMOBILE SERVICE STATION OR FILLING STATION. A PLACE WHERE GASOLINE OR OTHER MOTOR FUEL, LUBRICANTS, TIRES, BATTERIES, ACCESSORIES AND SUPPLIES FOR OPERATING AND EQUIPPING MOTOR VEHICLES, INCLUDING GREASING AND OILING, AND, IF WITHIN AN ENCLOSED BUILDING, INCIDENTAL BRAKE, MUFFLER, AND SIMILAR~~

~~SERVICES BUT NOT INCLUDING ANY OPERATION NAMED UNDER AUTOMOBILE REPAIR, MAJOR.~~

~~AUTOMOBILE WRECKING. THE DISMANTLING OR DISASSEMBLING OF USED MOTOR VEHICLES OR TRAILERS OR THE STORAGE, SALE OR DUMPING OF DISMANTLED, PARTIALLY DISMANTLED, OBSOLETE OR WRECKED VEHICLES OR THEIR PARTS.~~

~~BASE FLOOD. THE FLOOD HAVING A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR.~~

~~BED AND BREAKFAST OPERATION. A USE WHICH IS SUBORDINATE TO THE PRINCIPAL USE OF A DWELLING UNIT AS A SINGLE FAMILY DWELLING UNIT AND A USE IN WHICH TRANSIENT GUESTS ARE PROVIDED A SLEEPING ROOM AND A MEAL OR MEALS IN RETURN FOR PAYMENT FOR A LIMITED TIME.~~

~~BOARD. THE CITY OF FLINT ZONING BOARD OF APPEALS.~~

~~BOARDING OR LODGING HOUSE. A DWELLING OR PART THEREOF WHERE MEALS OR LODGING, OR BOTH, ARE PROVIDED FOR COMPENSATION. A BOARDING HOUSE IS TO BE DISTINGUISHED FROM A HOTEL, MOTEL, BED AND BREAKFAST ESTABLISHMENT, OR A CONVALESCENT, NURSING, OR GROUP HOME.~~

~~BUILDING. ANY STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS, USED OR~~

~~INTENDED TO BE USED FOR THE SHELTER OR ENCLOSURE OF PERSONS, ANIMALS OR PROPERTY. WHEN SUCH A STRUCTURE IS DIVIDED INTO SEPARATE PARTS BY ONE OR MORE UNPIERCED WALLS EXTENDING FROM THE GROUND UP, EACH~~

~~PART IS DEEMED A SEPARATE BUILDING, EXCEPT AS REGARDS MINIMUM SIDE YARD REQUIREMENTS AS PROVIDED BY THIS CHAPTER.~~

~~*BUILDING HEIGHT.* THE VERTICAL DISTANCE MEASURED FROM THE ESTABLISHED FINISHED 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 FRONT LINE.* A LINE THAT COINCIDES WITH THE FACE 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.~~

~~*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.~~

~~*CEMETERY.* LAND USED OR INTENDED TO BE USED FOR THE BURIAL OF THE HUMAN DEAD, INCLUDING COLUMBARIUMS, 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. A DIFFERENT USE SHALL FIRST BE DETERMINED ON THE BASIS OF THE ZONING DISTRICTS IN WHICH THE RESPECTIVE USES ARE FIRST PERMITTED, EITHER AS A PRINCIPAL USE PERMITTED OUTRIGHT OR A PRINCIPAL CONDITIONAL USE. A FURTHER DIFFERENCE OF USE SHALL BE DETERMINED ON THE BASIS OF USES LISTED IN THE SUBHEADINGS OF EACH ZONING DISTRICT SUCH AS RETAIL SERVICES, EATING AND DRINKING PLACES, AUTOMOTIVE SERVICES. CHANGES WITHIN SUBHEADINGS ARE NOT CONSIDERED A CHANGE IN USE. IF AN EXISTING STRUCTURE IS VACANT, THE LAST OCCUPANT SHALL DETERMINE USE.~~

~~*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.~~

~~*CLINIC.* A PLACE USED FOR THE CARE, DIAGNOSIS AND TREATMENT OF PERSONS IN NEED OF MEDICAL OR SURGICAL ATTENTION, BUT WHO ARE NOT KEPT OVERNIGHT ON THE PREMISES. SEE ALSO "VETERINARY CLINIC."~~

~~*CLUB.* A NON PROFIT ASSOCIATION THAT MAINTAINS, OWNS, HIRES OR LEASES A BUILDING OR SPACE IN A BUILDING OR WHICH FURNISHES TO~~

~~ITS MEMBERS OR GUESTS ANY PREMISES OR PLACE WHERE MEMBERS OR GUESTS MAY ENGAGE IN THE DRINKING OF ALCOHOLIC LIQUOR FOR ANY FEE, COVER CHARGE, DONATION, OR OTHER CHARGE THAT MAY REASONABLY BE CONSTRUED AS CONSIDERATION. ALSO, THE BUILDING OWNED OR LEASED BY SUCH A GROUP.~~

~~*COLLECTOR STREET.* A STREET THAT PROVIDES BOTH LAND ACCESS AND TRAFFIC MOVEMENT IN THE LOCAL DISTRICT.~~

~~CO-LOCATION. THE ABILITY TO ATTACH WIRELESS ANTENNAS TO EXISTING STRUCTURES SUCH AS TOWERS, ROOFTOPS, UTILITY LINES, CHURCH SPIRES, AND THE LIKE.~~

~~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.~~

~~COMMUNITY DEVELOPMENT PROJECT. ANY RESIDENTIAL DEVELOPMENT WHICH CONFORMS TO THE REQUIREMENTS AND STANDARDS OF THE COMMUNITY DEVELOPMENT PROJECT REGULATIONS OF THIS CHAPTER.~~

~~CONDITIONAL USE. A USE THAT, BECAUSE OF SPECIAL REQUIREMENTS OR CHARACTERISTICS, MAY BE ALLOWED IN A PARTICULAR ZONING DISTRICT ONLY AFTER REVIEW BY THE PLANNING COMMISSION AND GRANTING OF CONDITIONAL USE APPROVAL WITH SUCH CONDITIONS AS NECESSARY TO MAKE THE USE COMPATIBLE WITH OTHER USES PERMITTED IN THE SAME DISTRICT OR VICINITY.~~

~~CONFORMING. IN COMPLIANCE WITH THE REGULATIONS OF THE~~

~~PERTINENT ZONING DISTRICT.~~

~~CONVALESCENT OR NURSING HOME. A BUILDING WHERE INFIRM OR INCAPACITATED PERSONS ARE FURNISHED LODGING, SHELTER, MEALS, NURSING, PERSONAL CARE, OR LIMITED MEDICAL ATTENTION ON A REGULAR BASIS FOR COMPENSATION. SUCH A FACILITY PROVIDES LIMITED ASSISTANCE BUT NOT THE DEGREE OF CARE AND TREATMENT PROVIDED BY A HOSPITAL OR SKILLED NURSING CENTER.~~

~~COUNTY. THE COUNTY OF GENESEE, MICHIGAN.~~

~~COURT. AN OPEN, UNOCCUPIED SPACE ON THE SAME LOT OR PARCEL WITH A BUILDING AND BOUNDED ON TWO OR MORE SIDES WITH WALLS OF THE BUILDING.~~

~~COURT, INNER. ANY COURT OTHER THAN AN OUTER COURT.~~

~~COURT, OUTER. A COURT WHICH EXTENDS DIRECTLY TO AND OPENS FOR ITS FULL WIDTH ON A STREET OR OTHER PERMANENT SPACE, OR ON A REQUIRED YARD, AT LEAST 20 FEET WIDE.~~

~~COVERAGE. THE PART OF A LOT OR PARCEL OF LAND OCCUPIED BY ONE OR MORE STRUCTURES.~~

~~CUL DE SAC. A STREET TERMINATING AT ONE END WITH A TURNING RADIUS.~~

~~DAY CARE CENTER. SEE "CHILD CARE CENTER."~~

~~DEVELOPMENT. THE CONSTRUCTION OF A NEW STRUCTURE ON A LOT, THE RELOCATION OF AN EXISTING STRUCTURE ON A LOT, OR THE USE OF OPEN LAND FOR A NEW USE.~~

~~DIRECT ACCESS. ACCESS REQUIRING THIS CHAPTER.~~

~~DRIVE-IN. SEE "RESTAURANT."~~

~~DWELLING. ANY BUILDING OR PORTION THEREOF USED FOR HUMAN HABITATION, EXCLUSIVE OF TENTS, CAMPERS, TRAILERS, PORTABLE BUILDINGS, AND MOBILE HOMES OR OTHER BUILDINGS WITHOUT A PERMANENT FOUNDATION.~~

~~ATTACHED. A DWELLING UNIT ATTACHED TO 2 OR MORE DWELLING UNITS BY COMMON VERTICAL WALLS.~~

~~DETACHED. A DWELLING UNIT THAT IS NOT ATTACHED TO ANY OTHER DWELLING UNIT BY ANY MEANS.~~

~~TRESPASS OVER PROPERTY OR RIGHTS-OF-WAY.~~

~~DISTRICT. AN AREA OF THE CITY WITH SPECIFIC ZONING REGULATIONS AS DEFINED IN~~

~~SEMI-DETACHED. A DWELLING UNIT ATTACHED TO ONE OTHER DWELLING UNIT BY A COMMON VERTICAL WALL, WITH EACH DWELLING UNIT LOCATED ON A SEPARATE LOT. ALSO COMMONLY KNOWN AS ADUPLEX.~~

~~STACKED RANCH. A TWO-STORY BUILDING DIVIDED HORIZONTALLY AND VERTICALLY BY COMMON PARTY WALLS AND FLOORS INTO 8 OR FEWER SINGLE STORY DWELLING UNITS, EACH UNIT HAVING AN INDEPENDENT PEDESTRIAN ENTRANCE EITHER DIRECTLY TO THE OUTSIDE OR THROUGH A COMMON VESTIBULE, AND INTEGRAL INDIVIDUAL GARAGES.~~

~~TOWNHOUSE. A BUILDING DIVIDED VERTICALLY BY COMMON WALLS INTO 4 TO 12 ATTACHED DWELLING UNITS WITH INDEPENDENT ENTRANCES TO BOTH THE FRONT YARD AND THE BACK YARD OR GARAGE, AND HAVING NO UNIT LOCATED ABOVE ANOTHER UNIT.~~

~~MULTIPLEX. A BUILDING DIVIDED VERTICALLY INTO THREE OR MORE SEPARATE DWELLING UNITS HAVING INDEPENDENT ENTRANCES EITHER DIRECTLY TO THE OUTSIDE OR THROUGH A COMMON VESTIBULE.~~

~~DWELLING, MULTI FAMILY. A BUILDING CONTAINING THREE OR MORE DWELLING UNITS.~~

~~DWELLING, SINGLE FAMILY. A~~

~~BUILDING DESIGNED FOR RESIDENTIAL USE CONTAINING NOT MORE THAN ONE DWELLING UNIT.~~

~~DWELLING, TWO FAMILY. A BUILDING CONTAINING NOT MORE THAN TWO DWELLING UNITS.~~

~~DWELLING GROUP. A GROUP OF TWO OR MORE DETACHED DWELLINGS LOCATED ON A PARCEL OF LAND IN ONE OWNERSHIP AND HAVING ANY YARD OR COURT IN COMMON.~~

~~DWELLING UNIT. ONE OR MORE ROOMS CONNECTED TOGETHER WITH KITCHEN AND SANITARY FACILITIES DESIGNED FOR RESIDENTIAL USE BY ONE FAMILY OR HOUSEKEEPING UNIT AND PHYSICALLY SEPARATED FROM ANY OTHER ROOM OR DWELLING UNIT IN THE SAME STRUCTURE.~~

~~EASEMENT. THAT PORTION OF LAND OR PROPERTY RESERVED FOR PRESENT OR FUTURE USE BY A PERSON OR AGENCY OTHER THAN THE LEGAL FEE OWNER OF THE PROPERTY.~~

~~ENVIRONMENTAL AREA. AN AREA THAT THE DEPARTMENT OF NATURAL RESOURCES HAS DETERMINED IS NECESSARY FOR THE PRESERVATION AND MAINTENANCE OF WILDLIFE, WATER, SOIL, OPEN SPACE, OR FOREST RESOURCES.~~

~~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.~~

~~ESSENTIAL SERVICES. THE
CONSTRUCTION OR MAINTENANCE
OF GAS, ELECTRICAL, STEAM,
SEWER, WATER, OR OTHER UTILITY
SYSTEMS, EQUIPMENT, AND
ACCESSORIES, WHETHER
UNDERGROUND OR OVERHEAD,
THAT ARE REASONABLY
NECESSARY FOR FURNISHING
ADEQUATE UTILITY SERVICES TO
THE PUBLIC.~~

~~ESTABLISHMENT. ANY BUSINESS OR
ENTERPRISE THAT UTILIZES ANY
BUILDING, STRUCTURE, PREMISES,
PARCEL, PLACE, OR AREA.~~

~~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.~~

~~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, ORGANIZATION, OR GROUP OF STUDENTS OR OTHER INDIVIDUALS WHOSE DOMESTIC RELATIONSHIP IS OF A TRANSITORY OR SEASONAL NATURE OR FOR AN ANTICIPATED LIMITED DURATION OF A SCHOOL TERM OR OTHER SIMILAR DETERMINABLE PERIOD.~~

~~*FAMILY DAY CARE HOME.* A PRIVATE HOME IN WHICH ONE BUT NOT MORE THAN 6 MINOR CHILDREN ARE RECEIVED FOR CARE AND SUPERVISION FOR PERIODS LESS THAN 24 HOURS A DAY, UNATTENDED BY A PARENT OR LEGAL GUARDIAN, EXCEPTING CHILDREN RELATED TO AN ADULT MEMBER OF THE FAMILY BY BLOOD, MARRIAGE, OR ADOPTION.~~

~~FAMILY DAY CARE HOMES INCLUDE HOMES THAT GIVE CARE TO AN UNRELATED MINOR CHILD FOR MORE THAN 4 WEEKS DURING A CALENDAR YEAR.~~

~~*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.~~

~~*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.~~

~~*FLOOD INSURANCE STUDY.* THE OFFICIAL REPORT OF THE FEDERAL INSURANCE ADMINISTRATION PROVIDING FLOOD PROFILES, THE FLOOD INSURANCE RATE MAPS, AND THE WATER SURFACE ELEVATION OF THE BASE FLOOD.~~

~~*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, GROSS. THE SUM OF THE HORIZONTAL AREAS OF THE SEVERAL FLOORS OF THE BUILDING MEASURED FROM THE EXTERIOR FACES OF THE EXTERIOR WALLS OR FROM THE CENTERLINE OF WALLS SEPARATING 2 BUILDINGS. THE GROSS FLOOR AREA OF A BUILDING SHALL NOT~~

~~INCLUDE THE BASEMENT FLOOR AREA EXCEPT WHEN MORE THAN HALF OF THE BASEMENT IS ABOVE GRADE.~~

~~FRONT, LOT. 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. OTHERWISE THE PRINCIPAL ENTRANCE SHALL DETERMINE THE FRONT OF THE LOT.~~

~~FRONTAGE. THE DISTANCE ALONG THE BOUNDARY BETWEEN ANY LOT OR PARCEL OF PROPERTY AND A HIGHWAY, PUBLIC RIGHT OF WAY OR WATERWAY.~~

~~GARAGE. A STRUCTURE OR USE DEVOTED TO THE STORAGE OR CARE OF MOTOR VEHICLES. A COMMERCIAL GARAGE IS A STRUCTURE OR USE WHERE MOTOR VEHICLES ARE EQUIPPED FOR OPERATION, REPAIRED, OR STORED FOR REMUNERATION, HIRE, OR SALE. THIS DEFINITION EXCLUDES A STRUCTURE OR USE PRINCIPALLY DEVOTED TO THE STORAGE OF MOTOR VEHICLES FOR SCRAP OR SALVAGE PURPOSES OR FOR SALE AS SCRAP OR SALVAGE MATERIAL.~~

~~GRADE. THE HIGHEST POINT OF THE GROUND CONTACTING ANY PORTION OF THE BASEMENT OR FOUNDATION OF A BUILDING.~~

~~GROUP DAY CARE HOME. A PRIVATE HOME IN WHICH 7, BUT NOT MORE THAN 12, MINOR CHILDREN ARE RECEIVED FOR CARE AND SUPERVISION FOR PERIODS OF LESS THAN 24 HOURS A DAY, UNATTENDED BY A PARENT OR LEGAL GUARDIAN, EXCEPTING CHILDREN RELATED TO AN ADULT MEMBER OF THE FAMILY BY BLOOD, MARRIAGE, OR ADOPTION. GROUP DAY CARE HOMES INCLUDE HOMES THAT GIVE CARE TO AN UNRELATED MINOR CHILD FOR MORE THAN 4 WEEKS DURING A~~

~~YEAR.~~

~~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.~~

~~HOME FOR THE AGED. A SUPERVISED PERSONAL CARE FACILITY, OTHER THAN A HOTEL, ADULT FOSTER CARE FACILITY, HOSPITAL, NURSING HOME, OR COUNTY MEDICAL CARE FACILITY, THAT PROVIDES ROOM, BOARD, AND SUPERVISED PERSONAL CARE TO 21 OR MORE UNRELATED, NONTRANSIENT, INDIVIDUALS 60 YEARS OF AGE OR OLDER. A HOME FOR THE AGED INCLUDES A SUPERVISED PERSONAL CARE FACILITY FOR 20 OR FEWER INDIVIDUALS 60 YEARS OF AGE OR OLDER IF THE FACILITY IS OPERATED IN CONJUNCTION WITH, AND AS A DISTINCT PART OF, A LICENSED NURSING HOME.~~

~~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.~~

~~HOSPITAL. AN INSTITUTION FOR THE DIAGNOSIS, TREATMENT, OR~~

~~CARE OF AGED, SICK, OR INJURED PEOPLE. THE TERM "HOSPITAL" SHALL INCLUDE SANATORIUMS BUT NOT NURSING HOMES, REST HOMES, OR CONVALESCENT HOMES.~~

~~*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.~~

~~*HOUSEKEEPING UNIT.* A DWELLING UNIT ORGANIZED AS A SINGLE ENTITY IN WHICH THE MEMBERS SHARE COMMON KITCHEN FACILITIES AND HAVE ACCESS TO ALL PARTS OF THE DWELLING UNIT.~~

~~*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.~~

~~*JUNK.* ANY REFUSE, WASTE MATERIAL, OR ITEM THAT HAS~~

~~CEASED TO HAVE VALUE FOR ITS ORIGINALLY INTENDED USE, INCLUDING SALVAGED MATERIAL, METAL, MACHINERY, MOTOR VEHICLES, OR MOTOR VEHICLE PARTS, FURNITURE AND HOUSEHOLD EQUIPMENT, OR SALVAGED MATERIALS INCIDENTAL TO MANUFACTURING OPERATIONS.~~

~~JUNKYARD. 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.~~

~~KENNEL. ANY STRUCTURE OR PREMISES ON WHICH FOUR OR MORE DOGS OR CATS OVER FOUR MONTHS OF AGE ARE KEPT.~~

~~LOADING SPACE. AN OFF STREET SPACE WITHIN A BUILDING OR ON THE SAME LOT WITH A BUILDING OR GROUP OF BUILDINGS FOR THE TEMPORARY PARKING OF A COMMERCIAL VEHICLE WHILE LOADING AND UNLOADING MERCHANDISE OR MATERIALS, SUCH SPACE HAVING DIRECT AND UNOBSTRUCTED ACCESS TO A~~

~~STREET OR ALLEY.~~

~~LODGE. SEE "CLUB".~~

~~LOT. A PARCEL OF LAND INTENDED FOR A SINGLE PRINCIPAL USE, TOGETHER WITH ACCESSORY USES PERMITTED IN THIS CHAPTER, AND HAVING BOUNDARIES DETERMINED BY LOT LINES.~~

~~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 LOCATED AT THE INTERSECTION OF TWO STREETS OR A LOT BOUNDED ON TWO SIDES BY A CURVING STREET, ANY TWO CHORDS OF WHICH FORM AN ANGLE OF 135 DEGREES OR LESS AS MEASURED ON THE LOT SIDE. THE POINT OF INTERSECTION OF THE STREET LOT LINES IS THE CORNER. IN THE CASE OF A CORNER LOT WITH A CURVED STREET LINE, THE CORNER IS THAT POINT ON THE STREET LOT LINE NEAREST TO THE POINT OF INTERSECTION OF THE TANGENTS DESCRIBED ABOVE.~~

~~LOT COVERAGE. THE PART OR PERCENT OF THE LOT AREA OCCUPIED BY STRUCTURES.~~

~~LOT DEPTH. THE HORIZONTAL STRAIGHT LINE DISTANCE BETWEEN THE FRONT AND REAR LOT LINES, MEASURED ALONG THE MEDIAN BETWEEN SIDE LOT LINES.~~

~~LOT DEFINITIONS. SEE APPENDIX: COMPILED ILLUSTRATIONS, ILLUSTRATION 50-1, "TYPICAL LOT DEFINITIONS," AT THE END OF THIS CHAPTER.~~

~~LOT, DOUBLE FRONTAGE. ANY INTERIOR LOT HAVING FRONTAGE ON TWO APPROXIMATELY PARALLEL STREETS AS DISTINGUISHED FROM A CORNER LOT. SEE "LOT, THROUGH."~~

~~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.~~

~~LOT, INTERIOR. A LOT OTHER THAN A CORNER LOT.~~

~~LOT LINES. THE PROPERTY LINES BOUNDING A LOT AS DEFINED HEREIN:~~

~~FRONT LOT LINE. THE SHORTEST LOT BOUNDARY ABUTTING A PUBLIC STREET.~~

~~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.~~

~~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. WHENEVER AN OWNER USES 2 OR MORE RECORDED LOTS AS A SINGLE BUILDING SITE, OR COMBINES 2 OR MORE LOTS ON ANY RECORDED PLAT IN THE RECORDS OF THE ASSESSOR OR TREASURER, SAID COMBINATION OF LOTS SHALL BE DEEMED TO BE A SINGLE LOT OF RECORD FOR THE PURPOSES OF THIS CHAPTER.~~

~~LOT, THROUGH. ANY INTERIOR LOT HAVING FRONTAGE ON TWO APPROXIMATELY PARALLEL STREETS, AS DISTINGUISHED FROM A CORNER LOT. IN THE CASE OF A ROW OF 2 OR MORE DOUBLE FRONTAGE LOTS, ALL YARDS OF SAID LOTS ADJACENT TO STREETS SHALL BE CONSIDERED FRONT YARDS, AND SETBACKS SHALL BE~~

~~PROVIDED AS REQUIRED IN THIS CHAPTER.~~

~~LOT WIDTH. THE HORIZONTAL STRAIGHT LINE DISTANCE BETWEEN THE SIDE LOT LINES, MEASURED ALONG THE MEDIAN BETWEEN THE FRONT AND REAR LOT LINES.~~

~~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. TWO OR MORE ADJACENT LOTS MAY ONLY BE TREATED AS A ZONING LOT IF THEY CANNOT BE COMBINED INTO ONE TAX PARCEL BY THE CITY.~~

~~MAJOR STREET PLAN. THE MAJOR STREET PLAN FOR THE CITY AS ADOPTED BY THE PLANNING COMMISSION, ESTABLISHING THE LOCATION AND OFFICIAL RIGHT OF WAY WIDTH OF PRINCIPAL STREETS AND HIGHWAYS IN THE CITY.~~

~~MAJOR THOROUGHFARE. A LARGE VOLUME TRAFFIC WAY INTENDED FOR TRAFFIC FROM THE IMMEDIATE MUNICIPAL AREA AND THE REGIONS BEYOND.~~

~~MANUFACTURED HOME. A FACTORY-BUILT SINGLE-FAMILY STRUCTURE THAT MEETS THE NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS ACT, COMMONLY KNOWN AS THE HUD (UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT) CODE. SEE "MOBILE HOME."~~

~~MANUFACTURED HOME PARK. SEE "MOBILE HOME PARK."~~

~~MARGINAL ACCESS DRIVE. A STREET THAT IS PARALLEL TO AND ADJACENT TO A PRIMARY STREET AND THAT IS DESIGNED TO PROVIDE ACCESS TO ABUTTING PROPERTIES SO THAT THESE PROPERTIES ARE SOMEWHAT SHELTERED FROM THE EFFECTS OF THE THROUGH TRAFFIC ON THE PRIMARY STREET AND SO THAT THE FLOW OF TRAFFIC ON THE PRIMARY STREET IS NOT IMPEDED BY DIRECT DRIVEWAY ACCESS FROM A LARGE NUMBER OF ABUTTING PROPERTIES.~~

~~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.~~

~~MINI STORAGE FACILITY. A~~

~~BUILDING OR GROUP OF BUILDINGS WHERE SEPARATE, LOCKING UNITS ARE LEASED TO CUSTOMERS FOR THE STORAGE OF PERSONAL PROPERTY.~~

~~MOBILE HOME. ANY STRUCTURE BUILT ON A CHASSIS AND DESIGNED TO BE USED WITHOUT A PERMANENT FOUNDATION AS A DWELLING WHEN CONNECTED TO THE REQUIRED UTILITIES AND WHICH IS, OR IS INTENDED TO BE, ATTACHED TO THE GROUND TO ANOTHER STRUCTURE, OR TO A UTILITY SYSTEM ON THE SAME PREMISES FOR MORE THAN 30 CONSECUTIVE DAYS, BUT DOES NOT INCLUDE A RECREATIONAL VEHICLE.~~

~~TYPE A. NEW MOBILE HOMES CERTIFIED AS MEETING HUD MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS.~~

~~TYPE B. USED MOBILE HOMES CERTIFIED AS MEETING HUD MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS OR STANDARDS CONTAINED UNDER STATE OF MICHIGAN ACT 230 OF THE PUBLIC ACTS OF 1972, BEING MCLA §§ 125.1501 ET SEQ., AND MSA §§ 5.2949(1) ET SEQ., AS AMENDED, FOUND ON INSPECTION TO BE IN GOOD CONDITION.~~

~~TYPE C. USED MOBILE HOMES CERTIFIED AS MEETING HUD MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS OR STANDARDS CONTAINED UNDER ACT 230 OF THE PUBIC ACTS OF 1972, BEING MCLA §§ 125.1501 ET SEQ., AND MSA §§ 5.2949(1) ET SEQ., AS AMENDED, FOUND ON INSPECTION~~

~~TO BE IN POOR CONDITION AND UNSAFE AND/OR UNFIT FOR RESIDENTIAL OCCUPANCY.~~

~~TYPE D. USED MOBILE HOMES NOT CERTIFIED AS MEETING HUD MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS OR NOT MEETING STANDARDS CONTAINED UNDER STATE OF MICHIGAN ACT 230 OF THE PUBLIC ACTS OF 1972, BEING MCLA §§ 125.1501 ET SEQ., AND MSA §§ 5.2949(1) ET SEQ., AS AMENDED.~~

~~MOBILE HOME PARK. ANY PARCEL OF LAND OR PART THEREOF USED OR OFFERED FOR USE AS A LOCATION FOR THREE OR MORE MOBILE HOMES ON A CONTINUAL, NON RECREATIONAL BASIS TOGETHER WITH ANY BUILDING, STRUCTURE, ENCLOSURE, STREET, EQUIPMENT, OR FACILITY USED OR INTENDED FOR USE INCIDENT TO THE OCCUPANCY OF A MOBILE HOME.~~

~~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.~~

~~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.~~

~~MOTOR HOME. ANY VEHICLE BUILT AND LICENSABLE FOR USE ON PUBLIC STREETS AND HIGHWAYS THAT HAS BEEN CONSTRUCTED OR ADAPTED FOR USE AS A DWELLING OR SLEEPING PLACE FOR ONE OR MORE PERSONS. SEE "TRAVEL TRAILER."~~

~~MOTOR HOME PARK. A PARK DESIGNED SPECIFICALLY TO ACCOMMODATE THE USE OF MOTOR HOMES AND TRAVEL TRAILERS AS DWELLINGS. ALSO COMMONLY REFERRED TO AS A TRAILER PARK OR RV PARK.~~

~~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 STRUCTURE. A~~

~~STRUCTURE WHICH, THROUGH A CHANGE IN THE LAW, NO LONGER CONFORMS TO THE PROVISIONS OF THIS CHAPTER.~~

~~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.

~~NUISANCE.~~ A THING OR PRACTICE CAUSING, OR HAVING POTENTIAL TO CAUSE, ANNOYANCE SUCH AS NOISE, DUST, DIRT, SMOKE, FLY ASH, ODOR, GLARE, FUMES, FLASHES, VIBRATION, SHOCK WAVES, HEAT, ELECTRONIC OR ATOMIC RADIATION, EFFLUENT, CROWD NOISE, TRAFFIC, OR TRESPASS OF PERSONS OR OBJECTS, WHETHER OR NOT THE THING OR PRACTICE CONSTITUTES A LEGAL NUISANCE SUBJECT TO FORCIBLE ABATEMENT.

~~NURSERY.~~ A STRUCTURE OR USE WHERE LIVE TREES, SHRUBS, OR PLANTS ARE GROWN, TENDED, OR STORED AND OFFERED FOR RETAIL SALE, INCLUDING PRODUCTS USED FOR GARDENING OR LANDSCAPING, BUT NOT INCLUDING A STRUCTURE OR USE PRINCIPALLY FOR THE SALE OF FRUITS, VEGETABLES, OR CHRISTMAS TREES.

~~NURSERY SCHOOL.~~ SEE "CHILD CARE CENTER."

~~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.~~

~~OFF STREET PARKING LOT OR FACILITY.~~ A STRUCTURE OR USE PROVIDING PARKING SPACES FOR MORE THAN 5 MOTOR VEHICLES, ALONG WITH ADEQUATE DRIVES AND AISLES FOR MANEUVERING; AS PRESCRIBED BY THE REGULATIONS OF THE ZONING DISTRICT IN WHICH THE OFF STREET PARKING IS LOCATED.

~~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 FRONT STORE.~~ AN ESTABLISHMENT DESIGNED TO PROVIDE SERVICE TO CUSTOMERS BEYOND THE WALLS OF THE BUILDING, NOT REQUIRING THE PATRON TO ENTER THE BUILDING. THE TERM "OPEN FRONT STORE" SHALL NOT INCLUDE AUTO REPAIR STATIONS OR GAS STATIONS.

~~OPEN SPACE.~~ ANY UNOCCUPIED

~~SPACE, OPEN TO THE SKY, ON THE SAME LOT OR PARCEL OF LAND AS A BUILDING. DESIGNATED PARKING IS NOT OPEN SPACE.~~

~~OUTDOOR ADVERTISING. ANY SIGN USED TO ADVERTISE A GOOD, SERVICE, OR ACTIVITY THAT IS NOT PRIMARILY PRODUCED OR SOLD ON THE PREMISES WHERE THE SIGN IS LOCATED.~~

~~PARKING SPACE. A PERMANENTLY SURFACED AREA OF NOT LESS THAN 180 SQUARE FEET (9 FEET BY 20 FEET), EITHER WITHIN A STRUCTURE OR IN THE OPEN, EXCLUSIVE OF DRIVEWAYS OR ACCESS DRIVES, FOR THE PARKING OF A MOTOR VEHICLE.~~

~~PENNY ARCADE. ANY NONRESIDENTIAL ESTABLISHMENT IN WHICH FOUR OR MORE MECHANICAL AMUSEMENT DEVICES (EXCLUDING POOL TABLES OR BILLIARD TABLES) FOR HIRE ARE LOCATED, AS REGULATED IN §§ 12-24 THROUGH 12-37 OF THIS CODE OF ORDINANCES.~~

~~PLANNED INDUSTRIAL DISTRICT. ANY INDUSTRIAL DEVELOPMENT WHICH CONFORMS TO THE REQUIREMENTS AND STANDARDS OF THE PLANNED INDUSTRIAL DISTRICT REGULATIONS OF THIS CHAPTER.~~

~~PLANNED SHOPPING CENTER (INTEGRATED NEIGHBORHOOD OR COMMUNITY SHOPPING CENTER). ANY COMMERCIAL DEVELOPMENT~~

~~WHICH CONFORMS TO THE REQUIREMENTS AND STANDARDS OF THE INTEGRATED NEIGHBORHOOD OR COMMUNITY SHOPPING CENTER REGULATIONS OF THIS CHAPTER.~~

~~PORNOGRAPHY. ANY MEDIA THAT HAS MORE THAN AN INCIDENTAL PORTION OF ITS CONTENT DEPICTING, DESCRIBING, OR RELATING TO "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS" AND THAT IS INTENDED TO PROVIDE SEXUAL GRATIFICATION OR AROUSAL.~~

~~PRINCIPAL USE. THE MAIN USE TO WHICH THE PREMISES ARE DEVOTED.~~

~~PRIVATE ROAD. A ROAD FOR INGRESS AND EGRESS TO MORE THAN ONE PARCEL OF PROPERTY THAT IS NOT PART OF A SUBDIVISION CREATED UNDER STATE ACT 288, PA. 1967, AS AMENDED.~~

~~PUBLIC BUILDING. BUILDINGS THAT ARE FINANCED LARGELY BY PUBLIC FUNDING AND ARE AVAILABLE FOR PUBLIC USE, AS DISTINGUISHED FROM BUILDINGS THAT ARE GOVERNMENT FINANCED, BUT ARE INTENDED FOR PRIVATE USE; E.G., PUBLIC HOUSING.~~

~~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.~~

~~RECREATION AREA. ANY PARCEL OF LAND, WHETHER NATURAL OR IMPROVED, PUBLIC OR PRIVATE, DESIGNATED SOLELY FOR INDOOR OR OUTDOOR RECREATIONAL ACTIVITIES.~~

~~RECREATION FACILITY, PRIVATE. ANY PRIVATELY OWNED COMMERCIAL RECREATION FACILITY, INCLUDING GOLF COURSES, RIDING STABLES, RACE COURSES, BOWLING ALLEYS, CLUBS, LODGES, AND OTHER SIMILAR FACILITIES.~~

~~RECREATION FACILITY, PUBLIC. ANY PUBLICLY OWNED AND MAINTAINED RECREATION FACILITY AVAILABLE TO THE GENERAL PUBLIC, WITH OR WITHOUT A FEE.~~

~~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.~~

~~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 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.~~

~~RIGHT OF WAY. A STREET, ALLEY OR OTHER THOROUGHFARE OR EASEMENT PERMANENTLY ESTABLISHED FOR THE PASSAGE OF~~

~~PERSONS OR VEHICLES.~~

~~SELF-STORAGE FACILITY. SEE "MINI STORAGE FACILITY."~~

~~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 ANY PORTION THEREOF MUST BE LOCATED FROM THE LOT LINES.~~

~~SIGN. ANY OUTDOOR STRUCTURE OR DISPLAY WHOSE PRINCIPAL PURPOSE IS TO CONVEY A MESSAGE OR TO IDENTIFY THE LOCATION OF OR DIRECT ATTENTION TO AN OBJECT, PRODUCT, PLACE, ACTIVITY, PERSON, INSTITUTION, ORGANIZATION, OR BUSINESS. A "SIGN" SHALL NOT INCLUDE ANY DISPLAY OF OFFICIAL COURT OR PUBLIC NOTICES NOR SHALL IT INCLUDE THE FLAG OF A POLITICAL UNIT OR SCHOOL.~~

~~SPECIAL FLOOD HAZARD AREA. AN AREA OF LAND SUBJECT TO A 1% OR GREATER CHANCE OF FLOODING IN ANY GIVEN YEAR AS DETERMINED BY THE FEDERAL FLOOD INSURANCE STUDY.~~

~~SPECIFIED ANATOMICAL AREAS. LESS THAN COMPLETELY AND OPAQUELY COVERED HUMAN GENITALS, PUBIC REGION, BUTTOCK, FEMALE NIPPLE AND AREOLA; AND HUMAN MALE GENITALS IN A DISCERNIBLY TURGID STATE, EVEN IF~~

~~COMPLETELY AND OPAQUELY COVERED.~~

~~SPECIFIED SEXUAL ACTIVITIES. ACTS OF HUMAN MASTURBATION, SEXUAL INTERCOURSE, SODOMY; AND FONDLING OR OTHER EROTIC TOUCHING OF HUMAN GENITALS, PUBIC REGION, BUTTOCK OR FEMALE BREAST.~~

~~STORY. THAT PORTION OF A BUILDING, INCLUDED BETWEEN THE UPPER SURFACE OF A FLOOR AND THE UPPER SURFACE OF THE FLOOR ABOVE, OR THE UPPER SURFACE OF THE ROOF RAFTERS OR CEILING JOISTS, IF THERE IS NO FLOOR ABOVE.~~

~~STORY, FIRST. THE LOWEST STORY OR THE GROUND STORY OF ANY BUILDING, THE FLOOR OF WHICH IS NOT MORE THAN 12 INCHES BELOW THE AVERAGE CONTACT GROUND LEVEL AT THE EXTERIOR WALLS OF THE BUILDING; EXCEPT, THAT ANY BASEMENT OR CELLAR USED FOR RESIDENCE PURPOSES, OTHER THAN FOR A JANITOR OR CARETAKER OR HIS OR HER FAMILY, SHALL BE DEEMED THE FIRST STORY.~~

~~STORY, HALF. AN UPPERMOST STORY LYING UNDER A SLOPING ROOF HAVING A FLOOR AREA OF AT LEAST 200 SQUARE FEET WITH A MINIMUM HEAD CLEARANCE OF SEVEN FEET, SIX INCHES.~~

~~STREET. A PUBLIC RIGHT-OF-WAY, OTHER THAN AN ALLEY, INTENDED~~

~~FOR TRAVEL BY MOTOR VEHICLES,
WHICH IS A PRINCIPAL MEANS OF
ACCESS TO ABUTTING PROPERTY.~~

~~OR BUSINESS.~~

~~STREET LINE. THE STREET RIGHT OF
WAY LINE.~~

~~STRUCTURE. ANYTHING
CONSTRUCTED OR ERECTED,
INCLUDING A BUILDING, THE USE
OF WHICH REQUIRES PERMANENT
LOCATION ON THE GROUND OR
ATTACHMENT TO SOMETHING
HAVING A PERMANENT LOCATION
ON THE GROUND.~~

~~TELEVISION SATELLITE DISH. ANY
DEVICE CAPABLE OF RECEIVING
TELEVISION SIGNALS FROM
SATELLITES.~~

~~TEMPORARY BUILDINGS, USES. A
BUILDING, STRUCTURE, OR USE
PERMITTED TO EXIST DURING
CONSTRUCTION OF THE MAIN
STRUCTURE OR USE OR DURING
SPECIAL EVENTS.~~

~~TOURIST HOME. A BUILDING OR
PART THEREOF, OTHER THAN A
HOTEL, BOARDING HOUSE,
LODGING HOUSE OR MOTEL, WHERE
LODGING IS PROVIDED BY A
RESIDENT FAMILY IN ITS HOME FOR
COMPENSATION, MAINLY FOR
TRANSIENTS.~~

~~TRAILER PARK. SEE "MOTOR HOME
PARK" AND "MOBILE HOME PARK."~~

~~TRAVEL TRAILER. A VEHICLE
DESIGNED FOR TOWING ON STREETS
AND HIGHWAYS THAT IS USED AS
A TEMPORARY DWELLING, OFFICE,~~

~~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.~~

~~VETERINARY CLINIC. A BUILDING WHERE ANIMALS ARE EXAMINED AND TREATED BY A VETERINARIAN.~~

~~WIRELESS TELECOMMUNICATION FACILITY. ALL STRUCTURES AND EQUIPMENT INVOLVED IN TRANSMITTING AND RECEIVING TELECOMMUNICATIONS SIGNALS FROM MOBILE COMMUNICATION SOURCES, SUCH AS PRIVATE AND COMMERCIAL MOBILE RADIO SERVICE FACILITIES, PERSONAL COMMUNICATION SERVICES TOWERS (PCS), AND CELLULAR TELEPHONE TOWERS. NOT INCLUDED ARE AM/FM RADIO ANTENNAS, TELEVISION ANTENNAS, SATELLITE DISHES, AND LICENSED AMATEUR RADIO FACILITIES.~~

~~ANTENNA. THE DEVICE THROUGH~~

~~WHICH WIRELESS TELECOMMUNICATION SIGNALS ARE TRANSMITTED OR RECEIVED, AS AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION.~~

~~EQUIPMENT SHELTER. THE STRUCTURE IN WHICH THE EQUIPMENT FOR RECEIVING AND TRANSMITTING WIRELESS COMMUNICATIONS IS HOUSED.~~

~~STEALTH DESIGN. CAMOUFLAGING TELECOMMUNICATION FACILITIES TO MINIMIZE THEIR VISIBILITY AND BLEND THEM IN WITH THEIR SURROUNDINGS.~~

~~TOWER. A STRUCTURE INTENDED TO SUPPORT TELECOMMUNICATIONS TRANSMISSION AND RECEIVING EQUIPMENT SUCH AS MONOPOLES, FREESTANDING LATTICE STRUCTURES, AND GUYED LATTICE STRUCTURES.~~

~~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.~~

~~YARD, 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.~~

~~YARD, 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.~~

~~YARD, 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.~~

~~YARD, SIDE, LEAST WIDTH, HOW MEASURED. SUCH WIDTH SHALL BE MEASURED FROM THE NEAREST SIDE LOT LINE AND, IN CASE THE NEAREST SIDE LOT LINE IS A SIDE STREET LOT LINE, FROM THE RIGHT-OF-WAY LINE OF THE EXISTING STREET; PROVIDED, THAT IF THE PROPOSED LOCATION OF THE RIGHT-OF-WAY LINE OF SUCH STREET AS OFFICIALLY ESTABLISHED DIFFERS FROM THAT OF THE EXISTING STREET, THEN THE REQUIRED SIDE YARD LEAST WIDTH SHALL BE MEASURED FROM THE RIGHT OF WAY OF SUCH STREET SO ESTABLISHED.~~

~~ZONING ADMINISTRATOR. THE ADMINISTRATIVE OFFICIAL DESIGNATED BY THE CITY OF FLINT WITH THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS CHAPTER AND RELATED ORDINANCES.~~

~~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 OF THE CITY IN WHICH CERTAIN STRUCTURES, BUILDINGS, AND USES ARE PERMITTED OR PROHIBITED, AS SET FORTH IN THIS CHAPTER, WHICH IS INTENDED TO PROTECT AND PRESERVE THE CHARACTER OF CERTAIN AREAS, TO PREVENT THE ESTABLISHMENT OF INCOMPATIBLE USES IN CLOSE PROXIMITY TO EACH OTHER, AND TO REGULATE AND PROVIDE FOR NECESSARY AND OBJECTIONABLE USES.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2829, PASSED 3-22-82; AM. ORD. 2832, PASSED 5-10-82;~~

~~AM. ORD. 2845, PASSED 7-26-82; AM. ORD. 2910, PASSED 4-23-84; AM. ORD. 2972, PASSED 9-23-~~

~~85; AM. ORD. 3015, PASSED 11-10-86; AM. ORD. 3053, PASSED 4-11-88; AM. ORD. 3275, PASSED 4-25-94; AM. ORD. 3465, PASSED 12-11-00; AM. ORD. , PASSED ____05; AM. ORD. 3705, PASSED 04-14-08.~~

~~§ 50-2 INTERPRETATION AND PURPOSE OF CHAPTER.~~

~~IN THEIR INTERPRETATION AND APPLICATION OF THE PROVISION OF THIS CHAPTER SHALL BE HELD TO BE THE MINIMUM REQUIREMENTS ADOPTED FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE. TO PROTECT THE PUBLIC, AMONG OTHER PURPOSES, SUCH PROVISIONS ARE INTENDED TO~~

~~PROVIDE FOR ADEQUATE LIGHT, PURE AIR, SAFETY FROM FIRE AND OTHER DANGER, UNDUE CONCENTRATION OF POPULATION AND AMPLE PARKING FACILITIES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-3 CONSTRUCTION OF CHAPTER.~~

~~IT IS NOT INTENDED BY THIS CHAPTER TO REPEAL, ABROGATE, ANNUL OR IN ANY WAY IMPAIR OR INTERFERE WITH EXISTING PROVISIONS OF OTHER LAWS OR ORDINANCES, EXCEPT THOSE SPECIFICALLY REPEALED BY THIS CHAPTER, OR WITH PRIVATE RESTRICTIONS PLACED UPON PROPERTY BY COVENANT, DEED OR OTHER PRIVATE AGREEMENT, OR WITH RESTRICTIVE COVENANTS RUNNING WITH THE LAND TO WHICH THE CITY IS A PARTY. WHERE THIS CHAPTER IMPOSES A GREATER RESTRICTION UPON LAND, BUILDINGS OR STRUCTURES THAN IS IMPOSED OR REQUIRED BY SUCH EXISTING PROVISIONS OF LAW, ORDINANCE, CONTRACT OR DEED, THE PROVISIONS OF THIS CHAPTER SHALL CONTROL.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-3.1 SEVERABILITY.~~

~~THIS CHAPTER [I.E., THE "CITY OF FLINT ZONING ORDINANCE," AS AMENDED] AND THE VARIOUS PARTS, SECTIONS, SUBSECTIONS~~

~~AND CLAUSES THEREOF, ARE
HEREBY DECLARED TO BE
SEVERABLE. IF ANY PART,
SENTENCE, PARAGRAPH,
SUBSECTION OR CLAUSE IS
ADJUDGED UNCONSTITUTIONAL OR
INVALID, IT IS PROVIDED THAT THE
REMAINDER OF THIS CHAPTER
SHALL NOT BE AFFECTED THEREBY.
IF ANY PART, SENTENCE,
PARAGRAPH, SUBSECTION, SECTION
OR CLAUSE IS ADJUDGED
UNCONSTITUTIONAL OR INVALID
AS APPLIED TO A PARTICULAR
PROPERTY, BUILDING OR OTHER
STRUCTURE, IT IS HEREBY
PROVIDED THAT THE APPLICATION
OF SUCH PORTION OF THIS CHAPTER
TO OTHER PROPERTY, BUILDINGS,
OR STRUCTURES SHALL NOT BE
AFFECTED THEREBY.~~

~~(ORD. 3062, PASSED 7-11-88)~~

~~§50 3.2 CONSTRUCTION OF
CONDITIONS AND LIMITATIONS.~~

~~WHENEVER ANY CONDITION OR
LIMITATION IS INCLUDED IN AN
ORDER AUTHORIZING A PLANNED
UNIT DEVELOPMENT OR ANY
SPECIAL LAND USE PERMIT,
VARIANCE, GRADING PERMIT,
ZONING COMPLIANCE PERMIT,
CERTIFICATE OF OCCUPANCY, SITE
PLAN APPROVAL OR ANY OTHER
ZONING APPROVAL, IT SHALL BE
CONCLUSIVELY PRESUMED THAT
THE AUTHORIZING OFFICER OR
BODY CONSIDERED SUCH~~

~~CONDITION OR LIMITATION
NECESSARY~~

~~TO CARRY OUT THE SPIRIT AND PURPOSE OF THIS CHAPTER OR THE REQUIREMENT OF SOME PROVISION THEREOF, AND TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND THAT THE OFFICE OR BODY WOULD NOT HAVE GRANTED THE AUTHORIZATION TO WHICH THE CONDITION OF LIMITATION PERTAINS EXCEPT IN THE BELIEF THAT THE CONDITION OR LIMITATION WAS UNLAWFUL.~~

~~(ORD. 3062, PASSED 7-11-88)~~

~~§ 50-4 DISTRICTS ESTABLISHED.~~

~~THE CITY IS HEREBY DIVIDED INTO 16 ZONING DISTRICTS AS FOLLOWS:
A-1 SINGLE FAMILY LOW DENSITY DISTRICT.~~

~~A-2 SINGLE FAMILY MEDIUM DENSITY DISTRICT. B TWO-FAMILY DISTRICT.~~

~~B-1 TOWNHOUSE DISTRICT.~~

~~MULTI-FAMILY WALK UP APARTMENT DISTRICT.~~

~~MULTI-FAMILY HIGH DENSITY APARTMENT DISTRICT. D-1 OFFICE DISTRICT.~~

~~D-2 NEIGHBORHOOD BUSINESS DISTRICT. D-3 COMMUNITY-BUSINESS DISTRICT.~~

~~METROPOLITAN BUSINESS DISTRICT.~~

~~METROPOLITAN COMMERCIAL SERVICE DISTRICT.~~

~~GENERAL AND HIGHWAY~~

~~COMMERCIAL SERVICE DISTRICT. E HEAVY COMMERCIAL-LIMITED MANUFACTURING DISTRICT. F INTERMEDIATE MANUFACTURING DISTRICT.~~

~~G HEAVY MANUFACTURING DISTRICT. P PARKING DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2770, PASSED 6-9-80; AM. ORD. 3048, PASSED 10-12-87)~~

~~§ 50-5 CONFORMITY OF LOTS, BUILDINGS AND LAND.~~

~~NO BUILDING, STRUCTURE OR PREMISES SHALL BE USED OR OCCUPIED, NO BUILDING OR PART THEREOF OR OTHER STRUCTURE SHALL BE ERECTED, RAISED, REMOVED, PLACED, RECONSTRUCTED, EXTENDED, ENLARGED OR ALTERED AND NO LOT SHALL BE SPLIT, COMBINED OR OTHERWISE MODIFIED EXCEPT IN CONFORMITY WITH THE REGULATIONS SPECIFIED IN THIS CHAPTER FOR THE DISTRICT, AS SHOWN ON THE OFFICIAL MAP, IN WHICH IT IS LOCATED, EXCEPT AS PROVIDED FOR IN §§ 50-143 THROUGH 50-148. THIS PROVISION SHALL NOT PROHIBIT TWO OR MORE ADJACENT LOTS FROM BEING TREATED AS A ZONING LOT AS DEFINED IN THIS ORDINANCE IF THEY CANNOT BE COMBINED INTO ONE TAX PARCEL BY THE CITY.~~

~~(ORD. 2046, PASSED 4-11-68; ORD. 3706, PASSED 4-14-08)~~

~~§ 50-6 COMPLIANCE WITH THE HEIGHT, YARD AND OCCUPANCY REQUIREMENTS.~~

~~NO BUILDING, STRUCTURE OR PREMISES SHALL BE ERECTED, ALTERED OR USED SO AS TO PRODUCE GREATER HEIGHT, SMALLER YARDS OR LESS UNOCCUPIED AREA, AND NO BUILDING SHALL BE OCCUPIED BY MORE FAMILIES THAN PRESCRIBED FOR SUCH BUILDING, STRUCTURE OR PREMISES FOR THE DISTRICT IN WHICH IT IS LOCATED.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-7 USE OF YARD, COURT OR OPEN SPACE TO FULFILL REQUIREMENTS OF MORE THAN ONE BUILDING.~~

~~NO YARD, COURT OR OPEN SPACE, OR PART THEREOF, SHALL BE INCLUDED AS A PART OF THE YARD, COURT OR OPEN SPACE SIMILARLY REQUIRED FOR ANY OTHER BUILDING, STRUCTURE OR DWELLING UNDER THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-8 STANDARDS FOR HEIGHTS, AREAS, YARDS, ETC.~~

~~HEIGHT, AREA, YARD AND OTHER LIMITS ON REQUIREMENTS FOR CONTROLLING THE SIZE OF BUILDINGS AND THE OPEN SPACES~~

~~ABOUT THEM AS SET FORTH IN TABLES A AND B FOR EACH OF THE ZONING DISTRICTS SET FORTH IN §50-89. ADDITIONAL STANDARDS AND REGULATIONS ARE SET FORTH IN THE FOLLOWING SECTIONS CONCERNING DISTRICTS, HEIGHT MODIFICATION AND OFF-STREET PARKING AND LOADING REQUIREMENTS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2140, PASSED ; AM. ORD. 2503, PASSED 6-9-75)~~

~~§50-8.1 APPEARANCE STANDARDS.~~

~~IN ANY DISTRICT WHICH IS OR SHALL BECOME BUILT UP OR DEVELOPED TO SUCH DEGREE THAT PRESERVATION OR MAINTENANCE OF ITS PARTICULAR CHARACTER OR GENERAL HARMONY OF DESIGN CARRIES SPECIAL VALUE TO THE GENERAL PUBLIC, OR BEARS SUBSTANTIALLY UPON THE ECONOMIC WELL BEING OR THE PEOPLE OF THE DISTRICT AND THE CITY, NO BUILDING OR STRUCTURE SHALL BE ERECTED, NOR ANY EXISTING BUILDING OR STRUCTURE ALTERED, THE APPEARANCE OF WHICH UPON COMPLETION OF THE WORK SHALL DETRACT MATERIALLY FROM THAT SPECIAL VALUE OR ECONOMIC WELL BEING, PROVIDED THAT THIS SECTION SHALL NOT APPLY TO ANY CASE WHERE THE WEIGHT OF THE RESTRAINT UPON PRIVATE~~

~~OWNERSHIP IS SHOWN TO BE
GREATER THAN THE BENEFIT TO
THE PUBLIC OF ITS ENFORCEMENT.
(ORD. 2046, PASSED 4-11-68)~~

~~§50-8.2 INTERIM REGULATIONS
PENDING ADOPTION OR URBAN
RENEWAL PLANS.~~

~~IN ANY OFFICIALLY DESIGNATED
URBAN RENEWAL AREAS, AS
DEFINED IN THE FEDERAL HOUSING
LAW, ALL USES WITHIN SUCH AREA
SHALL BE CONDITIONAL USES
NOTWITHSTANDING ANY OTHER
PROVISION OF THE DISTRICT
REGULATIONS CONTAINED IN THIS
CHAPTER, COMMENCING ON TIME
WITH THE DATE OF THE
RESOLUTION OF THE LOCAL PUBLIC
AGENCY REQUESTING FEDERAL
FUNDING OF A DESIGNATED AREA,
AND ENDING ON THE DATE OF
FINAL APPROVAL OF THE AREA
RENEWAL PLAN, OR THE
EXPIRATION OF 12 MONTHS,
WHICHEVER BE SHORTER PERIOD
OF TIME. ALL APPLICATIONS FOR
BUILDING PERMITS FOR NEW
CONSTRUCTION IN SUCH AREAS
SHALL BE REFERRED TO THE
ZONING BOARD OF APPEALS BY
THE BUILDING INSPECTOR FOR
ACTION PURSUANT TO §50-~~

~~160. NO SUCH APPLICATION MAY BE
GRANTED UNLESS THE BOARD
SHALL AFFIRMATIVELY FIND THAT
APPROVAL THEREOF DOES NOT OR
WILL NOT CONFLICT WITH,~~

~~OBSTRUCT OR UNDULY INTERFERE
WITH THE DEVELOPMENT OF THE
AREA RENEWAL PLAN, OR THE
RENEWAL PROGRAM OF THE CITY.~~

~~(ORD. 2247, PASSED 2-15-71)~~

~~§50-8.3 SITE PLAN REVIEW AND
ZONING CERTIFICATES.~~

~~GENERALLY.~~

~~THESE SITE PLAN REVIEW
PROCEDURES ARE DESIGNED AND
INSTITUTED TO PROMOTE THE
PUBLIC HEALTH, SAFETY AND
GENERAL WELFARE. THIS
PROMOTION OF HEALTH, SAFETY
AND WELFARE CAN BE
ACCOMPLISHED BY:~~

~~ENCOURAGING THE USE OF LAND
IN ACCORDANCE WITH ITS
CHARACTER AND ADAPTABILITY
AND AVOIDING OVERCROWDING;~~

~~PROVIDING ADEQUATE LIGHT AND
AIR;~~

~~LESSENING CONGESTION ON THE
PUBLIC ROADS AND STREETS;~~

~~REDUCING HAZARDS TO LIFE AND
PROPERTY;~~

~~CONFORMING PUBLIC SERVICES
WITH THE MOST ADVANTAGEOUS
USES OF LAND, RESOURCES AND
PROPERTIES.~~

~~OTHER CONSIDERATIONS SHALL BE
THE CHARACTER OF EACH SITE, ITS
PECULIAR SUITABILITY FOR
PARTICULAR USES; THE~~

~~CONSERVATION OF PROPERTY VALUES AND NATURAL RESOURCES; THE GENERAL AND APPROPRIATE TREND AND CHARACTER OF LAND, BUILDING AND POPULATION DEVELOPMENT AND THE PRESENT USE AND CHARACTER OF THE SURROUNDING AREA.~~

~~THESE SITE PLAN REVIEW PROCEDURES PROVIDE AN OPPORTUNITY FOR THE PLANNING COMMISSION OF THE CITY TO REVIEW THE PROPOSED USE AND DEVELOPMENT OF A SITE TO DETERMINE COMPLIANCE WITH EXISTING ORDINANCES RELATING TO ZONING, DRAINAGE, PEDESTRIAN AND VEHICULAR CIRCULATION, OFF STREET PARKING, BUILDING RELATIONSHIPS, PUBLIC UTILITIES, LANDSCAPING, ACCESSIBILITY AND OTHER SITE DESIGN ELEMENTS WHICH MAY HAVE AN ADVERSE EFFECT UPON THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE, AS WELL AS TO PROVIDE FOR THE INTERESTS OF THE PROPERTY OWNER.~~

~~DEVELOPMENTS AND USES REQUIRING SITE PLAN REVIEW. A BUILDING PERMIT SHALL NOT BE ISSUED FOR ANY STRUCTURE UNTIL A SITE PLAN HAS BEEN REVIEWED AND APPROVED BY THE PLANNING COMMISSION. EVERY SITE PLAN SUBMITTED TO THE PLANNING COMMISSION SHALL CONFORM TO~~

~~THE REQUIREMENTS OF THIS SECTION.~~

~~EXCEPTIONS. A SITE PLAN SHALL NOT BE REQUIRED FOR THE FOLLOWING DEVELOPMENTS:~~

~~SINGLE FAMILY DETACHED DWELLING UNITS INVOLVING FEWER THAN THREE DWELLING UNITS TO BE CONSTRUCTED BY A SINGLE DEVELOPER WITHIN 202 FEET ALONG THE SAME STREET.~~

~~INTERIOR ALTERATIONS, RENOVATION OR REPAIR PROJECTS NOT INVOLVING A CHANGE IN USE.~~

~~ADDITIONS, DELETION, EXPANSION, CHANGE OR CONVERSION TO A SINGLE FAMILY DWELLING OR TO AN EXISTING DEVELOPMENT, BUILDING, STRUCTURE OR USE, WHICH DOES NOT REQUIRE ADDITIONAL OFF STREET PARKING AND WHICH DOES NOT CONSTITUTE AN INCREASE OR DECREASE OF 1,500 SQUARE FEET OR 20 PERCENT, WHICHEVER IS LESS IN THE SIZE OF THE BUILDING, STRUCTURE OR USE AREA.~~

~~TEMPORARY STRUCTURES, TEMPORARY PARKING OR STORAGE AREAS REQUIRING PERMITS AS APPROVED BY THE BUILDING CODE BOARD OF APPEALS.~~

~~INTERIOR STRUCTURAL, MECHANICAL AND ELECTRICAL WORK, MAINTENANCE, DEMOLITION, OR COMBINATION THEREOF.~~

~~INFORMATION REQUIRED ON PLANS.~~
~~THE PLANNING COMMISSION MAY~~
~~WAIVE ANY OF THE FOLLOWING~~
~~REQUIREMENTS OF INFORMATION~~
~~TO BE INCLUDED ON THE SITE PLAN,~~
~~PROVIDED THAT SUFFICIENT~~
~~CLARITY AND DETAIL IS SHOWN ON~~
~~THE DRAWINGS TO INDICATE THE~~
~~NATURE AND CHARACTER OF THE~~
~~DEVELOPMENT AND/OR USE:~~

~~AN ENGINEERED SITE PLAN~~
~~DRAWING WITH A LEGEND~~
~~SHOWING EVERY SYMBOL USED ON~~
~~THE PLAN AND ITS MEANING;~~

~~DEVELOPER NAME, ADDRESS AND~~
~~TELEPHONE NUMBER;~~

~~DATE OF SITE PLAN PREPARATION~~
~~AND SUBSEQUENT REVISIONS;~~

~~NORTH ARROW;~~

~~SCALE OF NOT LESS THAN ONE~~
~~INCH EQUALS 40 FEET, IF THE~~
~~SUBJECT SITE IS LESS THAN 3~~
~~ACRES IN SIZE, OR ONE INCH~~
~~EQUALS 100 FEET, IF THE SUBJECT~~
~~SITE IS 3 ACRES OR MORE IN SIZE;~~

~~NAME, ADDRESS, AND TELEPHONE~~
~~NUMBER OF THE REGISTERED~~
~~ARCHITECT, ENGINEER, OR LAND~~
~~SURVEYOR RESPONSIBLE FOR~~
~~PREPARATION OF THE SITE PLAN;~~

~~THE LEGAL DESCRIPTION OF THE~~
~~LOT;~~

~~VICINITY MAP SHOWING THE SITE~~
~~IN RELATIONSHIP TO STREETS,~~
~~DRAINAGE COURSES, BODIES OF~~
~~WATER, AND RAILROAD LINES;~~

~~DIMENSIONS OF ALL PROPERTY~~

~~LINES;~~

~~THE AREA OF THE LOT STATED IN~~
~~ACRES OR, IF LESS THAN AN ACRE,~~
~~IN SQUARE FEET;~~

~~EXISTING ZONING AND LAND USE~~
~~WITHIN THE BOUNDARIES OF THE~~
~~SITE AND OF PROPERTIES ABUTTING~~
~~THE SITE;~~

~~RELATIONSHIP OF THE SUBJECT~~
~~SITE TO ABUTTING PROPERTIES AND~~
~~BUILDINGS WITHIN 100 FEET. IF THE~~
~~PROPOSED SITE IS PART OF A~~
~~LARGER SITE, THE BOUNDARIES OF~~
~~THE TOTAL SITE SHALL BE~~
~~INDICATED AND THE INTENDED USE~~
~~OF THE REMAINING PORTIONS OF~~
~~THE SITE;~~

~~EXISTING AND FINISHED GRADE~~
~~ELEVATIONS USING 2 FOOT~~
~~CONTOURS;~~

~~FRONT, REAR, AND SIDE~~
~~ELEVATIONS OF PROPOSED~~
~~BUILDING;~~

~~ANY ANTICIPATED INCREASE IN~~
~~DUST, ODOR, SMOKE, FUMES, NOISE,~~
~~LIGHTS, OR OTHER OBJECTIONABLE~~
~~FEATURES;~~

~~PERCENTAGE OF LAND COVERED BY~~
~~BUILDINGS AND PERCENTAGE~~
~~RESERVED FOR OPEN SPACE;~~

~~LOCATION AND DIMENSIONS OF~~
~~ALL EXISTING AND PROPOSED~~
~~PRINCIPAL AND ACCESSORY~~
~~BUILDINGS ON THE SUBJECT SITE,~~
~~INCLUDING HEIGHT OF PROPOSED~~
~~STRUCTURES IN FEET AND STORIES;~~

~~FRONT, REAR AND SIDE YARD~~

~~REQUIREMENTS FOR THE ZONING DISTRICT IN WHICH THE SITE IS LOCATED;~~

~~ACTUAL FRONT, REAR AND SIDE YARD SETBACKS TO ALL EXISTING AND PROPOSED STRUCTURES ON THE SITE;~~

~~IN A RESIDENTIAL DEVELOPMENT, THE NUMBER OF DWELLING UNITS, TYPE OF UNITS, AREA PER UNIT AND NUMBER OF ROOMS;~~

~~LOCATION AND WIDTH OF ANY PUBLIC OR PRIVATE RIGHTS OF WAY OR EASEMENTS UPON OR CONTINUOUS TO THE SITE, WHETHER THEY WILL BE CREATED, CONTINUED, RELOCATED, OR ABANDONED; AND THE GRADE AND TYPE OF CONSTRUCTION OF ANY RIGHTS OF WAY OR EASEMENTS UPON THE SITE;~~

~~LOCATION OF ALL EXISTING AND PROPOSED PARKING AREAS, INCLUDING LOCATION AND TYPICAL DIMENSIONS OF REGULAR AND HANDICAPPED SPACES, WITH A SCHEDULE OF PARKING NEEDS;~~

~~LOCATION AND DIMENSIONS OF MANEUVERING LANES, DRIVING LANES, CURB CUTS, LOADING AREAS, SERVICE LANES, AND OTHER SERVICE AREAS;~~

~~VEHICULAR AND PEDESTRIAN CIRCULATION, INCLUDING INGRESS AND EGRESS;~~

~~ACCELERATION, DECELERATION, AND PASSING LANES WHERE~~

~~REQUIRED;~~

~~LOCATION AND DETAIL OF SITE LIGHTING, INCLUDING LOCATION, TYPE AND HEIGHT OF EXISTING AND PROPOSED EXTERIOR LIGHTING;~~

~~BUFFER TREATMENT OF PARKING AREAS;~~

~~LOCATION AND WIDTH OF EXISTING AND PROPOSED SIDEWALKS ON OR BORDERING THE SUBJECT SITE;~~

~~LOCATION OF ALL EXISTING AND PROPOSED UTILITIES;~~

~~LOCATION, HEIGHT, AND TYPE OF ALL EXISTING AND PROPOSED WALLS OR FENCES;~~

~~CROSS-SECTION DRAWINGS OF PROPOSED WALLS, BERMS OR FENCES;~~

~~EXISTING DRIVEWAYS WITHIN 200 FEET OF THE SITE;~~

~~DUMPSTER PAD LOCATION, SCREENING AND DETAILS;~~

~~LOCATION AND DIMENSIONS OF OUTDOOR STORAGE AREAS;~~

~~DETAILED PLANTING PLAN AND SCHEDULE OF PLANT MATERIALS, INCLUDING AN INVENTORY OF EXISTING AND PROPOSED VEGETATION TO THE SITE;~~

~~BASIC INDICATION OF EXISTING AND PROPOSED DRAINAGE PATTERNS AND STRUCTURES, INCLUDING LOCATION AND NATURE OF ANY STREAMS, DRAINS, WETLANDS, UNSTABLE SOILS OR~~

~~FENCES DESIGNED TO PREVENT SOIL EROSION AND A GENERAL DESCRIPTION OF METHOD AND LOCATION OF STORM WATER DETENTION;~~

~~LOCATION, DIMENSIONS AND CONTENT OF ALL SIGNAGE;~~

~~A STATEMENT INDICATING THE EXISTING AND INTENDED USE OF THE LOT AND STRUCTURES UPON IT;~~

~~ANY ANCILLARY IMPROVEMENTS PROPOSED TO REMEDY OR PREVENT PROBLEMS CREATED BY THE DEVELOPMENT; AND,~~

~~ANY OTHER INFORMATION CONCERNING THE SUBJECT SITE OR ADJACENT LOTS THAT THE PLANNING COMMISSION DETERMINES IS REASONABLY NECESSARY TO ENSURE COMPLIANCE WITH THIS CHAPTER.~~

~~PRELIMINARY REVIEW. TWO COPIES OF THE SITE PLAN ALONG WITH A SITE PLAN APPLICATION AND REQUIRED FEE SHALL BE SUBMITTED TO THE PLANNING OFFICIAL FOR PRELIMINARY REVIEW TO ENSURE COMPLIANCE WITH ALL CITY ORDINANCES. IN ADDITION, THE PRELIMINARY REVIEW SHALL ENSURE THAT A COMPLETE SITE PLAN HAS BEEN SUBMITTED TO THE PLANNING COMMISSION FOR ITS CONSIDERATION. THE DESIGNATED PLANNING OFFICIAL SHALL HAVE A MINIMUM OF 15 BUSINESS DAYS TO REVIEW THE SITE PLAN AND~~

~~PROVIDE FEEDBACK TO THE APPLICANT.~~

~~FINAL REVIEW. AFTER RECEIVING FEEDBACK ON THE PRELIMINARY REVIEW, THE APPLICANT SHALL SUPPLY THE CITY WITH 18 COPIES OF THE REVISED SITE PLAN, THREE OF WHICH SHALL BE SIGNED AND SEALED BY A REGISTERED ENGINEER, ARCHITECT OR SURVEYOR. THE MATTER SHALL THEN BE PLACED ON THE PLANNING COMMISSION'S AGENDA FOR CONSIDERATION.~~

~~PLANNING COMMISSION REVIEW. THE APPROVAL, DENIAL OR APPROVAL WITH LIMITATIONS, CONDITIONS, MODIFICATIONS, OR ALTERATIONS OF A SITE PLAN BY THE PLANNING COMMISSION SHALL BE BASED UPON THE FOLLOWING STANDARDS:~~

~~APPROVAL, DENIAL, OR APPROVAL WITH LIMITATIONS, CONDITIONS, MODIFICATIONS OR ALTERATIONS IS CONSISTENT WITH THE INTENT AND PURPOSES OF THIS SECTION.~~

~~EXISTING STREETS, HIGHWAYS, WALKWAYS, INTERSECTIONS, ROAD WIDTHS, TRAFFIC CONTROL DEVICES, DECELERATION LANES, SERVICE DRIVES, ENTRANCE AND EXIT DRIVEWAYS, AND PARKING AREAS PROVIDE PROPER ACCESS AND CIRCULATION OF TRAFFIC AND ARE SAFE AND CONVENIENT FOR PEDESTRIAN AND VEHICULAR TRAFFIC.~~

~~THE PLANNED USE AND~~

~~STRUCTURES ARE COMPATIBLE WITH THE ZONING DISTRICT IN WHICH THEY ARE LOCATED, AND ARE APPROPRIATE AND IN HARMONY WITH THE APPEARANCE AND ESSENTIAL CHARACTER OF THE DISTRICT.~~

~~THE PLANNED USE AND STRUCTURES ARE NOT HAZARDOUS OR DISTURBING TO EXISTING OR INTENDED USES IN THE SAME GENERAL AREA.~~

~~THE PLANNED USE WILL NOT BE OBJECTIONABLE BY REASON OF EXCESSIVE SMOKE, DUST, LIGHT, GLARE, NOISE, VIBRATION, ODORS OR OTHER OBJECTIONABLE FEATURES.~~

~~THE PLANNED USE AND STRUCTURES ARE ADEQUATELY SERVED BY EXISTING PUBLIC FACILITIES AND SERVICES SUCH AS HIGHWAYS, STREETS, POLICE AND FIRE PROTECTION, DRAINAGE STRUCTURES, REFUSE DISPOSAL, WATER AND SEWAGE FACILITIES, AND SCHOOLS.~~

~~THE PLANNED USE AND/OR STRUCTURE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS CHAPTER, UNLESS A VARIANCE HAS BEEN GRANTED BY THE ZONING BOARD OF APPEALS.~~

~~THE PLANNED STRUCTURE IS ACCESSIBLE BY EMERGENCY VEHICLES.~~

~~AMENDMENTS TO APPROVED SITE PLAN. 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 SITE PLAN REVIEW APPLICATION SHALL BE SUBMITTED TO THE PLANNING COMMISSION WITH THE APPROPRIATE FEE.~~

~~EXPIRATION OF APPROVALS. THE HOLDER OF AN APPROVED SITE PLAN MUST OBTAIN A BUILDING PERMIT FROM THE CITY BUILDING OFFICIAL WITHIN ONE YEAR AFTER THE DATE OF ISSUANCE OF THE APPROVED SITE PLAN. IF SUCH ACTION IS NOT TAKEN WITHIN ONE YEAR, THE APPROVED SITE PLAN SHALL BE VOID AND A NEW SITE PLAN APPLICATION AND APPROPRIATE FEE SHALL BE REQUIRED. THE PLANNING COMMISSION MAY EXTEND THE PERIOD OF SITE PLAN APPROVAL ON REQUEST FOR UP TO ONE YEAR, PROVIDED A REQUEST FOR SUCH EXTENSION IS MADE BEFORE THE SITE PLAN EXPIRES.~~

~~BUILDING PERMITS. THE CITY BUILDING OFFICIAL SHALL NOT ISSUE A BUILDING PERMIT FOR CONSTRUCTION UNTIL RECEIVING~~

~~A COPY OF THE APPROVED SITE PLAN AND SITE PLAN APPLICATION FROM THE PLANNING COMMISSION OR PLANNING OFFICIAL.~~

~~(ORD. 2412, PASSED 11-5-73; AM. ORD. 2458, PASSED 10-14-74; AM. ORD. 3043, PASSED 8-24-87;~~

~~AM. ORD. 3080, PASSED 10-24-88; AM. ORD. 3427, PASSED 2-8-99; AM. ORD. 3485, PASSED 1-28-~~

~~02; AM. ORD. 3634, PASSED 02-14-05)~~

~~§50-8.4 BUILDING OFFICIAL TO ACT WITHIN 15 DAYS.~~

~~THE BUILDING OFFICIAL SHALL ACT UPON ALL SUCH APPLICATIONS ON WHICH HE OR SHE IS AUTHORIZED TO ACT BY THE PROVISIONS OF § 50-8.3 WITHIN 15 DAYS AFTER THEY ARE FILED IN FULL COMPLIANCE WITH ALL THE APPLICABLE REQUIREMENTS. HE OR SHE SHALL EITHER ISSUE A ZONING CERTIFICATE WITHIN THE 15 DAYS OR SHALL NOTIFY THE APPLICANT IN WRITING OF HIS OR HER REFUSAL OF SUCH CERTIFICATE AND THE REASONS THEREFOR. FAILURE TO NOTIFY THE APPLICANT IN CASE OF SUCH REFUSAL WITHIN 15 DAYS SHALL ENTITLE THE APPLICANT TO ZONING CERTIFICATE, UNLESS THE APPLICANT CONSENTS TO AN EXTENSION OF TIME.~~

~~(ORD. 2458, PASSED 10-14-74)~~

~~§ 50-9 ZONING CERTIFICATE~~

~~REQUIRED; ISSUANCE; CONSTRUCTION OR EXCAVATION PERMITS.~~

~~IT SHALL BE UNLAWFUL FOR ANY OWNER, LESSEE OR TENANT TO USE OR PERMIT THE USE OF ANY STRUCTURE, BUILDING OR LAND, OR PART THEREOF, CREATED, ERECTED, CHANGED, CONVERTED OR ENLARGED, WHOLLY OR PARTLY, UNTIL A ZONING CERTIFICATE, WHICH IS A PART OF THE BUILDING PERMIT, SHALL HAVE BEEN ISSUED BY THE BUILDING INSPECTOR. SUCH ZONING CERTIFICATE SHALL SHOW THAT SUCH BUILDING OR PREMISES OR A PART THEREOF, AND THE PROPOSED USE THEREOF, ARE IN CONFORMITY WITH THE PROVISIONS OF THIS CHAPTER. IT SHALL BE THE DUTY OF THE BUILDING INSPECTOR TO ISSUE A ZONING CERTIFICATE; PROVIDED, THAT HE OR SHE IS SATISFIED THAT THE STRUCTURE, BUILDING OR PREMISES, AND THE PROPOSED METHODS OF WATER SUPPLY AND DISPOSAL OF SANITARY WASTES, CONFORM TO ALL THE REQUIREMENTS OF THIS CHAPTER.~~

~~NO PERMIT FOR EXCAVATION OR CONSTRUCTION SHALL BE ISSUED BY THE BUILDING INSPECTOR, UNLESS THE PLANS, SPECIFICATIONS AND THE INTENDED USE CONFORM TO THE PROVISIONS OF THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.~~

~~§ 50-10 SAME APPLICATION:~~

~~EVERY APPLICATION FOR A ZONING CERTIFICATE, WHICH IS PART OF THE BUILDING PERMIT, SHALL BE ACCOMPANIED BY PLANS IN DUPLICATE DRAWN TO SCALE, IN BLACK LINE OR BLUE PRINT, SHOWING THE ACTUAL SHAPE AND THE DIMENSIONS OF THE LOT TO BE BUILT UPON OR TO BE CHANGED IN ITS USE, IN WHOLE OR IN PART; THE EXACT LOCATION, SIZE AND HEIGHT OF ANY BUILDING OR STRUCTURE TO BE ERECTED OR ALTERED; IN THE CASE OF A PROPOSED NEW BUILDING OR STRUCTURE OF PROPOSED ALTERATION OF AN EXISTING BUILDING OR STRUCTURE WHICH WOULD SUBSTANTIALLY ALTER ITS APPEARANCE, DRAWINGS OR SKETCHES SHOWING THE FRONT, SIDE AND REAR ELEVATIONS OF THE PROPOSED BUILDING OR STRUCTURE, OR OF THE STRUCTURE AS IT WILL APPEAR AFTER THE WORK FOR WHICH A PERMIT IS SOUGHT SHALL HAVE BEEN COMPLETED; THE EXISTING AND INTENDED USE OF EACH BUILDING OR STRUCTURE OR PART THEREOF; THE NUMBER OF FAMILIES OR DWELLING UNITS THE BUILDING IS DESIGNED TO ACCOMMODATE; AND, WHEN NO BUILDINGS ARE INVOLVED, THE LOCATION OF THE PRESENT USE AND PROPOSED USE~~

~~AND SUCH OTHER INFORMATION WITH REGARD TO THE LOT AND NEIGHBORHOOD LOTS AS MAY BE NECESSARY TO DETERMINE APPLICABLE STANDARDS AND PROVIDE FOR THE ENFORCEMENT OF THIS CHAPTER. ONE COPY OF SUCH PLANS SHALL BE RETURNED TO THE OWNER WHEN SUCH PLANS SHALL HAVE BEEN APPROVED BY THE BUILDING INSPECTOR, TOGETHER WITH SUCH ZONING CERTIFICATE AS MAY BE GRANTED.~~

~~IN EVERY CASE WHERE THE LOT IS NOT PROVIDED AND IS NOT PROPOSED TO BE PROVIDED WITH PUBLIC WATER SUPPLY OR THE DISPOSAL OF SANITARY WASTES BY MEANS OF PUBLIC SEWERS, THE APPLICATION SHALL BE ACCOMPANIED BY A CERTIFICATE OF APPROVAL OF THE DIRECTOR OF HEALTH OF THE CITY OF THE PROPOSED METHOD OF WATER SUPPLY OR DISPOSAL OF SANITARY WASTE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-11 SAME ACTIONS BY BUILDING INSPECTOR.~~

~~THE BUILDING INSPECTOR SHALL ACT UPON ALL SUCH APPLICATIONS ON WHICH HE OR SHE IS AUTHORIZED TO ACT BY THE PROVISIONS OF THIS CHAPTER WITHIN 30 DAYS AFTER THEY ARE FILED IN FULL COMPLIANCE WITH~~

~~ALL THE APPLICABLE REQUIREMENTS. HE OR SHE SHALL EITHER ISSUE A ZONING CERTIFICATE WITHIN 30 DAYS OR SHALL NOTIFY THE APPLICANT IN WRITING OF HIS OR HER REFUSAL OF SUCH CERTIFICATE AND THE REASONS THEREFORE. FAILURE TO NOTIFY THE APPLICANT IN CASE OF SUCH REFUSAL WITHIN THE 30 DAYS SHALL ENTITLE THE APPLICANT TO A ZONING CERTIFICATE, UNLESS THE APPLICANT CONSENTS TO AN EXTENSION OF TIME.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-12 SAME FEES.~~

~~NO FEE SHALL BE CHARGED FOR AN ORIGINAL ZONING CERTIFICATE APPLIED WITH THE APPLICATION FOR A BUILDING PERMIT, WHERE SUCH PERMIT IS REQUIRED AND ISSUED UNDER THE BUILDING CODE OF THE CITY. FOR ALL OTHER ZONING CERTIFICATES, THERE SHALL BE A FEE AND CHARGE THEREFOR. SAID FEE 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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2770, PASSED 6-9-80; AM. ORD. 3427, PASSED 2-8-99)~~

~~§ 50-13 CERTIFICATE OF OCCUPANCY.~~

~~IT SHALL BE UNLAWFUL FOR ANY OWNER, LESSEE OR TENANT TO OCCUPY ANY STRUCTURE, BUILDING OR LAND, OR PART THEREOF, ERECTED, CREATED, CHANGED, CONVERTED OR ENLARGED AFTER APRIL 26, 1968 UNLESS A CERTIFICATE OF OCCUPANCY SHALL HAVE BEEN ISSUED BY THE BUILDING INSPECTOR AFTER INSPECTION. SUCH CERTIFICATE SHALL SHOW AND CERTIFY THAT ALL OR PART OF SUCH BUILDING, STRUCTURE OR PREMISES HAS BEEN CONSTRUCTED, ALTERED OR IMPROVED IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, THE BUILDING CODE AND OTHER APPLICABLE LAWS, CODES OR REGULATIONS AND ALL CONDITIONS AND REQUIREMENTS STIPULATED BY THE BOARD OF APPEALS, IF ANY. A TEMPORARY CERTIFICATE, RENEWABLE FOR ONE SIX MONTH PERIOD, MAY BE ISSUED BY THE BUILDING INSPECTOR IN THOSE INSTANCES WHERE, DUE TO WEATHER, STRIKES, ETC., FULL COMPLIANCE WITH ALL CONTROLS HAS NOT BEEN MET AND THE ISSUANCE OF SUCH CERTIFICATE WOULD NOT ENDANGER THE SAFETY AND HEALTH OF THE OCCUPANTS OR PUBLIC.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-14 SET BACK FROM SAGINAW STREET.~~

~~NO BUILDING OR STRUCTURE SHALL BE ERECTED, RECONSTRUCTED OR SUBSTANTIALLY REPAIRED SO THAT ANY PART OF THE SAME SHALL BE WITHIN 49⁵/10 FEET OF THE CENTERLINE OF SAGINAW STREET.~~

~~A BUILDING SHALL BE DEEMED SUBSTANTIALLY REPAIRED WITHIN THE MEANING OF THIS SECTION IF RECONSTRUCTION OF THE FRONT IS INVOLVED.~~

~~THE CENTERLINE OF SAGINAW STREET WITHIN THE MEANING OF THIS SECTION SHALL BE THE CENTER LINE OF THE STREET AS ORIGINALLY LAID OUT.~~

~~IT SHALL BE THE DUTY OF THE BUILDING INSPECTOR OF THE CITY TO ENFORCE THIS SECTION.~~

~~ANY BUILDING PERMIT ISSUED BY THE BUILDING INSPECTOR WHICH SHALL NOT BE IN COMPLIANCE WITH THIS SECTION SHALL BE VOID.~~

~~(ORD. 39, PASSED 8-21-23)~~

~~§ 50-15 ENFORCEMENT OF CHAPTER; COMPLIANCE WITH CHAPTER IN ISSUANCE OF PERMITS, ETC.~~

~~IT SHALL BE THE DUTY OF THE BUILDING INSPECTOR TO ENFORCE THIS CHAPTER IN ACCORDANCE~~

~~WITH THE ADMINISTRATIVE PROVISIONS OF THE BUILDING CODE OF THE CITY AND THIS CHAPTER. ALL DEPARTMENTS, OFFICIALS AND PUBLIC EMPLOYEES OF THE CITY, VESTED WITH THE DUTY OR AUTHORITY TO ISSUE PERMITS OR LICENSES, SHALL COMPLY WITH THE PROVISIONS OF THIS CHAPTER AND SHALL ISSUE NO PERMIT OR LICENSE FOR ANY USE, BUILDING OR PURPOSE IN CONFLICT WITH THE PROVISIONS OF THIS CHAPTER. ANY PERMIT OR LICENSE ISSUED IN CONFLICT WITH THE PROVISIONS OF THIS CHAPTER SHALL BE NULL AND VOID AND OF NO EFFECT WHATEVER.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-16 INSTITUTION OF PROCEEDINGS BY CITY TO CORRECT VIOLATIONS OF CHAPTER. IN CASE ANY BUILDING IS OR PROPOSED TO BE LOCATED, ERECTED, CONSTRUCTED, RECONSTRUCTED, ENLARGED, CHANGED, MAINTAINED, USED, OR ANY LAND IS OR IS PROPOSED TO BE USED IN VIOLATION OF THIS CHAPTER OR ANY AMENDMENT OR SUPPLEMENT THERETO, APPROPRIATE ACTION OR PROCEEDINGS MAY BE INSTITUTED TO PREVENT SUCH UNLAWFUL LOCATION, ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, CONVERSION,~~

~~MAINTENANCE OR USE; TO RESTRAIN, CORRECT OR ABATE SUCH VIOLATION; TO PREVENT THE OCCUPANCY OF SUCH BUILDING, STRUCTURE OR LAND; OR TO PREVENT ANY ILLEGAL ACT, CONDUCT BUSINESS OR USE IN OR ABOUT SUCH PREMISES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE II A-1 SINGLE FAMILY LOW DENSITY DISTRICT~~

~~§ 50-17 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL PERMITTED USES ARE PERMITTED OUTRIGHT IN AN A-1 SINGLE FAMILY LOW DENSITY DISTRICT:~~

~~RESIDENTIAL. ONE FAMILY DETACHED DWELLINGS.~~

~~INSTITUTIONAL AND CULTURAL. CHURCHES AND OTHER PLACES OF WORSHIP; PUBLIC AND PAROCHIAL SCHOOLS, COLLEGES AND UNIVERSITIES FOR ACADEMIC INSTRUCTION; PUBLIC LIBRARIES, MUSEUMS, ART GALLERIES; EXTENSION OF EXISTING CEMETERIES.~~

~~RECREATIONAL. PUBLIC PARKS, PLAYGROUNDS, NEIGHBORHOOD AND COMMUNITY CENTER BUILDINGS AND GROUNDS.~~

~~AGRICULTURAL. CUSTOMARY AGRICULTURAL USES INCLUDING NONCOMMERCIAL NURSERIES AND~~

~~GREENHOUSES, BUT EXPRESSLY EXCLUDING THE KEEPING OF FARM ANIMALS.~~

~~ESSENTIAL SERVICES. AS SET FORTH IN § 50-1.(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-18 PRINCIPAL CONDITIONAL USES.~~

~~THE FOLLOWING ARE THE PRINCIPAL CONDITIONAL USES IN AN A-1 SINGLE FAMILY LOW DENSITY DISTRICT:~~

~~RECREATIONAL. GOLF COURSES, COUNTRY CLUBS, TENNIS COURTS AND SIMILAR USES, ALL OF A NONCOMMERCIAL NATURE.~~

~~INSTITUTIONAL. CHILDREN'S INSTITUTIONS, INCLUDING NURSERY SCHOOLS AND DAY NURSERIES; HOMES FOR THE AGED (MINIMUM SITE AREA 15,000 SQUARE FEET; LIMITED OCCUPANCY, 1,500 SQUARE FEET OF LOT AREA FOR EACH RESIDENT); PRIVATE SCHOOLS.~~

~~ESSENTIAL SERVICES. BRANCH TELEPHONE EXCHANGES, ELECTRIC SUBSTATIONS, GAS REGULATORS OR OTHER UTILITY FACILITIES, INCLUDING STRUCTURES NECESSARY TO SERVE ADJACENT AREAS, BUT NOT INCLUDING YARDS OR GARAGES FOR SERVICE OR STORAGE.~~

~~RESIDENTIAL. COMMUNITY DEVELOPMENT PROJECTS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2795, PASSED 5-26-81)~~

~~§ 50-19 PRINCIPAL ACCESSORY USES.~~

~~THE FOLLOWING ACCESSORY USES ARE PERMITTED OUTRIGHT IN AN A-1 SINGLE FAMILY LOW DENSITY DISTRICT:~~

~~ANY USE, STRUCTURE OR BUILDING CUSTOMARILY INCIDENTAL TO PRINCIPAL USE PERMITTED OUTRIGHT AND THE FOLLOWING.~~

~~LIVING QUARTERS FOR DOMESTIC SERVANTS, MINIMUM LOT AREA 15,000 SQUARE FEET.~~

~~NAMEPLATES FOR PUBLIC AND SEMIPUBLIC USES.~~

~~REAL ESTATE SIGNS; TEMPORARY.~~

~~MAUSOLEUMS AND COLUMBARIUMS WITHIN AND ACCESSORY TO CEMETERIES, 100 FEET FROM PROPERTY LINES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-20 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO A PRINCIPAL CONDITIONAL USE IS AN A-1 SINGLE FAMILY LOW DENSITY DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-20.1 REQUIRED CONDITIONS.~~

~~ALL DWELLINGS SHALL BE CONSTRUCTED ON A PERMANENT FOUNDATION. (ORD. 2829, PASSED 3-22-82)~~

~~§50-20.2 PROHIBITED USES.~~

~~MOBILE HOMES, PREFABRICATED DWELLINGS. (ORD. 2829, PASSED 3-22-82)~~

~~ARTICLE III — A-2 SINGLE FAMILY MEDIUM DENSITY DISTRICT~~

~~§ 50-21 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL PERMITTED USES ARE PERMITTED OUTRIGHT IN AN A-2 SINGLE~~

~~FAMILY MEDIUM DENSITY DISTRICT. GENERALLY, ALL PRINCIPAL USES PERMITTED OUTRIGHT AND AS REGULATED IN THE A-1 DISTRICT EXCEPT AS HEREINAFTER SPECIFIED.~~

~~RESIDENTIAL. ONE FAMILY DETACHED DWELLINGS.~~

~~INSTITUTIONAL. PUBLIC ADMINISTRATION BUILDINGS.~~

~~HOME OCCUPATIONS. SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~ONLY THE RESIDENTS OF THE PREMISES SHALL BE ENGAGED IN SUCH OCCUPATION.~~

~~THE USE OF THE 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.)~~

~~NO "WALK-IN" TRADE SHALL BE ALLOWED.~~

~~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.~~

~~ENTRANCE SHALL BE FROM WITHIN THE DWELLING.~~

~~NO HOME OCCUPATION SHALL BE CONDUCTED IN ANY ACCESSORY BUILDING.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~NO SIGN OR OTHER ADVERTISING SHALL BE ALLOWED ANYWHERE ON THE PREMISES.~~

~~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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2910, PASSED 4-23-84; AM. ORD. 3301, PASSED 6-12-95)~~

~~§ 50-22 PRINCIPAL CONDITIONAL USES.~~

~~THE FOLLOWING ARE THE PRINCIPAL CONDITIONAL USES IN AN A-2 SINGLE FAMILY MEDIUM DENSITY DISTRICT:~~

~~GENERALLY. ALL PRINCIPAL CONDITIONAL USES PERMITTED AND REGULATED IN THE A-2 DISTRICT, EXCEPT AS HEREIN~~

~~SPECIFIED.~~

~~INSTITUTIONAL. HOSPITALS FOR HUMAN CARE, SANITARIUMS, RELIGIOUS OR CHARITABLE INSTITUTIONS, EXCLUDING INSTITUTIONS FOR CARE EXCLUSIVELY OR PRIMARILY OF EPILEPTICS, DRUG ADDICTS, THE FEEBLE MINDED OR INSANE, ALCOHOLIC, CONTAGIOUS DISEASES. (MINIMUM LOT AREA, ONE ACRE; 1,500 SQUARE FEET OF LOT AREA FOR EACH RESIDENT OR BED, EXCLUDING BASSINETS.)~~

~~RESIDENTIAL.~~

~~COMMUNITY DEVELOPMENT PROJECTS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2795, PASSED 5-26-81; AM. ORD. 2910, PASSED 4-23-84; AM. ORD. 3036, PASSED 5-26-87)~~

~~§ 50-23 PRINCIPAL ACCESSORY USES.~~

~~THE FOLLOWING ACCESSORY USES ARE PERMITTED OUTRIGHT IN AN A-2 SINGLE FAMILY MEDIUM DENSITY DISTRICT:~~

~~GENERALLY. USES CUSTOMARILY INCIDENTAL TO PRINCIPAL USES PERMITTED OUTRIGHT.~~

~~ROOMERS. NOT MORE THAN TWO ROOMERS OR BOARDERS BY A RESIDENTIAL FAMILY. (ORD. 2046, PASSED 4-11-68)~~

~~§ 50-24 ACCESSORY CONDITIONAL USE.~~

~~ANY USE, STRUCTURE OR BUILDING CUSTOMARILY INCIDENTAL TO A PRINCIPAL CONDITIONAL USE SHALL BE AN ACCESSORY CONDITIONAL USE IN AN A-2 SINGLE FAMILY MEDIUM DENSITY DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-24.1 REQUIRED CONDITIONS.~~

~~ALL DWELLINGS SHALL BE ATTACHED TO A PERMANENT FOUNDATION CONSTRUCTED ON THE SITE IN ACCORDANCE WITH THE CITY BUILDING CODE.~~

~~ALL DWELLINGS SHALL HAVE A MINIMUM WIDTH ALONG THE EXTERIOR SIDE ELEVATION OF 20 FEET, MEASURED ALONG HABITABLE DWELLING SPACE.~~

~~DOES NOT HAVE EXPOSED WHEELS, UNDERCARRIAGES OR CHASSIS, OR UTILITIES THAT SERVICE THAT DWELLING EXCEPT ELECTRICITY.~~

~~TOWING MECHANISMS MUST BE REMOVED. (ORD. 2829, PASSED 3-22-82)~~

~~§50-24.2 PROHIBITED USES.~~

~~TYPE C MOBILE HOMES.~~

~~TYPE D MOBILE HOMES. (ORD. 2829,
PASSED 3-22-82)~~

~~ARTICLE IV — B TWO FAMILY
DISTRICT~~

~~§ 50-25 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES
ARE PERMITTED OUTRIGHT IN A B
TWO FAMILY DISTRICT:~~

~~GENERALLY. ALL A-2 PRINCIPAL
USES.~~

~~RESIDENTIAL. — TWO FAMILY
DWELLINGS, DWELLING GROUPS.
(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-26 PRINCIPAL CONDITIONAL
USES.~~

~~THE FOLLOWING ARE THE
PRINCIPAL CONDITIONAL USES IN A
B-TWO FAMILY DISTRICT:~~

~~GENERALLY. ALL PRINCIPAL
CONDITIONAL USES PERMITTED
AND AS REGULATED IN THE A-2
DISTRICT; EXCEPT, THAT FOR
INSTITUTIONAL USES THERE SHALL
BE 1,000 SQUARE FEET OF LOT AREA
FOR EACH RESIDENT OR BED,
EXCLUDING BASSINETS.~~

~~RESIDENTIAL.~~

~~COMMUNITY — DEVELOPMENT
PROJECTS.~~

~~THREE — OR — FOUR FAMILY
DWELLINGS, CONFORMING TO THE
REGULATIONS OF THE C-1 DISTRICT,
MAY BE ERECTED ON OR OCCUPY A
LOT IN ANY ONE OF THE
FOLLOWING CASES:~~

~~WHERE THE LOT ADJOINS SIDE BY
SIDE WITHIN 100 FEET OF
NONRESIDENTIAL DISTRICTS.~~

~~WHERE EACH OF THE LOTS
ADJOINING SUCH LOT IS OCCUPIED
BY A MULTIFAMILY DWELLING OR
A MAIN BUILDING, OTHER THAN A
TEMPORARY BUILDING, THE USE OF
WHICH DOES NOT CONFORM TO THE
REGULATIONS OF THE B DISTRICT.~~

~~WHERE IN THE SAME BLOCK AS
SUCH LOT MORE THAN 25% OF THE
STREET FRONTAGE WITHIN 200 FEET
OF THE CENTER OF, AND ALONG
THE SAME STREET AS, THE FRONT
LOT LINE OF SUCH LOT CONSISTS OF
FRONT LOT LINES OF LOTS
OCCUPIED BY MULTIFAMILY
DWELLINGS, OR MAIN BUILDINGS,
OTHER THAN TEMPORARY
BUILDINGS, THE USE OF WHICH
DOES NOT CONFORM TO THE
REGULATIONS OF THE B DISTRICT.
(NONSTRUCTURAL USES AND
PUBLIC BUILDINGS ARE NOT TO BE
INCLUDED IN THE CALCULATION OF
FRONTAGE; THREE OR FOUR
FAMILY DWELLINGS COMPLYING
WITH THE CONDITIONS HEREIN
SHALL BE CONSIDERED
CONFORMING USES IN THE B
DISTRICT).~~

~~REST HOMES. REST HOMES OR NURSING HOMES FOR CONVALESCENT PATIENTS. (AT LEAST 15,000 SQUARE FEET LOT AREA; 1,000 SQUARE FEET OF LOT AREA FOR EACH RESIDENT; BUILDING 20 FEET FROM PROPERTY LINES.)~~

~~HOSPITALS. HOSPITALS OF ANY KIND, EXCEPT ANIMAL. (MINIMUM LOT AREA ONE ACRE; 1,000 SQUARE FEET OF LOT AREA FOR EACH RESIDENT OR BED, EXCLUDING BASSINETS; BUILDINGS FOR PATIENTS 50 FEET FROM PROPERTY LINES).~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2857, PASSED 10-25-82; AM. ORD. 3048, PASSED 10-12-87)~~

~~§ 50-27 PRINCIPAL ACCESSORY USES.~~

~~THE FOLLOWING ACCESSORY USES ARE PERMITTED OUTRIGHT IN A B TWO-FAMILY DISTRICT:~~

~~GENERALLY. ANY USE, STRUCTURE OR BUILDING CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE PERMITTED OUTRIGHT.~~

~~ROOMERS. SAME AS A-2 ACCESSORY USES PERMITTED OUTRIGHT OR NOT MORE THAN FOUR ROOMERS OR BOARDERS BY A RESIDENTIAL FAMILY IN A ONE-FAMILY STRUCTURE, TWO IN EACH~~

~~DWELLING UNIT OF A TWO-FAMILY DWELLING WHEN THERE IS A LOT AREA OF AT LEAST 6,000 SQUARE FEET.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-27.1 REQUIRED USES.~~

~~SAME AS § 50-24.1.~~

~~(ORD. 2829, PASSED 3-22-82)~~

~~§50-27.2 PROHIBITED USES.~~

~~SAME AS § 50-24.2.~~

~~(ORD. 2829, PASSED 3-22-82)~~

~~§ 50-28 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, STRUCTURE OR BUILDING CUSTOMARILY INCIDENTAL TO A PRINCIPAL CONDITIONAL USE SHALL BE AN ACCESSORY CONDITIONAL USE IN A B-TWO-FAMILY DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE IV.I B-1 TOWNHOUSE DISTRICT~~

~~§50-28.1 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES ARE PERMITTED OUTRIGHT IN A B-1 TOWNHOUSE DISTRICT:~~

~~GENERALLY. ALL B-DISTRICT~~

~~PRINCIPAL USES.~~

~~RESIDENTIAL. TOWNHOUSES, A BUILDING CONTAINING THREE OR MORE ATTACHED DWELLING UNITS, ARRANGED SIDE BY SIDE, SEPARATED FROM EACH OTHER BY A FIRE WALL AND HAVING SEPARATE MEANS OF EGRESS AND INGRESS FROM THE OUTSIDE.~~

~~(ORD. 2770, PASSED 6-9-80)~~

~~§50-28.2 PRINCIPAL CONDITIONAL USES.~~

~~THE FOLLOWING ARE THE PRINCIPAL CONDITIONAL USES IN A B-1 TOWNHOUSE DISTRICT:~~

~~(A) GENERALLY. ALL PRINCIPAL CONDITIONAL USES PERMITTED AND AS REGULATED IN THE A-2 DISTRICT. (ORD. 2770, PASSED 6-9-80)~~

~~§50-28.3 PRINCIPAL ACCESSORY USES.~~

~~THE FOLLOWING ACCESSORY USES ARE PERMITTED OUTRIGHT IN A B-1 TOWNHOUSE DISTRICT.~~

~~GENERALLY. ANY USE, STRUCTURE OR BUILDING CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE PERMITTED OUTRIGHT.~~

~~ROOMERS. SAME AS A-2. (ORD. 2770, PASSED 6-9-80)~~

~~§50-28.4 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, STRUCTURE OR BUILDING CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE SHALL BE AN ACCESSORY CONDITIONAL USE IN A B-1 TOWNHOUSE DISTRICT.~~

~~(ORD. 2770, PASSED 6-9-80)~~

~~§50-28.5 PROHIBITED USES.~~

~~MOBILE HOMES.~~

~~(ORD. 2770, PASSED 6-9-80)~~

~~§50-28.6 REQUIRED CONDITIONS.~~

~~SAME AS § 50-24.1.~~

~~(ORD. 2829, PASSED 3-22-82)~~

~~ARTICLE V C-1 MULTIFAMILY WALK-UP APARTMENT DISTRICT~~

~~§ 50-29 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES ARE PERMITTED OUTRIGHT IN A C-1 MULTIFAMILY WALK-UP APARTMENT DISTRICT:~~

~~GENERALLY. ALL B-DISTRICT PRINCIPAL USES.~~

~~RESIDENTIAL. MULTIFAMILY WALK-UP APARTMENTS, ROW HOUSES, CONVERSION OF ONE-FAMILY INTO MULTIFAMILY DWELLINGS.~~

~~INSTITUTIONAL.~~

~~A. FRATERNITIES, SORORITIES.~~

~~BUILDINGS 20 FEET FROM~~

~~PROPERTY LINES EXCEPT WHEN ADJOINING OTHER INSTITUTIONAL USES OR NONRESIDENTIAL DISTRICTS.~~

~~HOMES FOR THE AGED, MONASTERIES AND SIMILAR GROUP DWELLINGS FOR MEMBERS OF RELIGIOUS ORDERS, CHILDREN'S INSTITUTIONS (ALL NOT LESS THAN 15,000 SQUARE FEET).~~

~~BOARDING AND ROOMING HOUSES.~~

~~ALL OF ABOVE USES SHALL PROVIDE AT LEAST 500 SQUARE FEET OF LOT AREA FOR EACH RESIDENT. (ORD. 2046, PASSED 4-11-68; AM. ORD. 3015, PASSED 11-10-86)~~

~~§ 50-30 PRINCIPAL CONDITIONAL USES.~~

~~THE FOLLOWING ARE THE PRINCIPAL CONDITIONAL USES IN A C-1 MULTIFAMILY WALK-UP APARTMENT DISTRICT:~~

~~GENERALLY. ALL PRINCIPAL CONDITIONAL USES PERMITTED AND AS REGULATED IN THE B DISTRICT; EXCEPT, THAT FOR INSTITUTIONAL USES THERE SHALL BE 500 SQUARE FEET OF LOT AREA FOR EACH RESIDENT OR BED, EXCLUDING BASSINETS.~~

~~OFFICES. OFFICES OF CIVIL, RELIGIOUS OR CHARITABLE ORGANIZATIONS AND FINANCIAL OR INSURANCE INSTITUTIONS CONDUCTING THEIR ACTIVITIES~~

~~PRIMARILY BY MAIL AND NOT HANDLING MERCHANDISE OR RENDERING SERVICE ON THE PREMISES, PHYSICIANS' AND DENTISTS' OFFICES AND PRIVATE CLINICS, PROFESSIONAL OFFICES OF ARCHITECTS, ENGINEERS, LAWYERS AND THE LIKE, OFFICES DEVOTED TO REAL ESTATE, INSURANCE, MANAGEMENT AND SIMILAR ENTERPRISES WHEN CONDUCTING THEIR ACTIVITIES PRIMARILY BY MAIL OR TELEPHONE AND NOT DISPLAYING OR HANDLING MERCHANDISE ON THE PREMISES. (ONE UNLIGHTED SIGN NOT EXCEEDING SIX SQUARE FEET IN AREA AND ATTACHED TO STRUCTURE. THE RESIDENTIAL APPEARANCE OF THE BUILDING SHALL BE RETAINED.)~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-31 PRINCIPAL ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE PERMITTED OUTRIGHT SHALL BE PERMITTED OUTRIGHT IN A C-1 FAMILY WALK-UP APARTMENT DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-32 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, BUILDING OR STRUCTURE~~

~~CUSTOMARILY INCIDENTAL TO A
PRINCIPAL USE PERMITTED
OUTRIGHT SHALL BE PERMITTED
OUTRIGHT IN A C-1 MULTIFAMILY
WALK-UP APARTMENT DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-32.1 REQUIRED CONDITIONS:~~

~~ANY USE, BUILDING OR STRUCTURE
CUSTOMARILY INCIDENTAL TO A
PRINCIPAL USE PERMITTED
OUTRIGHT SHALL BE PERMITTED
OUTRIGHT IN A C-1 MULTIFAMILY
WALK-UP APARTMENT DISTRICT.~~

~~(ORD. 2829, PASSED 6-9-80)~~

~~ARTICLE VI — C-2 MULTIFAMILY
HIGH — DENSITY — APARTMENT
DISTRICT~~

~~§ 50-33 PRINCIPAL PERMITTED USES.~~

~~THE — FOLLOWING — PRINCIPAL
PERMITTED USES ARE PERMITTED
OUTRIGHT IN A C-2 MULTIFAMILY
HIGH — DENSITY — APARTMENT
DISTRICT:~~

~~GENERALLY. — ALL C-1 PRINCIPAL
USES.~~

~~RESIDENTIAL. — MULTIFAMILY
DWELLINGS — OF ANY KIND;
HOUSEKEEPING UNITS; APARTMENT
HOTELS.~~

~~MEETING PLACES.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.
2972, PASSED 9-23-85)~~

City of Flint Zoning Ordinance

~~§ 50-34 PRINCIPAL CONDITIONAL
USES.~~

~~THE FOLLOWING ARE PRINCIPAL
CONDITIONAL USES IN A C-2
MULTIFAMILY — HIGH — DENSITY
APARTMENT DISTRICT:~~

~~GENERALLY. — ALL — PRINCIPAL
CONDITIONAL — USES — PERMITTED
AND REGULATED IN THE C-1
DISTRICT; EXCEPT, THAT FOR
INSTITUTIONAL USES THERE SHALL
BE 300 SQUARE FEET OF LOT AREA
FOR EACH RESIDENT OR BED,
EXCLUDING BASSINETS.~~

~~HOTELS. FOR ANY NUMBER OF
GUESTS, INCLUDING MOTELS AND
MOTOR HOTELS.~~

~~OFFICES. OF PHYSICIANS, DENTISTS,
ATTORNEYS, — ENGINEERS — AND
SIMILAR PROFESSIONAL PERSONS,
ADMINISTRATIVE — OFFICES — OF
SEMPUBLIC ORGANIZATIONS.~~

~~CLINICS. — FOR HUMAN — CARE,
SANITARIUMS.~~

~~FUNERAL HOMES AND MORTUARIES.~~

~~MOBILE HOME PARKS AS SPECIFIED
IN ARTICLE XX, TRAILERS AND
TRAILER PARKS, MOTELS AND
MOTORHOTELS, OF THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.
2829, PASSED 3-22-82; AM. ORD. 3048,
PASSED 10-12-87)~~

~~§ 50-35 PERMITTED ACCESSORY~~

USES.

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE PERMITTED OUTRIGHT SHALL BE PERMITTED OUTRIGHT IN A C-2 MULTIFAMILY HIGH DENSITY APARTMENT DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-36 CONDITIONAL ACCESSORY USES.~~

~~THE FOLLOWING ARE THE ACCESSORY CONDITIONAL USES IN A C-2 MULTI-FAMILY HIGH DENSITY APARTMENT DISTRICT:~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO A PRINCIPAL CONDITIONAL USE:~~

~~RESTAURANTS, SHOPS, PERSONAL SERVICE ESTABLISHMENTS IN APARTMENT BUILDINGS AND COMMUNITY DEVELOPMENT PROJECTS, HOTELS AND RECREATION BUILDINGS; PROVIDED THAT ALL ENTRANCES SHALL BE FROM WITHIN SUCH BUILDING OR PROJECT AND NO EXTERIOR ADVERTISING SHALL BE PERMITTED, EXCEPT A FOUR-SQUARE FOOT NAMEPLATE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-36.1 REQUIRED CONDITIONS.~~

~~SAME AS § 50-24.1.~~

~~(ORD. 2829, PASSED 3-22-82)~~

~~§50-36.2 PROHIBITED USES.~~

~~SAME AS § 50-24.2.~~

~~(ORD. 2829, PASSED 3-22-82)~~

~~ARTICLE VII - D-1 OFFICE DISTRICT~~

~~§ 50-37 PURPOSE.~~

~~IT IS THE PURPOSE OF THE D-1 DISTRICTS TO PROVIDE DEFINITE AREAS WHICH ARE LIMITED TO OFFICE TYPE USES EXCLUSIVELY.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-38 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING ARE THE PRINCIPAL PERMITTED USES IN A D-1 OFFICE DISTRICT:~~

~~OFFICES.~~

~~MEDICAL OR DENTAL CLINICS.~~

~~OFFICES FOR PROFESSION OR BUSINESS.~~

~~PHARMACIES, WHEN INCIDENTAL TO THE USES IN SUBSECTIONS (1) AND (2) OF THIS SUBSECTION (A) AND LOCATED IN THE STRUCTURE OCCUPIED BY SUCH USES.~~

~~RESIDENTIAL USES. ANY PRINCIPALS OR CONDITIONAL USE PERMITTED IN RESIDENCE DISTRICTS ADJOINING THE D-1 DISTRICT; AND~~

~~IF THESE ARE ADJOINING THE D-1 DISTRICT; AND IF THESE ARE ADJOINING TWO OR MORE DIFFERENT CATEGORIES OF RESIDENCE DISTRICTS, THE REGULATIONS OF THE LEAST RESTRICTIVE OF SUCH RESIDENCE DISTRICTS SHALL APPLY.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-39 PRINCIPAL ACCESSORY USES.~~

~~ANY USE, BUILDING OR OTHER STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL USE PERMITTED OUTRIGHT SHALL BE AN ACCESSORY USE PERMITTED OUTRIGHT IN A D-1 OFFICE DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-40 ACCESSORY CONDITIONAL USES.~~

~~ANY BUILDING OR OTHER STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL CONDITIONAL USE SHALL BE A CONDITIONAL ACCESSORY USE IN A D-1 OFFICE DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-40.1 LOCATION OF MECHANICAL AMUSEMENT DEVICES.~~

~~NO MECHANICAL AMUSEMENT DEVICE SHALL BE LOCATED CLOSER~~

~~THAN FIVE HUNDRED (500) FEET FROM ANY PUBLIC OR PRIVATE SCHOOL HOUSING GRADES K THROUGH 12. THE FIVE HUNDRED FEET SHALL BE MEASURED FROM NEAREST POINT ON BUILDING TO NEAREST POINT ON BUILDING. THIS PROHIBITION SHALL NOT APPLY TO BARS OR OTHER ESTABLISHMENTS WHERE MINORS ARE PROHIBITED BY LAW.~~

~~(ORD. 2832, PASSED 5-10-82)~~

~~ARTICLE VIII — D-2 NEIGHBORHOOD
BUSINESS DISTRICT~~

~~§ 50-41 PURPOSE.~~

~~IT IS THE PURPOSE OF D-2 DISTRICTS
TO PROVIDE PRINCIPALLY FOR
CONVENIENCE GOODS NEEDS OF
PERSONS RESIDING IN THE
RESIDENTIAL AREAS NEARBY. USES
PERMITTED — OUTRIGHT — OR
CONDITIONALLY SHALL BE LIMITED
TO THOSE REQUIRED TO SATISFY
BASIC NEEDS FOR GOODS AND
SERVICES REQUIRED DAILY OR
FREQUENTLY AND OTHER USES,
WHICH WHILE NOT SERVING BASIC
DAY-TO-DAY NEEDS, NONETHELESS
CAN BE CONSIDERED TO HAVE
LITTLE IMPACT ON SURROUNDING
RESIDENTIAL AREAS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.
2399, PASSED — ; AM. ORD. 3039,
PASSED 6-8-87)~~

~~§ 50-42 PRINCIPAL PERMITTED USES.~~

~~THE PRINCIPAL PERMITTED USES IN
A D-2 NEIGHBORHOOD BUSINESS
DISTRICT ARE AS FOLLOWS:~~

~~GENERALLY, ANY LOCAL RETAIL
BUSINESS — OR — SERVICE
ESTABLISHMENT — SUPPLYING
COMMODITIES OR PERFORMING
SERVICES — PRIMARILY — FOR
RESIDENTS OF THE SURROUNDING
NEIGHBORHOOD ON A DAY-TO-DAY
BASIS.~~

~~RETAIL AND SERVICE. ART OR~~

~~ANTIQUE SHOPS, ARTISTS' SUPPLY
STORES, CAMERA AND PHOTO
SUPPLY STORES, GROCERIES,
SUPERMARKETS, MEAT, FRUIT AND
VEGETABLE — MARKETS,
DELICATESSEN — STORES, — DRUG
STORES — AND — PHARMACIES,
BARBERSHOPS — AND — BEAUTY
PARLORS, — SELF SERVICE
LAUNDRIES, CLOTHES CLEANING
AND LAUNDRY PICKUP, BOOK
STORES, NOVELTY, MILLINERY,
NOTION, MUSIC AND TV STORES,
LIQUOR AND CANDY STORES,
TOBACCO SHOPS, FLORISTS, SHOE
REPAIR SHOPS, HARDWARE STORES,
FUNERAL HOMES AND MORTUARIES
AND THE LIKE. ALSO, PRINTING
SHOPS EMPLOYING NOT MORE
THAN THREE PERSONS IN
PRODUCTION AND LIMITED TO
PHOTOCOPIER, PHOTOGRAPHIC AND
PHOTO-OFFSET — DUPLICATING
PROCESSES.~~

~~EATING AND DRINKING PLACES.
SODA FOUNTAINS, ICE CREAM
PARLORS, RESTAURANTS AND
CAFETERIAS, NOT INCLUDING
DANCING.~~

~~AUTOMOTIVE SERVICES. MINOR
REPAIR AND PARKING GARAGES
FOR PRIVATE PASSENGER VEHICLES
AND PARKING LOTS, SUBJECT TO
THE — OTHER — APPLICABLE
REQUIREMENTS OF THIS CHAPTER;
ALSO, AUTOMOBILE SERVICE
STATIONS, SUBJECT TO THE
FOLLOWING REQUIREMENTS:~~

~~MINIMUM SITE SIZE. 12,000 SQUARE~~

~~FEET WITH A MINIMUM WIDTH OF 120 FEET.~~

~~*SITE LOCATION.* THE PROPOSED SITE SHALL HAVE AT LEAST ONE PROPERTY LINE ON AN ARTERIAL STREET OR PRINCIPAL COLLECTOR AS CLASSIFIED BY THE CITY-COUNTY FUNCTIONAL HIGHWAY CLASSIFICATION SYSTEM.~~

~~*DISTANCE FROM OTHER LAND USES.* NO AUTOMOBILE SERVICE STATION WILL BE CONSTRUCTED ON ANY LOT THAT IS LOCATED WITHIN 500 FEET OF TWO OR MORE EXISTING AUTOMOBILE SERVICE STATIONS, WHETHER OR NOT SUCH STATIONS ARE ACTUALLY BEING USED FOR SUCH PURPOSE; THE DISTANCE TO BE MEASURED FORM THE NEAREST LOT LINES; PROVIDED, THAT ANY BUILDING CONSTRUCTED AS AN AUTOMOBILE SERVICE STATION WHICH HAS BEEN CONVERTED TO ANOTHER USE SHALL NOT BE CONSIDERED IN DETERMINING THE EXISTENCE OF AN AUTOMOBILE SERVICE STATION; IN ADDITION, NO AUTOMOBILE SERVICE STATION SHALL BE ERECTED WITHIN 500 FEET OF ANY SCHOOL GROUNDS OR BUILDINGS USED FOR PUBLIC ASSEMBLY.~~

~~*BUILDING SETBACK.* THE AUTOMOBILE SERVICE STATION BUILDING SHALL BE SET BACK A MINIMUM OF 45 FEET FROM ALL STREET RIGHT-OF-WAY LINES AND~~

~~SHALL NOT BE LOCATED CLOSER THAN TEN FEET TO ANY PROPERTY LINE IN A RESIDENTIAL DISTRICT.~~

~~EXTENDED OR FREESTANDING CANOPIES MAY BE CONSTRUCTED TO WITHIN SEVEN FEET OF STREET RIGHT OF WAY LINES AND NOT CLOSER THAN TEN FEET TO ANY PROPERTY LINE IN A RESIDENTIAL DISTRICT. CANOPIES SHALL HAVE A MINIMUM CLEARANCE ABOVE THE DRIVEWAY SURFACE OF 14 FEET, 0 INCHES. IN ADDITION, ENCLOSED ATTENDANT BOOTHS ABUTTING THE PUMP ISLANDS; PROVIDED, THAT THE ENTIRE AREA OF THE ABUTTING THE BOOTH SHALL BE ENCLOSED WITH TRANSPARENT SAFETY GLASSING MATERIAL EXCEPT FOR NECESSARY FRAMING AND ROOF COVERING.~~

~~HYDRAULIC HOISTS, PITS AND ALL LUBRICATION, GREASING, AUTOMOBILE WASHING AND REPAIR EQUIPMENT SHALL BE ENTIRELY ENCLOSED WITHIN A BUILDING.~~

~~*ACCESS DRIVES AND CURBING.* ACCESS DRIVES AND CURBING MUST BE APPROVED BY THE DIVISION OF TRAFFIC ENGINEERING.~~

~~*PAVING.* THE ENTIRE SERVICE AREA SHALL BE SURFACED WITH AN ASPHALT OR PORTLAND CEMENT BINDER PAVEMENT.~~

~~*FENCING.* A SOLID WALL OR FENCE AT LEAST FOUR FEET IN HEIGHT SHALL BE ERECTED ALONG ALL~~

~~PROPERTY LINES ABUTTING ANY LOT WITHIN A RESIDENTIAL DISTRICT.~~

~~LIGHTING. EXTERIOR LIGHTING SHALL BE SO ARRANGED THAT IT IS DEFLECTED AWAY FROM ADJACENT PROPERTIES AND DOES NOT CREATE A TRAFFIC HAZARD BECAUSE OF THE GLARE.~~

~~JUNK. IT SHALL BE UNLAWFUL FOR THE OWNER OR OPERATOR OF AN AUTOMOBILE SERVICE STATION TO ALLOW THE ACCUMULATION OF JUNK, AS HEREINAFTER DEFINED, UPON THE PREMISES OF SUCH AUTOMOBILE SERVICE STATION. JUNK, FOR THE PURPOSE OF THIS SECTION, IS DEFINED AS ANY WASTE MATERIAL, REFUSE, OR ANY ITEM WHICH HAS CEASED TO HAVE ANY VALUE FOR ITS ORIGINAL INTENDED USE. NONREPAIRABLE AUTOMOBILES OR ANY AUTOMOBILE PARTS WHICH ARE NO LONGER SUITABLE FOR REPAIR OPERATIONS ARE DECLARED TO BE JUNK FOR THE PURPOSES OF THIS SECTION.~~

~~PUMPS. PUMPS AND OTHER SERVICE DEVICES SHALL BE SO PLACED THAT NO CAR, WHILE BEING SERVICED, WILL BE LOCATED ON CITY PROPERTY.~~

~~PARKING. ALL VEHICLES ON THE PREMISES, WITH THE EXCEPTION OF CARS BEING SERVICED AT THE PUMPS OR WAITING FOR IMMEDIATE SERVICE, SHALL BE~~

~~PROVIDED PARKING AREA IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE XXV OF THIS CHAPTER. IN ADDITION, ANY PARKING AREA USED FOR THE TEMPORARY STORAGE OF WRECKED VEHICLES SHALL BE EFFECTIVELY SCREENED ON ALL SIDES FRONTING ON A PUBLIC STREET, EXCEPT FOR NECESSARY ENTRANCES AND EXITS, BY A MASONRY WALL OR SOLID FENCE OR A CHAIN LINK FENCE WITH A SIX FOOT PLANTING BUFFER MAINTAINED IN A HEALTHY CONDITION. SUCH WALL OR FENCE SHALL BE NOT LESS THAN FOUR FEET IN HEIGHT.~~

~~FINANCIAL SERVICES. BANKS, DRIVE-IN BANKS, SAVINGS AND LOAN ASSOCIATIONS AND FINANCE COMPANIES.~~

~~OUTDOOR ADVERTISING. ADVERTISING ONLY THE BUSINESS CONDUCTED ON THE PREMISES.~~

~~RESIDENTIAL USES. ANY USE PERMITTED AND AS REGULATED IN THE RESIDENTIAL DISTRICT ADJOINING THE D-2 DISTRICT; AND IF THERE ARE ADJOINING TWO OR MORE DIFFERENT CATEGORIES OF RESIDENTIAL DISTRICTS, THE REGULATIONS OF THE LEAST RESTRICTIVE OF SUCH RESIDENTIAL DISTRICTS SHALL APPLY.~~

~~ACCESSORY USES PERMITTED OUTRIGHT. ANY USE, BUILDING OR~~

~~OTHER STRUCTURE CUSTOMARILY INCIDENTAL TO THE PRINCIPAL USE PERMITTED OUTRIGHT.~~

~~ACCESSORY CONDITIONAL USES. ANY USE, BUILDING OR OTHER STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL CONDITIONAL USE.~~

~~THE FOLLOWING "D-3" COMMUNITY BUSINESS USES ARE PERMITTED OUTRIGHT BY REFERENCE TO THE APPROPRIATE SUBSECTIONS OF § 50-47: (B)(1) RETAIL, PERSONAL AND BUSINESS SERVICES; (B)(4) OFFICES; (B)(5) COMMERCIAL ART STUDIOS; (B)(6) PERSONAL SERVICES; (B)(7) GENERAL BUSINESS SERVICES; (C)(2) TRADES; (C)(3) HOUSEHOLD SERVICES.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2344, PASSED —; AM. ORD. 2353, PASSED —; AM. ORD. 2399, PASSED —AM. ORD. 3039, PASSED 6-8-87)~~

~~§ 50-43 PERMITTED ACCESSORY USE.~~

~~ANY USE, BUILDING OR OTHER STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL USE PERMITTED OUTRIGHT IN A D-2 NEIGHBORHOOD BUSINESS DISTRICT SHALL ALSO BE PERMITTED.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-44 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, BUILDING OR OTHER STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL CONDITIONAL USE IN A D-2 NEIGHBORHOOD BUSINESS DISTRICT SHALL BE CONDITIONAL ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§50-44.1 PROHIBITED USES.~~

~~THE FOLLOWING PRINCIPAL USES ARE PROHIBITED IN THE D-2 NEIGHBORHOOD BUSINESS DISTRICT:~~

~~GENERALLY, ANY USE FIRST PERMITTED AND REGULATED IN THE FOLLOWING DISTRICTS: D-3, D-4, D-5, D-6, E, F, G.~~

~~PAWN SHOPS.~~

~~(ORD. 2872, PASSED 3-14-83)~~

~~§ 50-45 REQUIRED CONDITIONS.~~

~~ALL USES AUTHORIZED BY THIS ARTICLE SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~*BUSINESS IN ENCLOSED BUILDINGS.* ALL BUSINESSES, SERVICES OR PROCESSING SHALL BE CONDUCTED WHOLLY WITHIN A COMPLETELY ENCLOSED BUILDING, EXCEPT FOR THE SALES OF AUTOMOTIVE FUELS, LUBRICANTS AND OTHER FLUIDS AT SERVICE STATIONS, AND SUCH OUTDOOR BUSINESS, SERVICE, DISPLAY OR STORAGE OF VEHICLES, STORAGE OF MATERIALS AND~~

~~EQUIPMENT AS HEREINBEFORE SPECIFICALLY AUTHORIZED OR AS MAY BE AUTHORIZED BY THE BOARD OF APPEALS.~~

~~PRODUCTION OF SALE AT RETAIL. ALL PRODUCTS PRODUCED ON THE PREMISES, WHETHER PRIMARY OR INCIDENTAL, SHALL BE SOLD AT RETAIL ON THE PREMISES WHERE PRODUCED.~~

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

~~NEW MERCHANDISE. GOODS FOR SALE SHALL CONSIST PRIMARILY OF NEW MERCHANDISE, EXCEPT ANTIQUES.~~

~~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 RESIDENTIAL DISTRICT UNLESS IT IS ENCLOSED ON ALL SIDES ADJOINING SAID RESIDENTIAL DISTRICT BY SCREENING AND FENCING.~~

~~LOCATION OF SDM AND SDD LICENSES. NO BUSINESS OR SERVICE~~

~~HAVING AN SDM AND/OR SDD LICENSE SHALL BE LOCATED WITHIN 500 FEET, PROPERTY TO PROPERTY, 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:~~

~~PROVIDE A FRESH BEEF, PORK AND POULTRY COUNTER AT LEAST SIX (6) FEET IN LENGTH;~~

~~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;~~

~~“TAKE OUT” ALCOHOL CANNOT OCCUPY MORE THAN 10% OF THE GROSS BUILDING FLOOR AREA.~~

~~EXTERIOR LIGHTING. EXTERIOR LIGHTING FIXTURES SHALL BE NO MORE THAN 20 FEET IN HEIGHT AND SHALL BE SHIELDED TO PREVENT THE VISIBILITY OF THE LUMINARIES FROM, AND THE CASTING OF DIRECT LIGHT UPON, ADJACENT RESIDENTIAL PROPERTIES. AT THE CLOSE OF BUSINESS, ALL ILLUMINATED SIGNS AND LIGHTS, NOT NECESSARY FOR SECURITY PURPOSES, SHALL BE EXTINGUISHED.~~

~~TRASH AND STORAGE. ALL USES, INCLUDING TRASH COLLECTION AND STORAGE AREA, NOT LOCATED~~

~~WITHIN A FULLY ENCLOSED BUILDING OR STRUCTURE, SHALL BE COMPLETELY ENCLOSED BY A SOLID WALL, SOLID FENCE, DENSE LIVING HEDGE, AND/OR SOLID GATE NOT LESS THAN SIX FEET IN HEIGHT.~~

~~LOCATION OF MECHANICAL AMUSEMENT DEVICES. SAME AS D-1.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2344, PASSED ---; AM. ORD. 2353, PASSED ---; AM. ORD. 2399, PASSED ---; AM. ORD. 2713, PASSED 6-25-79; AM. ORD. 2832, PASSED 5-10-82; AM. ORD. 2872, PASSED 3-14-83; AM. ORD. 2968, PASSED 9-9-85)~~

~~ARTICLE IX D-3 COMMUNITY BUSINESS DISTRICT~~

~~§ 50-46 PURPOSE.~~

~~IT IS THE PURPOSE OF D-3 DISTRICTS TO PROVIDE FOR THE NEEDS FOR BOTH CONVENIENCE GOODS AND MORE COMMON AND OFTEN RECURRING SHOPPING GOODS, AND ALSO PERSONAL AND HOUSEHOLD SERVICES, OF A POPULATION CONSIDERABLY LARGER THAN THAT SERVED BY NEIGHBORHOOD BUSINESS DISTRICTS. THE PRINCIPAL ESTABLISHMENT IN SUCH DISTRICT WILL NORMALLY BE ONE OR SEVERAL VARIETY STORES, SUPERMARKETS, SUPER DRUGSTORES, CLOTHING STORES, SHOE STORES, HOUSEHOLD APPLIANCE STORES, BRANCH BANKS, ETC.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2078, PASSED ---; AM. ORD. 2832, PASSED 5-10-82)~~

~~§ 50-47 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL PERMITTED USES ARE PERMITTED OUTRIGHT IN A D-3 COMMUNITY BUSINESS DISTRICT:~~

~~GENERALLY. ANY USE PERMITTED AND AS REGULATED IN THE D-2 DISTRICT, EXCEPT AS HEREINAFTER MODIFIED.~~

~~RETAIL, PERSONAL AND BUSINESS SERVICES.~~

~~RETAIL STORES. FURNITURE AND APPLIANCE STORES, DEPARTMENT STORES, VARIETY AND DIME STORES, SPORTING GOODS STORES, JEWELRY STORES, GENERAL CLOTHING, DRY GOODS AND APPAREL STORES, MAIL ORDER HOUSES, BAKERIES EMPLOYING NOT MORE THAN TEN PERSONS IN PRODUCTION AND HAVING ONLY STATIONARY WINDOWS AND REQUIRED FIRE EXITS WITHIN 50 FEET OF A RESIDENCE DISTRICT AND THE LIKE.~~

~~EATING AND DRINKING PLACES. BARS, RESTAURANTS, GRILLS, COCKTAIL LOUNGES, INCLUDING ENTERTAINMENT, SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SUBSECTION (B). ALSO, DRIVE-IN RESTAURANTS; PROVIDED, THAT THE PREMISES SHALL BE SCREENED BY A SIX FOOT SOLID WALL OR~~

~~FENCE, OR A CHAIN LINK FENCE WITH A SIX FOOT PLANTING BUFFER MAINTAINED IN A HEALTHY CONDITION WHERE IT ADJOINS OR FACES A RESIDENTIAL DISTRICT.~~

~~ENTERTAINMENT. NIGHTCLUBS, THEATERS, HALLS FOR HIRE (INCLUDING "BINGO HALLS" AND SIMILAR ESTABLISHMENTS NOT DEDICATED TO GAMING USES), PENNY ARCADES, BOWLING ALLEYS AND SIMILAR ENTERPRISES, BUT NOT WITHIN 50 FEET OF ANY RESIDENCE DISTRICT, UNLESS A BUILDING HAVING NO OPENINGS OTHER THAN STATIONARY WINDOWS AND REQUIRED FIRE EXITS; SUBJECT TO ALL APPLICABLE REGULATIONS AND SUCH LICENSES AS MAY BE REQUIRED; ALSO TEMPORARY AMUSEMENT ENTERPRISES, WHEN AUTHORIZED BY THE CITY COUNCIL.~~

~~OFFICES. OFFICE BUILDINGS OF ANY KIND.~~

~~COMMERCIAL ART STUDIOS, INCLUDING PHOTOGRAPHIC STUDIOS, DANCE STUDIOS, RADIO AND TELECASTING STUDIOS AND THE LIKE.~~

~~PERSONAL SERVICES. HEALTH SERVICES AND OTHER PERSONAL SERVICE ESTABLISHMENTS.~~

~~GENERAL BUSINESS SERVICES. BUSINESS, APPLIANCE AND EQUIPMENT REPAIR SHOPS, MIMEOGRAPHING, ETC. PRINTING SHOP EMPLOYING NOT MORE THAN~~

~~TEN PERSONS IN PRODUCTION~~

~~AND HAVING ONLY STATIONARY WINDOWS AND REQUIRED FIRE EXITS WITHIN 50 FEET OF A RESIDENCE DISTRICT.~~

~~BUSINESS SCHOOLS. PROVIDED NO EQUIPMENT OR MACHINERY IS EMPLOYED WHICH IS NOT PERMITTED IN THE D-3 DISTRICT.~~

~~OUTDOOR ADVERTISING. SUBJECT TO THE APPLICABLE REGULATIONS.~~

~~LIMITED LIGHT WHOLESALE. WHOLESALING OF MERCHANDISE WHEN INCIDENTAL AND SECONDARY TO A PERMITTED RETAIL USE IN THE D-3 DISTRICT AND CERTAIN LIGHT WHOLESALE BUSINESSES HANDLING ONLY THE FOLLOWING: BARBER AND BEAUTY SHOP SUPPLIES, RADIO AND TELEVISION PARTS SUPPLIES, TOBACCO PRODUCTS OR SIMILAR USES AS DETERMINED BY THE BOARD OF APPEALS.~~

~~MOTELS AND MOTOR HOTELS.~~

~~MEETING PLACES. NOT WITHIN 50 FEET, PROPERTY LINE TO PROPERTY LINE, OF ANY RESIDENCE DISTRICT, SUBJECT TO ALL APPLICABLE REGULATIONS AND SUCH LICENSES AS MAY BE REQUIRED.~~

~~TRADES, MAINTENANCE AND REPAIR.~~

~~AUTOMOTIVE SERVICES. IN ADDITION TO THOSE AUTHORIZED IN THE D-2 DISTRICT, AUTOMOTIVE DISPLAY (INCLUDING USED CAR LOTS), HIRE, SALES, AUTOMATIC CAR WASHES,~~

~~MINOR AUTO REPAIR; PROVIDED THAT ALL OPERATIONS OTHER THAN DISPLAY AND SALES SHALL BE CONDUCTED WHOLLY WITHIN A COMPLETELY ENCLOSED BUILDING; AND PROVIDED FURTHER, THAT ANY PORTION OF A BUILDING USED FOR REPAIR OF AUTOMOBILES OR AS A PUBLIC GARAGE LOCATED WITHIN 100 FEET FROM ANY RESIDENCE DISTRICT SHALL HAVE NO WINDOWS FACING SUCH RESIDENCE DISTRICT, OTHER THAN STATIONARY WINDOWS OR REQUIRED FIRE EXITS. ALL SALES, DISPLAY AND HIRE OF VEHICLES, IF CONDUCTED OUTSIDE OF A COMPLETELY ENCLOSED BUILDING, SHALL BE CONDUCTED ON A PAVED ASPHALT OR PORTLAND BINDER SURFACE.~~

~~TRADES. SHEET METAL, CARPENTER, PLUMBING OR HEATING SHOPS, FURNITURE UPHOLSTERING, PAINT, PAPER HANGING, DECORATING OR SIGN PAINTING SHOPS AND SIMILAR ENTERPRISES; PROVIDED, THAT ANY BUILDING OCCUPIED BY SUCH USE AND LOCATED WITHIN 100 FEET OF ANY RESIDENCE DISTRICT SHALL HAVE NO OPENINGS FACING SUCH RESIDENCE DISTRICT, OTHER THAN STATIONARY WINDOWS OR REQUIRED FIRE EXITS.~~

~~HOUSEHOLD SERVICES. LAUNDRY, DYEING AND DRY CLEANING SHOPS; PROVIDED, THAT NO BUILDING FOR ANY SUCH USE AND LOCATED WITHIN 50 FEET OF ANY~~

~~RESIDENCE DISTRICT SHALL HAVE ANY HEATING OR POWER PLANT, VENTILATING FAN OR OTHER OPENING FACING SUCH RESIDENCE DISTRICT, EXCEPT STATIONARY WINDOWS AND REQUIRED FIRE EXITS; HOUSEHOLD GOODS AND APPLIANCE REPAIR SHOPS, ETC.~~

~~RESIDENTIAL USES. ANY PRINCIPAL OR CONDITIONAL USE PERMITTED AND AS REGULATED IN THE C-1 DISTRICT; PROVIDED, THAT IF THERE ARE ADJOINING THE D-3 DISTRICT ANY RESIDENCE DISTRICTS WHICH ARE LESS RESTRICTIVE THAN THE C-1 DISTRICT, THE REGULATION OF THE LEAST RESTRICTIVE OF SUCH ADJOINING RESIDENCE DISTRICTS SHALL APPLY.~~

~~SMALL ANIMAL/COMPANION VETERINARY CLINICS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2078, PASSED ; AM. ORD. 2832, PASSED 5-10-82; AM. ORD. 2872, PASSED 3-14-83; AM. ORD. 2972, PASSED 9-23-85; AM. ORD. 3053, PASSED 4-11-88;~~

~~AM. ORD. 3159, PASSED 2-25-91; AM. ORD. 3237, PASSED 7-12-93; AM. ORD. 3329, PASSED 4-22-~~

~~96)~~

~~§ 50-48 PRINCIPAL ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE
CUSTOMARILY INCIDENTAL TO ANY
PRINCIPAL USE PERMITTED
OUTRIGHT IN A D-3 COMMUNITY
BUSINESS DISTRICT SHALL ALSO BE
PERMITTED OUTRIGHT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.
2078, PASSED)~~

~~§ 50-49 REQUIRED CONDITIONS:~~

~~ALL USES AUTHORIZED BY THIS
ARTICLE SHALL BE SUBJECT TO
THE SAME REQUIRED CONDITIONS
AS IN THE D-2 DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68; AM.
ORD. 2078, PASSED ; AM. ORD.
2713, PASSED 6-25-79; AM. ORD. 2832,
PASSED 5-10-82; ORD. 3684, PASSED
10-23-06)~~

~~ARTICLE X — D-4 METROPOLITAN
BUSINESS DISTRICT~~

~~§ 50-50 PURPOSE.~~

~~THE D-4 METROPOLITAN BUSINESS
DISTRICT IS INTENDED TO
ACCOMMODATE THE SEVERAL
COMMERCIAL TYPES OF ACTIVITIES
AND USES COMMONLY FOUND IN
THE CORE OF CENTRAL BUSINESS
DISTRICTS, AS DEFINED FOR THE
CITY IN THE CENTRAL BUSINESS
DISTRICT PLAN, AND AS FOUND
ALSO IN THE LARGEST REGIONAL
SHOPPING CENTERS.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-51 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES
ARE PERMITTED IN A D-4
METROPOLITAN BUSINESS
DISTRICT:~~

~~D-3 USES. ANY USE PERMITTED BY
§ 50-47(B) IN THE D-3 DISTRICT
AND AS REGULATED THEREIN,
EXCEPT AS HEREAFTER MODIFIED.~~

~~OFFICE BUILDINGS. OF ANY KIND,
INCLUDING WHOLESALE OFFICES
AND INCIDENTAL WHOLESALE
STORAGE.~~

~~OTHER RETAIL USES. DEPARTMENT
STORES, AND ANY OTHER RETAIL
USE OR SERVICE NOT FIRST
PERMITTED OR PROHIBITED IN THE
D-5 DISTRICT.~~

~~PRINTING. NEWSPAPER PUBLISHING~~

~~PLANTS.~~

~~LIGHT MANUFACTURING. ANY
MANUFACTURING, TREATMENT,
CONVERTING, FINISHING OR
ASSEMBLING AUTHORIZED AS
PRINCIPAL USE PERMITTED
OUTRIGHT IN THE E DISTRICT;
PROVIDED, THAT SUCH USE SHALL
NOT OCCUPY THE GROUND FLOOR
STREET FRONTAGE OF ANY
BUILDING WITHIN THE CORE AREA,
D-4 DISTRICT.~~

~~RESIDENTIAL USES. RESIDENTIAL
USES OF ANY KIND; PROVIDED,
THAT SUCH USES SHALL NOT
OCCUPY THE GROUND FLOOR OF
ANY BUILDING WITHIN THE
DISTRICT. OFF-STREET PARKING PER
§ 50-139 IS NOT REQUIRED,
HOWEVER, IF PROVIDED, SHALL
NOT OCCUPY THE GROUND FLOOR
STREET FRONTAGE OF ANY
BUILDING.~~

~~CLUBS, LODGES. ALCOHOLIC
BEVERAGES MAY BE SOLD,
CONSUMED OR STORED ON THE
PREMISES PROVIDED THIS ACTIVITY
MEETS ALL FEDERAL, STATE OR
LOCAL STATUTES OR ORDINANCES,
BUT NOT WITHIN 50 FEET,
PROPERTY LINE TO PROPERTY LINE,
OF ANY RESIDENCE DISTRICT AND
SUBJECT TO ALL APPLICABLE
LICENSES AND SUCH LICENSES AS
MAY BE REQUIRED.~~

~~(ORD. 2046, PASSED 4-11-68; AM.
ORD. 2930, PASSED 1-15-85; AM.
ORD. 2972, PASSED 9-23-85;~~

AM. ORD. 3237, PASSED 7-12-93)

~~§ 50-52 PARKING STRUCTURES AND LOTS.~~

~~WHEN AUTHORIZED BY THE PLANNING COMMISSION, PARKING STRUCTURES AND LOTS FOR PASSENGER VEHICLES ONLY, SHALL BE PRINCIPAL CONDITIONAL USES, SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~SUCH STRUCTURES OR LOTS SHALL CONFORM WITH THE OFFICIAL CIRCULATION AND DOWNTOWN DEVELOPMENT PLAN.~~

~~ENTRANCES AND EXITS OR INGRESS AND EGRESS WAYS, LANES OR RAMPS SHALL BE CONNECTED DIRECTLY WITH ONE OR MORE OF THE PRINCIPAL THOROUGHFARES DESIGNATED IN THE OFFICIAL CIRCULATION PLAN, BY MEANS OF A PRIVATE PASSAGE, BRIDGE, TUNNEL OR OTHERWISE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-53 PRINCIPAL ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL USE PERMITTED OUTRIGHT, INCLUDING PRODUCTION, PROCESSING AND STORAGE OF GOODS SOLD AT RETAIL, AND WHOLESALE STORAGE IN CONJUNCTION WITH WHOLESALE~~

~~OFFICES; PROVIDED, THAT ANY SUCH PRODUCTION, PROCESSING OR STORING SHALL NOT OCCUPY GROUND FLOOR STREET FRONTAGE WITHIN THE CORE AREA OF THE CITY, SHALL BE AN ACCESSORY USE PERMITTED OUTRIGHT IN A D-4 METROPOLITAN BUSINESS DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-54 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL CONDITIONAL USE IN A D-4 METROPOLITAN BUSINESS DISTRICT SHALL BE A CONDITIONAL ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-55 PROHIBITED USES.~~

~~THE FOLLOWING USES ARE PROHIBITED IN A D-4 METROPOLITAN BUSINESS DISTRICT: ANY USE WHICH IS FIRST PERMITTED OR WHICH IS PROHIBITED IN THE D-5 DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2930, PASSED 1-15-85)~~

~~§ 50-56 REQUIRED CONDITIONS.~~

~~ALL USES AUTHORIZED IN THIS ARTICLE SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~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, USED CAR AND TRUCK LOTS, OFF-STREET LOADING AREAS, GASOLINE STATIONS AND OUTDOOR ADVERTISING. HOWEVER, FOOD, BEVERAGES (INCLUDING ALCOHOL) AND MERCHANDISE MAY NOT BE DISPLAYED AND SOLD BY AN OWNER OR TENANT OUTSIDE OF A COMPLETELY ENCLOSED BUILDING SUBJECT TO APPROVAL BY THE PLANNING COMMISSION AS A "SPECIAL LAND USE" (§ 50-151.1) AND THE FOLLOWING CONDITIONS:~~

~~MEETS ALL HEALTH CODES AND CITY LICENSING AND PERMIT REQUIREMENTS.~~

~~PEDESTRIAN AND VEHICULAR MOVEMENT AND CIRCULATION MAY NOT BE IMPEDED.~~

~~OUTSIDE ACTIVITIES MUST BE CONDUCTED IN CLEARLY DEMARCATED AREAS.~~

~~A DETAILED SITE PLAN SHOWING THE LOCATION OF ALL FURNITURE AND EQUIPMENT MUST BE SUBMITTED TO, AND APPROVED BY, THE FLINT PLANNING COMMISSION. THE REQUIREMENTS OF § 50-8.3 SHALL NOT APPLY TO THIS SUBSECTION OF THE SITE PLAN REQUIRED HEREUNDER IF NOT SUBMITTED IN CONJUNCTION WITH A PROJECT REQUIRING FORMAL~~

~~SITE PLAN REVIEW.~~

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

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2927, PASSED 11-12-84)~~

~~ARTICLE XI — D-5 METROPOLITAN
COMMERCIAL SERVICE DISTRICT~~

~~§ 50-57 PURPOSE.~~

~~THE — D-5 — METROPOLITAN
COMMERCIAL SERVICES — DISTRICT
IS INTENDED TO ACCOMMODATE
THE VARIOUS COMMERCIAL AND
RESIDENTIAL ACTIVITIES AND USES
WHICH ARE COMMONLY FOUND
AND PROPERLY LOCATED IN THE
AREAS ADJACENT TO THE CORE OF
CENTRAL BUSINESS DISTRICTS,
WHICH ARE CHARACTERISTIC OF
THE FRAME AREA AS DEFINED BY
THE CENTRAL BUSINESS DISTRICT
PLAN.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-58 PRINCIPAL PERMITTED USES.~~

~~THE — FOLLOWING — ARE — THE
PRINCIPAL — USES — PERMITTED
OUTRIGHT IN A D-5 METROPOLITAN
COMMERCIAL SERVICE DISTRICT:~~

~~D-3 USES. ANY USE PERMITTED AND
AS REGULATED IN THE D-3
DISTRICT, EXCEPT AS HEREINAFTER
MODIFIED.~~

~~D-4 USES. ANY PRINCIPAL USE
PERMITTED OUTRIGHT AND AS
REGULATED IN THE D-4 DISTRICT,
EXCEPT — AS — HEREINAFTER
MODIFIED.~~

~~C-2 USES. ANY USE PERMITTED AND
AS REGULATED IN THE C-2
DISTRICT, EXCEPT AS HEREINAFTER~~

~~MODIFIED.~~

~~AUTOMOTIVE — SERVICES.
AUTOMOTIVE — REPAIR — AND
SERVICES, — COLLISION — SERVICE,
AUTOMOTIVE RENTAL AND SALES.~~

~~MANUFACTURING. — ANY
MANUFACTURING USE AUTHORIZED
AS A PRINCIPAL USE PERMITTED
OUTRIGHT AND AS REGULATED IN
THE E DISTRICT; PROVIDED, THAT
SUCH USE SHALL NOT OCCUPY ANY
GROUND FLOOR STREET FRONTAGE
UNLESS COMPLETELY SCREENED
BY A SOLID WALL WITHOUT
OPENINGS OR WINDOWS OTHER
THAN STATIONARY WINDOWS AND
REQUIRED FIRE EXITS. SUBJECT TO
THE HEIGHT, AREA AND YARD
REQUIREMENTS OF THE D-5
DISTRICT.~~

~~PRINTING. ENGRAVING, PRINTING,
PUBLISHING OR LITHOGRAPHING.~~

~~SCHOOLS. TRADE OR BUSINESS
SCHOOLS, INCLUDING SHOPS,
TESTING LABORATORIES, STUDIOS,
BUT NOT EMPLOYING MACHINERY
WHICH WOULD NOT BE PERMITTED
IN THE E DISTRICT.~~

~~WHOLESALE AND WAREHOUSE.
WHOLESALE ENTERPRISES AND
WAREHOUSES OF ANY KIND,
EXCEPT THOSE WHICH WOULD NOT
BE PERMITTED IN THE E DISTRICT.~~

~~LABORATORIES. — EXPERIMENTAL,
FILM OR TESTING LABORATORIES;
PROVIDED, THAT NO OPERATION
SHALL BE CONDUCTED OR
EQUIPMENT USED WHICH WOULD~~

~~CREATE HAZARDOUS, NOXIOUS OR
OFFENSIVE CONDITIONS.~~

~~STUDIOS. MOTION PICTURE,
TELEVISION AND RADIO
PRODUCTION STUDIOS,
TRANSMITTERS AND RELATED
EQUIPMENT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-59 PRINCIPAL CONDITIONAL
USES. WHEN AUTHORIZED BY THE
PLANNING COMMISSION, THE
FOLLOWING SHALL BE THE
PRINCIPAL CONDITIONAL USES IN A
D-5 METROPOLITAN COMMERCIAL-
SERVICE DISTRICT:~~

~~PARKING STRUCTURES AND LOTS.
SUBJECT TO THE CONDITIONS AND
REQUIREMENTS OF THE D-4
DISTRICT; EXCEPT, THAT GROUND
FLOOR STREET FRONTAGE MAY
ALSO BE USED FOR PARKING OF
PASSENGER VEHICLES.~~

~~BUS TERMINALS. DEPOTS AND
TERMINALS FOR TRANSIT BUSES.
(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-60 PRINCIPAL ACCESSORY
USES.~~

~~ANY USE, BUILDING OR STRUCTURE
CUSTOMARILY INCIDENTAL TO ANY
PRINCIPAL USES IN A D-5
METROPOLITAN COMMERCIAL-
SERVICE DISTRICT SHALL BE AN
ACCESSORY USE PERMITTED
OUTRIGHT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-61 ACCESSORY CONDITIONAL
USES.~~

~~ANY USE, BUILDING OR STRUCTURE
CUSTOMARILY INCIDENTAL TO
ANY PRINCIPAL, CONDITIONAL USE
IN A D-5 METROPOLITAN
COMMERCIAL SERVICE DISTRICT
SHALL BE A CONDITIONAL
ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-62 REQUIRED CONDITIONS.~~

~~ALL USES AUTHORIZED IN THIS
ARTICLE SHALL BE SUBJECT TO THE
FOLLOWING CONDITIONS:~~

~~ENCLOSED BUILDINGS. ALL
BUSINESS, SERVICE, REPAIR,
PROCESSING, STORAGE OR DISPLAY
MERCHANDISE SHALL BE
CONDUCTED WHOLLY WITHIN AN
ENCLOSED BUILDING, EXCEPT OFF-
STREET PARKING STRUCTURES AND
LOTS, USED CAR AND TRUCK LOTS,
OFF STREET LOADING AREAS,
GASOLINE STATIONS AND OUTDOOR
ADVERTISING. HOWEVER, FOOD,
BEVERAGES (INCLUDING ALCOHOL)
AND MERCHANDISE MAY BE
DISPLAYED AND SOLD BY AN
OWNER OR TENANT OUTSIDE OF A
COMPLETELY ENCLOSED BUILDING
SUBJECT TO APPROVAL BY THE
PLANNING COMMISSION AS A
“SPECIAL LAND USE” (§ 50-151.1)
AND THE FOLLOWING CONDITIONS:~~

~~MEETS ALL HEALTH CODES AND~~

~~CITY LICENSING AND PERMIT REQUIREMENTS;~~

~~PEDESTRIAN AND VEHICULAR MOVEMENT AND CIRCULATION MAY NOT BE IMPEDED;~~

~~OUTSIDE ACTIVITIES MUST BE CONDUCTED IN A CLEARLY DEMARCATED AREA;~~

~~IF CONDUCTED IN A PUBLIC RIGHT-OF-WAY, MUST ALSO OBTAIN PERMISSION FROM THE CITY COUNCIL; AND~~

~~A DETAILED SITE PLAN SHOWING THE LOCATION OF ALL FURNITURE AND EQUIPMENT MUST BE SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION. THE REQUIREMENTS OF § 50-8.3 SHALL NOT APPLY TO THIS SUBSECTION IF THE SITE PLAN REQUIRED HEREUNDER IS NOT SUBMITTED IN CONJUNCTION WITH A PROJECT REQUIRING FORMAL SITE PLAN REVIEW.~~

~~USE TO BE NONOBJECTIONABLE. PROCESSES AND EQUIPMENT EMPLOYED AND GOODS SOLD SHALL BE LIMITED TO THOSE WHICH ARE NOT OBJECTIONABLE BY REASON OF ODOR, DUST, SMOKE, CINDERS, GAS, FUMES, NOISE, VIBRATIONS, RADIATION, REFUSE, MATTER OR WATER-CARRIED WASTE.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2927, PASSED 11-12-84)~~

~~ARTICLE XII D-6 GENERAL AND
HIGHWAY COMMERCIAL
SERVICE DISTRICT~~

~~§ 50-63 PURPOSE.~~

~~THE D-6 GENERAL AND HIGHWAY
COMMERCIAL SERVICE DISTRICT IS
INTENDED TO ACCOMMODATE
PRIMARILY THOSE
ESTABLISHMENTS OFFERING
ACCOMMODATIONS, SUPPLIES OR
SERVICE TO MOTORISTS, AND
CERTAIN SPECIALIZED USES, RETAIL
OUTLETS, REPAIR AND SERVICE
ESTABLISHMENTS, WHICH,
ALTHOUGH SERVING THE ENTIRE
CITY OR A MAJOR SECTION
THEREOF, DO NOT CUSTOMARILY
LOCATE IN THE CENTRAL BUSINESS
DISTRICT OR IN COMMUNITY
BUSINESS DISTRICTS. ORDINARILY
THE D-6 DISTRICT WILL BE
LOCATED ALONG NUMBERED STATE
OR FEDERAL HIGHWAYS OR OTHER
PRIMARY THOROUGHFARES SO
DESIGNATED IN THE MAJOR STREET
PLAN.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-64 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL
PERMITTED USES ARE PERMITTED
OUTRIGHT IN A D-6 GENERAL AND
HIGHWAY COMMERCIAL SERVICE
DISTRICT:~~

~~D-5 USES. ANY PRINCIPAL USE
PERMITTED OUTRIGHT AND AS~~

~~REGULATED IN THE D-5 DISTRICT,
EXCEPT AS HEREINAFTER
MODIFIED.~~

~~EATING AND DRINKING
ESTABLISHMENTS. DRIVE IN EATING
AND DRINKING PLACES, SUMMER
GARDENS AND ROADHOUSES;
PROVIDED, THAT THE PRINCIPAL
BUILDING IS AT LEAST 50 FEET
FROM ANY RESIDENCE DISTRICT.
ENTERTAINMENT AND DANCING
ARE SUBJECT TO THE SAME
REGULATIONS AS PROVIDED IN D-3.~~

~~AUTOMOTIVE SERVICES, FARM
IMPLEMENTS. AUTOMOBILE,
TRUCKS, TRAILERS, FARM
IMPLEMENTS, FOR SALE, DISPLAY,
HIRE, SERVICE OR REPAIR,
INCLUDING SALES LOTS, USED CAR
LOTS, TRAILER LOTS, REPAIR
GARAGES, BODY AND FENDER
SHOPS, PAINT SHOPS; PROVIDED,
THAT ANY PORTION OF A BUILDING
USED FOR MAJOR REPAIRS
LOCATED WITHIN 100 FEET OF ANY
RESIDENCE DISTRICT SHALL HAVE
NO OPENINGS FACING SUCH
RESIDENCE DISTRICTS, OTHER THAN
STATIONARY WINDOWS OR
REQUIRED FIRE EXITS WITHIN SUCH
100 FEET OF THE RESIDENCE
DISTRICT.~~

~~ANIMAL HOSPITALS, VETERINARY
CLINICS, ETC. ANIMALS HOSPITALS,
KENNELS FOR DISPLAY, BOARDING
OR TREATMENT OF PETS AND
OTHER DOMESTIC ANIMALS;
PROVIDED, THAT ANY STRUCTURE
OR AREA USED FOR SUCH~~

~~PURPOSES, INCLUDING PENS AND EXERCISE YARDS, SHALL BE LOCATED AT LEAST 50 FEET FROM ANY RESIDENCE DISTRICT.~~

~~COMMERCIAL RECREATION. ANY TYPE OF COMMERCIAL RECREATION, INCLUDING BASEBALL FIELDS, BOWLING ALLEYS, TRAMPOLINE CENTERS, SWIMMING POOLS, SKATING RINKS, GOLF DRIVING RANGES AND SIMILAR OPEN AIR FACILITIES; PROVIDED, THAT ANY STRUCTURE OR AREA USED FOR SUCH PURPOSES SHALL BE LOCATED NOT LESS THAN 100 FEET FROM ANY RESIDENCE DISTRICT.~~

~~MOTELS AND MOTOR HOTELS.~~

~~CONTRACTORS' YARDS AND SIMILAR ESTABLISHMENTS. BUILDING MATERIAL YARDS EXCLUDING CONCRETE MIXING PLANT, CONTRACTOR'S EQUIPMENT YARD OR PLANT OR STORAGE YARD FOR RENTAL OF EQUIPMENT COMMONLY USED BY CONTRACTORS; RETAIL LUMBERYARDS, INCLUDING ONLY INCIDENTAL MILLWORK; STORAGE AND SALES OF GRAIN, LIVESTOCK FEED OR FUEL; CARTING, EXPRESS OR HAULING ESTABLISHMENTS; PUBLIC UTILITY SERVICE YARD; STONE AND MONUMENT WORKS NOT INCLUDING POWER DRIVEN TOOLS; PROVIDED, THAT SUCH USES ARE CONDUCTED:~~

~~IN COMPLETELY ENCLOSED BUILDINGS, WHICH BUILDINGS~~

~~SHALL HAVE AT LEAST 100 FEET FROM ANY RESIDENCE DISTRICT UNLESS THEY HAVE NO OPENINGS OTHER THAN STATIONARY WINDOWS AND REQUIRED FIRE EXITS WITHIN SUCH DISTANCE.~~

~~WHEN CONDUCTED WITHIN AN AREA COMPLETELY ENCLOSED ON ALL SIDES ADJACENT TO OR DIRECTLY ACROSS A STREET FROM A RESIDENTIAL DISTRICT WITH A SOLID WALL OR UNIFORMLY PAINTED SOLID BOARD FENCE OR A CHAIN LINK FENCE WITH A SIX FEET PLANTING BUFFER MAINTAINED IN A HEALTHY CONDITION, FENCING NOT LESS THAN SIX FEET HIGH.~~

~~BOTTLING WORKS. BOTTLING OF SOFT DRINKS AND MILK OR DISTRIBUTION STATIONS; PROVIDED, THAT NO BUILDING USED FOR BOTTLING CUSTOMARILY INVOLVING NIGHT OPERATION SHALL HAVE ANY OPENING OTHER THAN STATIONARY WINDOWS OR REQUIRED FIRE EXITS WITHIN 50 FEET OF ANY RESIDENCE DISTRICT. NO SPACE USED FOR LOADING AND UNLOADING OF COMMERCIAL VEHICLES IN CONNECTION THEREWITH SHALL BE WITHIN 50 FEET OF ANY RESIDENCE DISTRICT UNLESS ENCLOSED ON ALL SIDES ADJACENT TO OR DIRECTLY ACROSS THE STREET FROM A RESIDENCE DISTRICT WITH A SOLID WALL OR UNIFORMLY PAINTED SOLID BOARD FENCE OR A CHAIN LINK FENCE WITH A SIX FOOT~~

~~PLANTING BUFFER MAINTAINED IN A HEALTHY CONDITION. FENCING SHALL NOT BE LESS THAN EIGHT FEET HIGH.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-65 PRINCIPAL CONDITIONAL PERMITTED USES.~~

~~WHEN AUTHORIZED BY THE PLANNING COMMISSION, THE FOLLOWING SHALL BE PRINCIPAL CONDITIONAL USES WITHIN A D-6 GENERAL AND HIGHWAY COMMERCIAL SERVICE DISTRICT:~~

~~TRAILER PARKS. SUBJECT TO THE TRAILER PARK REGULATIONS OF THIS CHAPTER.~~

~~DRIVE-IN THEATERS.~~

~~AMUSEMENT ENTERPRISES. CIRCUS, AMUSEMENT PARK AND SIMILAR TRANSIENT OR SEASONAL AMUSEMENT ENTERPRISES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-66 PRINCIPAL ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL USE PERMITTED OUTRIGHT IN A D-6 GENERAL AND HIGHWAY COMMERCIAL SERVICE DISTRICT SHALL BE AN ACCESSORY USE PERMITTED OUTRIGHT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-67 ACCESSORY CONDITIONS USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL CONDITIONAL USE IN A D-6 GENERAL AND HIGHWAY COMMERCIAL SERVICE DISTRICT SHALL BE A CONDITIONAL ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-68 REQUIRED CONDITION.~~

~~ALL USES AUTHORIZED IN THIS CHAPTER SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~ENCLOSURES. ANY BUSINESS, SERVICE, REPAIR, PROCESSING, STORAGE OR DISPLAY, WHETHER PRINCIPAL OR ACCESSORY, IF NOT CONDUCTED WHOLLY WITHIN AN ENCLOSED BUILDING SHALL BE ENCLOSED BY A SOLID WALL OR FENCE AT LEAST SIX FEET HIGH OR A CHAIN LINK FENCE AT LEAST SIX FEET HIGH WITH A SIX FOOT PLANTING BUFFER MAINTAINED IN A HEALTHY CONDITION WHERE SUCH USE ADJOINS OR FACES EITHER DIRECTLY OR ACROSS A STREET, ALLEY, OR OTHER PUBLIC OPEN SPACE, ANY RESIDENCE DISTRICT.~~

~~USE TO BE NONOBJECTIONABLE. PROCESSES AND EQUIPMENT EMPLOYED AND GOODS SOLD~~

~~SHALL BE LIMITED TO THOSE WHICH ARE NONOBJECTIONABLE BY REASON OF ODOR, DUST, SMOKE, CINDERS, GAS, FUMES, NOISE, VIBRATION, RADIATION, REFUSE MATTER AND WATER CARRIED WASTES.~~

~~OUTDOOR ADVERTISING. AS PER APPLICABLE REGULATIONS.~~

~~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.~~

~~TRAFFIC SAFETY. ENTRANCES AND EXITS CONNECTING THE PUBLIC THOROUGHFARE SYSTEM WITH ESTABLISHMENTS WHICH, IN THE NORMAL CONDUCT OF BUSINESS DEPEND UPON THE FREQUENT INGRESS AND EGRESS OF AUTOMOBILES, SHALL BE SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEER.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XIII E HEAVY
COMMERCIAL LIMITED
MANUFACTURING DISTRICT~~

~~§ 50-69 PURPOSE.~~

~~THE E HEAVY COMMERCIAL
LIMITED MANUFACTURING
DISTRICT IS INTENDED TO
ACCOMMODATE HEAVY
COMMERCIAL AND CERTAIN LIGHT
MANUFACTURING USES WHICH ARE
GENERALLY INCOMPATIBLE WITH
USES APPROPRIATE IN RETAIL
BUSINESS DISTRICTS BUT WHICH DO
NOT WARRANT AN EXCLUSIVE
INDUSTRIAL CLASSIFICATION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-70 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES
ARE PERMITTED OUTRIGHT IN AN E
HEAVY COMMERCIAL LIGHT
MANUFACTURING DISTRICT:~~

~~D-5 AND D-6 USES. ANY PRINCIPAL
USE PERMITTED OUTRIGHT AND
ANY PRINCIPAL CONDITIONAL USE
AS REGULATED IN THE D-5 AND D-6
DISTRICT, EXCEPT AS HEREINAFTER
MODIFIED:~~

~~MANUFACTURING USES. THE
PROCESSING, MANUFACTURING,
ASSEMBLING AND DISTRIBUTION
SUCH AS THE FOLLOWING:~~

~~FOOD PRODUCTS. BAKERY GOODS,
CANDY, LIGHT MEAT PACKING,
SAUSAGE MAKING, CANNING, MILK~~

~~PRODUCTS, COFFEE ROASTING AND
THE LIKE; EXCLUDING FISH
PRODUCTS, SLAUGHTERHOUSES,
SAUERKRAUT, VINEGAR OR YEAST,
MANUFACTURING AND RENDERING
AND REFINING OF FATS OR OILS,
AND EXCEPT SUCH AS ARE FIRST
PERMITTED OR ARE PROHIBITED IN
THE F DISTRICT; PROVIDED, THAT
NO BUILDING USED AS A BAKERY
OR OTHER USE CUSTOMARILY
INVOLVING NIGHT OPERATION
SHALL HAVE ANY OPENING, OTHER
THAN STATIONARY WINDOWS OR A
REQUIRED FIRE EXIT, WITHIN 50
FEET OF ANY RESIDENCE DISTRICT;
AND PROVIDED, THAT NO SPACE
USED FOR LOADING OR UNLOADING
COMMERCIAL VEHICLES IN
CONNECTION WITH SUCH
OPERATION SHALL BE WITHIN 50
FEET OF ANY RESIDENCE DISTRICT.~~

~~PHARMACEUTICALS. GENERAL
PHARMACEUTICAL PRODUCTS,
COSMETICS AND TOILETRIES.~~

~~PRODUCTS FROM THE FOLLOWING
PREVIOUSLY PREPARED MATERIALS.
BONE, CANVAS, CELLOPHANE,
CLOTH, CORK, FEATHERS, FIBER,
FUR, GLASS, HAIR, HORN, LEATHER,
PAPER, PLASTICS, PRECIOUS OR
SEMI-PRECIOUS METALS OR
STONES, SHEET METAL, EXCEPT
WHERE PRESSES OVER 20 TONS
RATED CAPACITY ARE EMPLOYED,
SHELL, TEXTILES, TOBACCO, WAX,
WIRE, WOOD AND YARNS.~~

~~POTTERY AND FIGURINES. USING
PREVIOUSLY PULVERIZED CLAY,~~

~~AND KILNS FIRED ONLY WITH GAS OR ELECTRICITY.~~

~~NOVELTIES. INCLUDING MUSICAL INSTRUMENTS, TOYS, RUBBER OR METAL STAMPS AND OTHER SMALL RUBBER PRODUCTS.~~

~~APPLIANCES. ELECTRICAL AND ELECTRONIC APPLIANCES, INSTRUMENTS AND DEVICES, TELEVISION SETS, RADIOS, PHONOGRAPHS, ELECTRIC AND NEON SIGNS, AND THE LIKE.~~

~~LIGHT SHEET METAL PRODUCTS. INCLUDING HEATING AND VENTILATING EQUIPMENT, CORNICES, EAVES AND THE LIKE.~~

~~MISCELLANEOUS USES. PROVIDED NO PART OF A BUILDING OCCUPIED BY SUCH USES SHALL HAVE ANY OPENING, OTHER THAN STATIONARY WINDOWS OR REQUIRED FIRE EXITS, WITHIN 50 FEET OF ANY RESIDENCE DISTRICT.~~

~~WELDING SHOPS OR OTHER METAL WORKING OR MACHINE SHOP. EXCLUDING, WITHIN 200 FEET OF ANY RESIDENCE DISTRICT, PUNCH PRESSES OVER 20 TONS RATED CAPACITY, DROP HAMMERS AND OTHER EXCESSIVE NOISE-GENERATING MACHINE OPERATED TOOLS.~~

~~FOUNDRY. CASTING LIGHTWEIGHT NONFERROUS METALS, OR ELECTRIC FOUNDRY NOT CAUSING NOXIOUS FUMES OR ODORS.~~

~~RAG CLEANING. BAG, CARPET AND RAG CLEANING; PROVIDED, THAT~~

~~NECESSARY EQUIPMENT IS INSTALLED AND OPERATED FOR THE EFFECTIVE RECOVERY OF DUST.~~

~~ICE MANUFACTURING. ANY COLD STORAGE PLANTS. (ORD. 2046, PASSED 4-11-68)~~

~~§ 50-71 PRINCIPAL CONDITIONAL USES.~~

~~WHEN AUTHORIZED BY THE PLANNING COMMISSION, THE FOLLOWING SHALL BE PRINCIPAL CONDITIONAL USES IN A E HEAVY COMMERCIAL-LIMITED-MANUFACTURING DISTRICT:~~

~~FREIGHT TERMINALS. TRUCK TERMINALS, MINOR RAILROAD FREIGHT STATIONS AND DEPOTS; PROVIDED, THAT THE PREMISES IS AT LEAST 200 FEET FROM ANY RESIDENCE DISTRICT AND SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEER.~~

~~BULK STATIONS. PROVIDED ALL STORAGE TANKS SHALL BE LOCATED UNDER GROUND.~~

~~BUILDING MATERIALS SALES YARDS. INCLUDING CONCRETE MIXING, LUMBER YARDS, PLANING MILLS, OPEN YARDS FOR STORAGE AND SALE OF FEED OR FUEL, OR BOTH, WHEN LOCATED NOT LESS THAN 200 FEET FROM ANY RESIDENCE DISTRICT.~~

~~AIRPORTS. PROVIDED ALL OF THE FEDERAL AND STATE~~

~~AERONAUTICAL REGULATIONS ARE COMPLIED WITH. USES OF AIRPORT LAND SHALL BE LIMITED TO THE USES PERMITTED IN THE E DISTRICT, AND, IN ADDITION, THOSE COMMERCIAL AND INDUSTRIAL USES INCIDENTAL AND RELATED TO AIRPORT OPERATIONS.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-72 PRINCIPAL ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL USE PERMITTED OUTRIGHT IN A E HEAVY COMMERCIAL LIGHT MANUFACTURING DISTRICT SHALL BE AN ACCESSORY USE PERMITTED OUTRIGHT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-73 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL CONDITIONAL USE IN A E HEAVY COMMERCIAL LIGHT MANUFACTURING DISTRICT SHALL BE CONDITIONAL ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-74 PROHIBITED USES.~~

~~DWELLINGS AND RESIDENCES OF ANY KIND, INCLUDING MOTELS AND~~

~~TRAILER PARKS, ALSO SCHOOLS, HOSPITALS AND CLINICS AND OTHER INSTITUTIONS FOR HUMAN CARE, EXCEPT WHERE THEY ARE INCIDENTAL TO A PERMITTED PRINCIPAL USE, SHALL BE PROHIBITED IN AN E HEAVY COMMERCIAL LIGHT MANUFACTURING DISTRICT; PROVIDED, THAT ANY OF THE AFORESAID USES LEGALLY EXISTING IN THE E DISTRICT ON APRIL 26, 1968, OR AT THE TIME OF THE ADOPTION OF ANY AMENDMENT TO THIS CHAPTER SHALL NOT BE CLASSIFIED AS A NONCONFORMING USE.~~

~~ANY USE WHICH IS FIRST PERMITTED IN THE F DISTRICT SHALL ALSO BE PROHIBITED. (ORD. 2046, PASSED 4-11-68; AM. ORD. 2845, PASSED 7-26-82)~~

~~§ 50-75 REQUIRED CONDITIONS.~~

~~ALL USES AUTHORIZED IN THIS ARTICLE SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~ENCLOSURES. ANY BUSINESS, SERVICE, REPAIR, PROCESSING, STORAGE OR DISPLAY, WHETHER PRINCIPAL OR ACCESSORY, IF NOT CONDUCTED WHOLLY WITHIN AN ENCLOSED BUILDING SHALL BE ENCLOSED BY A SOLID WALL OR FENCE AT LEAST SIX FEET HIGH OR A CHAIN LINK FENCE AT LEAST SIX FEET HIGH WITH A SIX FOOT PLANTING BUFFER MAINTAINED IN~~

~~A HEALTHY CONDITION WHERE USE ABUTS, ADJOINS OR FACES, EITHER DIRECTLY OR ACROSS A STREET, ALLEY OR OTHER PUBLIC OPEN SPACE, ANY RESIDENCE DISTRICT.~~

~~USE TO BE NONOBJECTIONABLE. PROCESSES AND EQUIPMENT AND GOODS SOLD SHALL BE LIMITED TO THOSE WHICH ARE NOT OBJECTIONABLE BY REASON OF ODOR, DUST, SMOKE, CINDERS, GAS, FUMES, NOISE, VIBRATION, RADIATION, REFUSE MATTER AND WATER CARRIED WASTE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XIV F INTERMEDIATE MANUFACTURING DISTRICT~~

~~§ 50-76 PURPOSE.~~

~~THE F INTERMEDIATE MANUFACTURING DISTRICT IS DESIGNED TO ACCOMMODATE THOSE MANUFACTURING ESTABLISHMENTS WHICH ARE EITHER FREE OF OBJECTIONABLE INFLUENCES IN THEIR OPERATION OR WHICH CAN READILY OBTAIN OR CONTROL ANY OBJECTIONABLE FEATURES WHICH MAY OTHERWISE RESULT FROM THE MANUFACTURING PROCESSES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-77 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES ARE PERMITTED OUTRIGHT IN AN F INTERMEDIATE MANUFACTURING DISTRICT:~~

~~E USES. ANY PRINCIPAL USE PERMITTED OUTRIGHT AND ANY PRINCIPAL CONDITIONAL USE AS REGULATED IN THE E DISTRICT, EXCEPT AS HEREINAFTER MODIFIED.~~

~~OTHER MANUFACTURING USES, GENERAL PROVISIONS. ANY MANUFACTURING USE MAY BE PERMITTED OUTRIGHT, IN THE F DISTRICT, WHICH IS NOT PROHIBITED BY THIS ARTICLE.~~

~~NONMANUFACTURING USES. THE FOLLOWING USES ARE AUTHORIZED BUT SHALL BE SUBJECT TO CERTAIN HEREINAFTER PRESCRIBED STIPULATIONS:~~

~~AUTOMOBILE SALVAGE AND WRECKING OPERATIONS. INCLUDING INDUSTRIAL METAL AND WASTE SALVAGE OPERATIONS AND JUNKYARD, IF LOCATED NOT LESS THAN 200 FEET FROM ANY RESIDENCE DISTRICT; PROVIDED, THAT ALL OPERATIONS ARE CONDUCTED WITH AN AREA ENCLOSED ON ALL SIDES FRONTING ON A PUBLIC STREET WITH A SOLID WALL OR UNIFORM TIGHT BOARD FENCE, NOT LESS THAN EIGHT FEET HIGH; AND PROVIDED FURTHER, THAT SUCH OPERATION SHALL NOT BE VISIBLE FROM THE NEAREST STREET. ANY GATES SHALL BE DESIGNED SO SUCH OPERATION IS~~

~~NOT VISIBLE FROM THE STREET.~~

~~CREMATORY. IF LOCATED NOT LESS THAN 200 FEET FROM ANY RESIDENCE DISTRICT.~~

~~RAILROAD YARD AND MAJOR FREIGHT STATION. IF LOCATED NOT LESS THAN 200 FEET FROM ANY RESIDENCE DISTRICT, SUBJECT TO APPROVAL OF TRAFFIC ENGINEER.~~

~~COAL, COKE AND WOOD YARDS. PROVIDED THE PREMISES ARE ENCLOSED ON ALL SIDES FRONTING ON A PUBLIC STREET BY A SOLID WALL OR FENCE AT LEAST EIGHT FEET HIGH. ANY GATES SHALL BE DESIGNED SO SUCH OPERATION IS NOT VISIBLE FROM THE STREET; PROVIDED FURTHER, THAT SUCH YARD IS LOCATED NOT LESS THAN 200 FEET FROM ANY RESIDENCE DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-78 PERMITTED ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE, CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE PERMITTED OUTRIGHT IN AN F INTERMEDIATE MANUFACTURING DISTRICT, SHALL BE AN ACCESSORY USE PERMITTED OUTRIGHT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-79 ACCESSORY CONDITIONAL USES. ANY USE, BUILDING OR STRUCTURE, CUSTOMARILY~~

~~INCIDENTAL TO A PRINCIPAL CONDITIONAL USE IN AN F INTERMEDIATE MANUFACTURING DISTRICT, SHALL BE A CONDITIONAL ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-80 PROHIBITED USES.~~

~~THE FOLLOWING USES ARE PROHIBITED IN A F INTERMEDIATE MANUFACTURING DISTRICT:~~

~~DWELLINGS. DWELLINGS AND RESIDENCES OF ANY KIND, INCLUDING MOTELS AND TRAILER PARKS, ALSO SCHOOLS, HOSPITALS, CLINICS AND OTHER INSTITUTIONS OF HUMAN CARE, EXCEPT WHERE THEY ARE INCIDENTAL TO A PERMITTED PRINCIPAL USE; PROVIDED, THAT ANY OF THE AFORESAID USES LEGALLY EXISTING IN THE F DISTRICT ON APRIL 26, 1968, OR AT THE TIME OF ADOPTION OF ANY AMENDMENT THERETO, SHALL NOT BE CLASSIFIED AS A NONCONFORMING USE.~~

~~BUSINESS AND SERVICES. RETAIL BUSINESS, PERSONAL AND BUSINESS SERVICE ESTABLISHMENTS OF ANY KIND, EXCEPT THE FOLLOWING:~~

~~RESTAURANTS OR CAFETERIAS AND REFRESHMENTS OR TOBACCO STANDS WHERE INCIDENTAL AND ACCESSORY TO PRINCIPAL USE;~~

~~ANIMAL HOSPITALS;~~

~~STORAGE AND EQUIPMENT YARDS;
AUTOMOBILE SERVICE STATIONS
AND REPAIR GARAGES;
UNION HALLS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.
2691, PASSED 2-12-78)~~

~~OPERATION SHALL BE LOCATED
WITHIN 100 FEET OF ANY
RESIDENCE DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD.
2845, PASSED 7-26-82)~~

~~§ 50-81 REQUIRED CONDITIONS.~~

~~ALL USES AUTHORIZED IN THIS
ARTICLE SHALL BE SUBJECT TO THE
FOLLOWING CONDITIONS:~~

~~ENCLOSURES. ANY BUSINESS,
SERVICE, REPAIR, PROCESSING,
STORAGE OR DISPLAY, WHETHER
PRINCIPAL OR ACCESSORY, IF NOT
CONDUCTED WHOLLY WITHIN AN
ENCLOSED BUILDING, SHALL BE
ENCLOSED BY A SOLID WALL OR
FENCE SIX FEET HIGH OR A CHAIN
LINK FENCE AT LEAST SIX FEET
HIGH WITH A SIX FOOT PLANTING
BUFFER MAINTAINED IN A
HEALTHY CONDITION WHERE SUCH
USE ABUTS, ADJOINS OR FACES,
EITHER DIRECTLY OR ACROSS A
STREET, ALLEY OR OTHER PUBLIC
OPEN SPACE, ANY RESIDENCE
DISTRICT.~~

~~NIGHT OPERATIONS. NO BUILDING
CUSTOMARILY USED FOR NIGHT
OPERATIONS SHALL HAVE ANY
OPENING, OTHER THAN
STATIONARY WINDOWS OR FIRE
EXITS WITHIN 100 FEET OF ANY
RESIDENCE DISTRICT, AND NO
LOADING DOCK USED IN
CONNECTION WITH SUCH~~

~~ARTICLE XV G HEAVY
MANUFACTURING DISTRICT~~

~~§ 50-82 PURPOSE.~~

~~THE G HEAVY MANUFACTURING
DISTRICT IS INTENDED TO
ACCOMMODATE THOSE HEAVY
INDUSTRIES THAT CANNOT
ELIMINATE ENTIRELY
OBJECTIONABLE FEATURES AND
INFLUENCES BUT WHICH,
NEVERTHELESS, MUST BE
PROVIDED FOR SOMEWHERE IN THE
CITY.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-83 PRINCIPAL PERMITTED USES.~~

~~THE FOLLOWING PRINCIPAL USES
ARE PERMITTED OUTRIGHT IN A G
HEAVY MANUFACTURING DISTRICT:
ANY PRINCIPAL USE PERMITTED IN
THE F DISTRICT AND THE
FOLLOWING USES THAT ARE NOT
SUBJECT TO DISTANCE
REQUIREMENTS MAY BE LOCATED
ANYWHERE IN THE G DISTRICT:~~

~~ACETYLENE MANUFACTURING IN
EXCESS OF 15 POUNDS PRESSURE
PER SQUARE INCH.~~

~~ACID MANUFACTURE.~~

~~ASBESTOS MANUFACTURING.~~

~~AUTOMOBILE ASSEMBLY.~~

~~BLEACHING, CLEANING AND
DYEING PLANT.~~

~~BOILER SHOPS, STRUCTURAL STEEL
FABRICATING SHOPS, RAILWAY CAR
OR LOCOMOTIVE SHOPS,
INCLUDING REPAIR METAL
WORKING SHOPS EMPLOYING
RECIPROCATING HAMMERS OR
PRESSES OVER 20 TONS RATED
CAPACITY.~~

~~BREWING OR DISTILLING OF
LIQUOR.~~

~~BRICK, POTTERY, TILE AND TERRA
COTTA MANUFACTURING.~~

~~CANDLE OR SPERM OIL
MANUFACTURING.~~

~~COOPERAGE WORKS.~~

~~DEXTRINE, STARCH OR GLUCOSE
MANUFACTURING.~~

~~DISINFECTANT, INSECTICIDE OR
POISON MANUFACTURING.~~

~~ENAMELING, LACQUERING OR
JAPPANING, VARNISHING.~~

~~EMERY CLOTH OR SANDPAPER
MANUFACTURING.~~

~~FELT MANUFACTURING.~~

~~FLOUR OR GRAIN MILL.~~

~~FORGE OR FOUNDRY WORKS.~~

~~GRAIN DRYING OR POULTRY FEED
MANUFACTURING, FROM REFUSE,
MASH OR GRAIN.~~

~~HAIR OR HAIR PRODUCTS
MANUFACTURING.~~

~~LIME OR LIME PRODUCTS
MANUFACTURING.~~

~~LINOLEUM, OIL CLOTH OR OILED~~

~~GOODS MANUFACTURING.~~

~~MATCH MANUFACTURING.~~

~~MEAT PACKING.~~

~~PAPER AND PULP MANUFACTURING.~~

~~PERFUME MANUFACTURING.~~

~~PICKLE, SAUERKRAUT OR SAUSAGE
MANUFACTURING.~~

~~PLASTER MANUFACTURING.~~

~~POULTRY ——— SLAUGHTERHOUSE,
INCLUDING PACKING AND STORAGE
FOR WHOLESALE.~~

~~PRINTING INK MANUFACTURING.~~

~~RADIUM EXTRACTION.~~

~~SANDBLASTING OR CUTTING.~~

~~SAWMILL, THE MANUFACTURE OF
EXCELSIOR, WOOD FIBRE OR
SAWDUST PRODUCTS.~~

~~SEWAGE DISPOSAL PLANT.~~

~~SHODDY MANUFACTURING.~~

~~SHOE BLACKING OR POLISH OR
STOVE POLISH MANUFACTURING.~~

~~STEAM POWER PLANT, EXCEPT
WHERE ACCESSORY TO A
PERMITTED PRINCIPAL USE.~~

~~STONE AND MONUMENT WORKS.~~

~~SLAG PILES.~~

~~ANY OTHER USE WHICH, IN THE
JUDGMENT OF THE BOARD OF
APPEALS, IS OF A SIMILAR
CHARACTER IN RESPECT TO THE
POSSIBLE EMISSION OF DANGEROUS
OR OFFENSIVE ELEMENTS AS THE
USES LISTED ABOVE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-84 USES PERMITTED SUBJECT
TO DISTANCE REQUIREMENTS.~~

~~ALL PARTS OF THE PREMISES UPON
WHICH THE USES DESCRIBED IN
THIS SECTION MAY BE
ESTABLISHED AND CONTINUED IN A
G ——— HEAVY ——— MANUFACTURING
DISTRICT, SHALL BE NOT LESS THAN
600 FEET FROM ANY RESIDENCE, D-
1, D-2 AND D-3 DISTRICT, AND NOT
LESS THAN 200 FEET FROM ANY D-4,
D-5 AND D-6 DISTRICT:~~

~~MANUFACTURING OF:~~

~~ASPHALT, CEMENT, CHARCOAL AND
FUEL BRIQUETTES.~~

~~ANILINE DYES, AMMONIA, CARBIDE,
CAUSTIC ——— SODA, ——— CELLULOSE,
CHLORINE, CARBON BLACK AND
BONE ——— BLACK, ——— CREOSOTE,
HYDROGEN ——— AND ——— OXYGEN,
INDUSTRIAL ALCOHOL, NITRATES
OF AN EXPLOSIVE NATURE, POTASH,
PLASTIC ——— MATERIALS ——— AND
SYNTHETIC RESINS, PYROXYLIN,
RAYON ——— YARN, ——— AND
HYDROCHLORIC, ——— NITRIC,
PHOSPHORIC, PICRIC AND SULFURIC
ACIDS, ROCKET FUELS.~~

~~COAL, COKE AND TAR PRODUCTS,
INCLUDING GAS MANUFACTURING;
EXPLOSIVES, ——— FERTILIZERS,
GELATIN, ANIMAL GLUE AND SIZE.~~

~~TURPENTINE.~~

~~RUBBER; SOAPS INCLUDING FAT~~

~~RENDERING.~~

~~PROCESSING INVOLVING NITRATING OF COTTON OR OTHER MATERIALS; MAGNESIUM FOUNDRY; REDUCTION, REFINING, SMELTING AND ALLOYING OF METAL OR METAL ORES; REFINING PETROLEUM PRODUCTS, SUCH AS GASOLINE, KEROSENE, NAPHTHA, LUBRICATING OIL; DISTILLATION OF WOOD OR BONES; STORAGE, CURING OR TANNING OF RAW, GREEN OR SALTED HIDES OR SKINS; NUCLEAR REACTORS.~~

~~STOCKYARDS; SLAUGHTER HOUSES. STORAGE OF EXPLOSIVES OR FIREWORKS, EXCEPT WHERE INCIDENTAL AND ACCESSORY TO A USE WHICH IS NOT SUBJECT TO A DISTANCE REQUIREMENT.~~

~~STORAGE OF OIL, GASOLINE AND OTHER INFLAMMABLE LIQUIDS ABOVE GROUND.~~

~~ANY OTHER USE WHICH, IN THE JUDGMENT OF THE BOARD OF APPEALS, IS OF A SIMILAR CHARACTER WITH RESPECT TO THE POSSIBLE EMISSION OF DANGEROUS OR OFFENSIVE ELEMENTS AS THE USES LISTED ABOVE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-85 PERMITTED ACCESSORY USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO A~~

~~PRINCIPAL USE PERMITTED OUTRIGHT IN A G HEAVY MANUFACTURING DISTRICT SHALL BE AN ACCESSORY USE PERMITTED OUTRIGHT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-86 ACCESSORY CONDITIONAL USES.~~

~~ANY USE, BUILDING OR STRUCTURE CUSTOMARILY INCIDENTAL TO A PRINCIPAL CONDITIONAL USE IN A G HEAVY MANUFACTURING DISTRICT SHALL BE A CONDITIONAL ACCESSORY USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-87 PROHIBITED USES.~~

~~THE FOLLOWING USES ARE PROHIBITED IN A G HEAVY MANUFACTURING DISTRICT:~~

~~DWELLINGS. DWELLINGS AND RESIDENCES OF ANY KIND, INCLUDING MOTELS AND TRAILER PARKS, ALSO SCHOOLS, HOSPITALS, CLINICS AND OTHER INSTITUTIONS FOR HUMAN CARE, EXCEPT WHERE THEY ARE INCIDENTAL TO A PERMITTED PRINCIPAL USE; PROVIDED, THAT ANY OF THE AFORESAID USES LEGALLY EXISTING IN THE G DISTRICT ON APRIL 26, 1968, OR AT THE TIME OF THE ADOPTION OF ANY AMENDMENT TO THIS CHAPTER, SHALL NOT BE CLASSIFIED AS A~~

~~NONCONFORMING USE.~~

~~BUSINESS AND SERVICES. RETAIL BUSINESS, PERSONAL AND BUSINESS SERVICE ESTABLISHMENTS OF ANY KIND, EXCEPT THE FOLLOWING:~~

~~RESTAURANTS OR CAFETERIAS AND REFRESHMENT OR TOBACCO STANDS WHERE INCIDENTAL AND ACCESSORY TO A PRINCIPAL USE.~~

~~ANIMAL HOSPITALS.~~

~~STORAGE AND EQUIPMENT YARDS.~~

~~AUTOMOBILE SERVICE STATIONS AND REPAIR GARAGE.~~

~~UNION HALLS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2691, PASSED 2-12-79)~~

~~§ 50-88 REQUIRED CONDITIONS.~~

~~THE REQUIRED CONDITIONS IN A G HEAVY MANUFACTURING DISTRICT SHALL BE THE SAME AS FOR AN F DISTRICT. (ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XV-A. P PARKING DISTRICT~~

~~§50-88.1 PURPOSE.~~

~~IT IS THE PURPOSE OF THIS P PARKING DISTRICT TO PROVIDE OFF-STREET PARKING LOTS IN RESIDENCE DISTRICTS WHERE THE PARKING LOT IS NOT ACCESSORY TO A PRINCIPAL PERMITTED USE OR~~

~~IS PHYSICALLY SEPARATED FROM THE PRINCIPAL PERMITTED USE BY A PUBLIC RIGHT-OF-WAY OR PARCEL(S) OF OWNERSHIP.~~

~~(ORD. 3048, PASSED 10-12-87)~~

~~§50-88.2 PRINCIPAL PERMITTED USE.~~

~~OFF-STREET PARKING LOTS FOR AUTOMOBILES ARE PERMITTED OUTRIGHT WHERE:~~

~~THE PARKING IS NOT ACCESSORY TO A PRINCIPAL PERMITTED USE; OR THE PARKING LOT IS PHYSICALLY SEPARATED FROM THE PRINCIPAL PERMITTED USE BY A PUBLIC RIGHT OF WAY OR PARCEL OF OWNERSHIP.~~

~~(ORD. 3048, PASSED 10-12-87)~~

~~§50-88.3 REQUIRED CONDITIONS.~~

~~IN ADDITION TO THE PARKING LOT DEVELOPMENT STANDARDS OF THIS ORDINANCE [CHAPTER], AN APPLICANT FOR A CHANGE IN ZONING TO "P" SHALL SUBMIT WITH THE REZONING APPLICATION A SITE PLAN DEVELOPED PURSUANT TO THE REQUIREMENTS OF § 50-8.3. THIS SITE PLAN SHALL BECOME AN INTEGRAL PART OF THE REZONING APPLICATION BUT SHALL NOT REQUIRE REVIEW AND APPROVAL BY THE CITY COUNCIL.~~

~~(ORD. 3048, PASSED 10-12-87)~~

~~ARTICLE XVI – GENERALLY APPLICABLE STANDARDS~~

~~§ 50-89 DESIGNATED; TABLES:~~

~~THE FOLLOWING STANDARDS FOR HEIGHT, AREA AND THE LIKE ARE APPLICABLE IN THE DESIGNATED DISTRICTS SET FORTH IN TABLE A – RESIDENCE DISTRICTS AND TABLE B NONRESIDENCE DISTRICTS ON THE FOLLOWING PAGES.~~

~~TABLE A – GENERALLY APPLICABLE STANDARDS – RESIDENCE DISTRICTS~~

DISTRICT	PRINCIPAL- USE PERMITTED	MAXIMUM HEIGHT	LOT AREA		MAXIMUM COVERAGE		MINIMUM FRONT YARD	MINIMUM SIDE YARDS			MINIMUM REAR YARD	COURTS
			MINIMUM LOT AREA	MINIMUM LOT AREA PER DWELLING UNIT	INTERIOR OR LOTS	CORNER LOTS		STORIES	LEAST WIDTH	SUM OF LEAST- WIDTH		
A-1	SINGLE-FAMILY LOW-DENSITY-ONE FAMILY DETACHED DWELLINGS	2-STORIES OR 30'	10,000-SQ. FT.	10,000-SQ. FT.	35%	35%	30'	1-AND-2-STORIES	10'	20'	35'	AS PER-BUILDING CODE
A-2	SINGLE-FAMILY MED-DENSITY A-1 DISTRICT USES	2½-STORIES OR 35'	5,000-SQ. FT.	5,000-SQ. FT.	50%	50%	25'	1-STORY	5'	15'	25'	AS PER-BUILDING CODE
								2-STORIES	6'	16'	30'	

B	TWO FAMILY A DISTRICT USES: TWO- FAMILY DWELLINGS	2½ STORIES OR 35'	5,000- SQ. FT.	2,500- SQ. FT.	50%	50%	25'	1 STORY	5'	15'	25'	AS PER BUILDING CODE
								2 STORIES	6'	16'	30'	
B-1	TOWNHOUSE SB DISTRICT USES: 3 OR MORE ATTACHED DWELLING UNITS	2½ STORIES OR 40'	5,000- SQ. FT.	2,400- SQ. FT.	40%	40%	25'	1 STORY	10'	20'	25'	AS PER BUILDING CODE
								2 STORIES	10'	20'	30'	

DISTRICT	PRINCIPAL USE PERMITTED	MAXIMUM HEIGHT	LOT AREA		MAXIMUM COVERAGE		MINIMUM FRONT YARD	MINIMUM SIDE YARDS			MINIMUM REAR YARD	COURTS
			MINIMUM MLOT AREA	MINIMUM MLOT AREA PER DWELLING UNIT	INTERIOR LOTS	CORNER LOTS		STORIES	LEAST WIDTH	SUM OF LEAST WIDTH		
C-1	MULTI-FAMILY WALK-UP APARTMENT S-B DISTRICT USES: MULTI-FAMILY WALK-UPS, ROW HOUSES, ROOMING HOUSES, HOMES FOR AGED, INSTITUTIONS, GROUP DWELLINGS, FRATERNITIES, AND SORORITIES.	3- STORIES OR 40'	5,000- SQ. FT.	800 SQ. FT. PER EFFICIENCY OR ONE BEDROOM APARTMENT 1,250 SQ. FT. PER TWO OR MORE BEDROOM APARTMENT	35%	35%	20'	1-STORY	5'	15'	25'	AS PER BUILDING CODE
								2-STORIES	6'	16'	30'	
								3-STORIES	10'	20'	35'	

C-2	MULTI-FAMILYHIGH DENSITY APARTMENT SC-1 DISTRICT USES:- APARTMENT HOTELS, CLUBSAND LODGES, MEETING PLACES (NON-COMMERCIAL)	2-TIMES THE DISTANCE FROM BUILDING LINE TO CENTER LINE OF STREET.	5,000-SQ. FT.	600-SQ. FT. PER EFFICIENCY OR ONE BEDROOM APARTMENT 1,000-SQ. FT. PER TWO OR MORE BEDROOM APARTMENT	30%	35%	20'	1-AND-2 STORIES	5'	15'	15'	AS PER BUILDING CODE
								3-STORIES AND OVER	ADD'L 2' FOR EACH ADD'L 5' OF BUILDING HEIGHT	ADD'L 4' FOR EACH ADD'L 5' OF BUILDING HEIGHT	ADD'L 2' OR EACH ADD'L 5' OF BUILDING HEIGHT	

(ORD. NO. 2770, PASSED 6-9-80; AM. ORD. 2846, PASSED 7-26-82; AM. ORD. 2955, PASSED 6-10-85)

TABLE B - GENERALLY APPLICABLE STANDARDS - NONRESIDENCE DISTRICTS

DISTRICT	PRINCIPAL USE PERMITTED	MAXIMUM HEIGHT	LOT AREA		MAXIMUM CUBICAL CONTENTS	MAXIMUM COVERAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARDS AND SIDE STREET SIDE YARDS	MINIMUM REAR YARD	COURTS
			MINIMUM LOT AREA	MINIMUM LOT AREA PER DWELLING UNIT				LEAST WIDTH (STORIES AND SUM OF LEAST WIDTH NOT APPLICABLE)		
D-1	PROFESSIONAL AND BUSINESS OFFICE; MEDICAL AND DENTAL CLINICS, OFFICES FOR PROFESSION OR BUSINESS	30'	NONE		NONE	NONE	7' OR NOT LESS THAN THE AVERAGE SETBACK OF EXISTING BUILDINGS IN THE SAME BLOCK FRONT.**	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS		AS PER-BUILDING CODE
								SEE NOTES AT BOTTOM	SEE NOTES AT BOTTOM	
								RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS - SAME AS LEAST RESTRICTED ADJOINING RESIDENCE DISTRICT		
D-2	NEIGHBORHOOD BUSINESS; NEIGHBORHOOD TYPE RETAIL STORES (SUPER-MARKETS, DRUG STORES,	30'	NONE		NONE	NONE	SAME AS D-1	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS		SAME AS D-1
								SEE NOTES AT BOTTOM	SEE NOTES AT BOTTOM	
							RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS - SAME AS LEAST RESTRICTED ADJOINING RESIDENCE DISTRICT			

	FILLING-STATIONS, ETC.) ADJOINING RESIDENCE DISTRICT USES									
D-3	COMMUNITY BUSINESS: D-1 DISTRICT USES: COMMUNITY TYPE RETAIL STORES-SELECTED SERVICES, AUTOMOTIVE USES	30'	NONE		NONE	NONE	SAME AS D-1	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS		SAME AS D-1
								SEE NOTES AT BOTTOM	SEE NOTES AT BOTTOM	
							RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS SAME-ASC 1 OR LEAST RESTRICTED ADJOINING RESIDENCE-DISTRICT			

DISTRICT	PRINCIPAL USE PERMITTED AUTOMOTIVE USES	MAXIMUM HEIGHT	LOT AREA		MAXIMUM CUBIC CONTENTS	MAXIMUM COVERAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARDS- ANDSIDE STREET SIDE YARDS	MINIMUMREAR YARD	COURTS
			MINIMUM LOT AREA	MINIMUM LOT AREA PER DWELLING UNIT				LEAST WIDTH (STORIES- ANDSUM OF LEAST WIDTH NOT APPLICABLE)		
D-4	METROPOLITAN BUSINESS: SELECTED D-3 USES: REGIONAL-TYPE RETAIL STORES (DEPT. STORES, WHOLESALE OFFICES, HOTELS)	AT STREET LINE 2-TIMES THE WIDTH OF STREET RIGHT-OF WAY ADD'L 1' FOR EACH ADD'L 4' OF BUILDING HEIGHT	NONE		EQUAL TO VOLUME OF A PRISM WITH BASE = LOT AREA HEIGHT = 2½ × STREET RIGHT-OF WAY	NONE	NONE	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS	SAME ASD-1	
							NONE	NONE	NONE	SAME ASD-1
							RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS PROHIBITED— EXCEPTHOTELS			

D-5	METROPOLITAN COMMERCIAL SERVICE: C-2, D-3, D-4 DISTRICT USES, WHOLESALE BUSINESS, PARKING GARAGES AND LOTS, SELECTED MANUFACTUR ING	SAME AS D-4	NONE		EQUAL TO VOLUME OF A PRISM WITH BASE = LOT AREA HEIGHT = 2 × STREET RIGHT OF WAY	NONE	SAME AS D- 1	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS		SAME AS D-1
								SEE NOTES AT BOTTOM	SEE NOTES AT BOTTOM	
							RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS — SAME AS NONRESIDENTIAL			
D-6	GENERAL AND HIGHWAY SERVICE: D-5 DISTRICT USES: HIGHWAY SERVICE	30'	NONE		NONE	NONE	SAME AS D- 1	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS		SAME AS D-1
								SEE NOTES AT BOTTOM	SEE NOTES AT BOTTOM	

DISTRICT	PRINCIPAL USE PERMITTED TYPE USES, AUTO REPAIR, MOTEL, DRIVE IN FACILITIES, TRAILER PARKS	MAXIMUM HEIGHT	LOT AREA		MAXIMUM CUBIC CONTENTS	MAXIMUM COVERAG E	MINIMUM FRONT YARD	MINIMUM SIDE YARDS AND SIDE STREET SIDE YARDS	MINIMUM REAR YARD	COURTS
			MINIMUM LOT AREA	MINIMUM LOT AREA PER DWELLING UNIT				LEAST WIDTH (STORIES AND SUM OF LEAST WIDTH NOT APPLICABLE)		
E	COMMERCIAL — MANUFACTURING: D-4 DISTRICT USES: HEAVY COMMERCIAL USES LIGHT MANUFACTURING USES WAREHOUSES, FREIGHT	NONE, EXCEPT WITHIN 200' OF RESIDENCE DISTRICT, THEN EQUAL TO 5' OF HEIGHT FOR EACH 4' OF DISTANCE	NONE		NONE	NONE	SAME AS D-1	NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS	SAME AS D-1	
							RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS PROHIBITED			

	TERMINALS	FROM- RESIDE NCE- DISTRIC T					
F	INTERMEDIA TE- MANUFACTUR ING	SAME- ASE	NONE		NONE	NONE	NONRESIDENTIAL BUILDINGS AND PARTS OFBUILDINGS

DISTRICT	PRINCIPAL USE PERMITTED E-DISTRICT USES: OTHER MANUFACTUR ING USES EXCEPT THESE FIRST PERMITTED IN THE G- DISTRICT	MAXIM UM HEIGHT	LOT AREA		MAXIM UM CUBIC AL- CONTE NTS	MAXIM UM COVER AGE	MINIMU MFRONT YARD	MINIMUM SIDE- YARDS AND SIDE- STREET SIDE- YARDS	MINIMUM REAR YARD	COURTS
			MINIM UM LOT AREA	MINIMU M LOT AREA PER DWELLI NG UNIT				LEAST WIDTH- (STORIES AND SUM- OF LEAST WIDTH- NOT APPLICABLE)		
							20'	NONE, EXCEPT ADJOINING- RESIDENCE- DISTRICT, THEN EQUAL TO 4' FOR EACH 5' OF HOUSING HEIGHT, 20' MIN.	NONE, EXCEPT ADJOINING- RESIDENCE DISTRICT, THEN EQUAL TO 4' FOR EACH 5' OF HOUSING HEIGHT, 20' MIN.	SAME AS D-1
RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS PROHIBITED										
								NONRESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS		

G	HEAVY MANUFACTUR ING MANUFACTU RING ESTABLISHM ENTS OF ALL TYPES, AND SOME SUBJECT TO DISTANCE REQUIREMEN TS.	SAME AS E	NONE		NONE	NONE	20'	NONE, EXCEPT ADJOINING RESIDENCE DISTRICT, THEN EQUAL TO 4' FOR EACH 5' OF HOUSING HEIGHT, 20' MIN.	NONE, EXCEPT ADJOINING RESIDENCE DISTRICT, THEN EQUAL TO 4' FOR EACH 5' OF HOUSING HEIGHT, 20' MIN.	SAME ASD-1
							RESIDENTIAL BUILDINGS AND PARTS OF BUILDINGS PROHIBITED			

~~MINIMUM SIDE YARDS MINIMUM REAR YARDS MINIMUM SIDE STREET SIDE YARDS~~

NONE

~~EXCEPT ADJOINING SIDE BY
SIDE A RESIDENCE DISTRICT
THEN EQUAL TO RESIDENCE
DISTRICT REQUIREMENTS~~

AND;

~~EXCEPT IN THE CASE OF A
CORNER LOT, NO PART OF THE
BUILDING WITHIN 25 FEET OF
THE ADJOINING PROPERTY~~

~~SHALL BE LOCATED IN FRONT
OF THE SETBACK LINE AS
ESTABLISHED BY THE
ADJOINING PROPERTY.~~

NONE

~~EXCEPT WHERE ADJOINING A
REQUIRED REAR YARD IN A
RESIDENCE DISTRICT, THEN
EQUAL TO ONE FOOT FOR
EACH ONE FOOT OF BUILD-~~

~~ING HEIGHT EXCEEDING 12 ½
FEET; AND~~

~~EXCEPT WHERE ADJOINING A
SIDE YARD AND/OR FRONT
YARD IN A RESIDENCE
DISTRICT, THEN EQUAL TO~~

~~THE LEAST SIDE YARD
REQUIREMENT OF THE
ADJACENT RESIDENCE
DISTRICT.~~

SEVEN (7) FEET

~~(ORD. 2506, PASSED 6-9-75; AM. ORD. 3334, PASSED
9-9-96)~~

~~ARTICLE XVII — GENERAL PROVISIONS
CONCERNING RESIDENCE DISTRICTS~~

~~§ 50-90 CONVERSION OF DWELLINGS.~~

~~THE CONVERSION OF ANY BUILDING INTO A DWELLING OR THE CONVERSION OF ANY DWELLING SO AS TO ACCOMMODATE AN INCREASED NUMBER OF DWELLING UNITS OR FAMILIES SHALL BE PERMITTED ONLY WITHIN A DISTRICT IN WHICH A NEW BUILDING FOR SIMILAR OCCUPANCY WOULD BE PERMITTED UNDER THIS CHAPTER AND ONLY WHEN THE RESULTING OCCUPANCY WILL COMPLY WITH THE REQUIREMENTS GOVERNING NEW CONSTRUCTION IN SUCH DISTRICT, WITH RESPECT TO MINIMUM LOT SIZE, LOT AREA PER DWELLING UNIT, PERCENTAGE OF LOT COVERAGE, DIMENSIONS OF YARDS AND OTHER OPEN SPACES AND OFF STREET PARKING. EACH CONVERSION SHALL BE SUBJECT ALSO TO SUCH FURTHER REQUIREMENTS AS MAY BE SPECIFIED FOR SUCH DISTRICT. THE AFORESAID REQUIREMENTS WITH RESPECT TO LOT COVERAGE, YARDS AND OTHER OPEN SPACES SHALL NOT APPLY IN CASE THE CONVERSION IS A PART OF A DWELLING GROUP; ALSO IN CASE THE CONVERSION WILL NOT INVOLVE ANY MAJOR EXTERIOR STRUCTURAL CHANGES AND:~~

~~THERE IS EITHER A SHORTAGE OF NOT MORE THAN 10% IN THE REQUIRED DIMENSION OR AREA OF EACH OF NOT MORE THAN TWO SUCH REQUIREMENTS AS TO COVERAGE, YARDS AND OTHER OPEN SPACES; OR~~

~~IN CASE THE CONVERSION WILL RESULT IN LOT AREA PER DWELLING UNIT OR FAMILY AT LEAST 20% GREATER THAN REQUIRED~~

~~NEW BUILDINGS IN THE DISTRICT.
(ORD. 2046, PASSED 4-11-68)~~

~~§50-90.1 — 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 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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2690, PASSED 2/12/79)~~

~~§ 50-91 REAR DWELLINGS.~~

~~NO BUILDING IN THE REAR OF A PRINCIPAL BUILDING ON THE SAME LOT SHALL BE USED FOR RESIDENTIAL PURPOSES UNLESS IT CONFORMS TO ALL THE YARD AND OTHER OPEN SPACE AND OFF STREET PARKING REQUIREMENTS OF THIS CHAPTER. FOR THE PURPOSE OF DETERMINING THE FRONT YARD IN SUCH CASES, THE REAR LINE OF THE REQUIRED REAR YARD FOR THE PRINCIPAL BUILDING IN FRONT SHALL BE CONSIDERED THE FRONT LOT LINE FOR THE BUILDING IN THE REAR. IN ADDITION, THERE SHALL BE PROVIDED FOR ANY SUCH REAR DWELLING, AN UNOCCUPIED AND UNOBSTRUCTED ACCESSWAY NOT LESS THAN 20 FEET WIDE TO A PUBLIC STREET FOR EACH DWELLING UNIT IN SUCH DWELLING, OR ONE NOT LESS THAN 50 FEET WIDE FOR THREE OR MORE DWELLING UNITS.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-92 TRANSITIONAL USES IN RESIDENCE DISTRICTS.~~

~~IN ANY RESIDENCE DISTRICT A TRANSITIONAL USE SHALL BE PERMITTED ON A LOT, THE SIDE LOT LINE OF WHICH ADJOINS EITHER DIRECTLY OR ACROSS AN ALLEY ANY D, E, F OR G DISTRICT. THE PERMITTED TRANSITIONAL USES FOR ANY SUCH LOT IN AN A-1 DISTRICT SHALL BE ANY USE PERMITTED IN THE A-2 DISTRICT; THE PERMITTED TRANSITIONAL USES FOR ANY LOT IN A-2 DISTRICT SHALL BE ANY USE PERMITTED IN THE B DISTRICT AND THE PERMITTED TRANSITIONAL USES FOR ANY SUCH LOT IN A C-1 DISTRICT SHALL BE ANY USE PERMITTED IN THE C-2 DISTRICT. IN THE~~

~~CASE OF ANY SUCH LOT IN AN A-1, A-2, B, ETC., DISTRICT, THE REQUIREMENTS GOVERNING LOT AREA PER DWELLING UNIT, OFF STREET PARKING, YARDS AND OTHER OPEN SPACES SHALL BE THE SAME AS FOR THE NEXT FOLLOWING LESS RESTRICTED DISTRICT. ANY TRANSITIONAL USE AUTHORIZED UNDER THIS SECTION SHALL NOT EXTEND MORE THAN 100 FEET FROM THE SIDE LOT LINE OF THE LOT ABUTTING ON THE ZONING DISTRICT BOUNDARY LINE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-93 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN LESS RESTRICTED DISTRICT.~~

~~ALONG ANY ZONING BOUNDARY LINES, ON A LOT ADJOINING SUCH BOUNDARY LINE IN THE LESS RESTRICTED DISTRICT, ANY ABUTTING SIDE YARD, REAR YARD OR COURT, UNLESS SUBJECT TO GREATER RESTRICTIONS OR REQUIREMENTS STIPULATED BY OTHER PROVISIONS OF THIS CHAPTER, SHALL HAVE A MINIMUM WIDTH AND DEPTH EQUAL TO THE AVERAGE OF THE REQUIRED MINIMUM WIDTH OR DEPTH FOR SUCH SIDE YARDS, REAR YARDS OR COURTS IN THE TWO DISTRICTS ON EITHER SIDE OF SUCH ZONING BOUNDARY LINE. IN CASES WHERE THE HEIGHT OF A PROPOSED STRUCTURE ON SUCH LOT IN THE LESS RESTRICTED DISTRICT IS GREATER THAN THE MAXIMUM HEIGHT PERMITTED IN THE ADJOINING MORE RESTRICTED DISTRICT, THE MINIMUM WIDTH OR DEPTH OF THE SIDE YARD, REAR YARD OR COURT FOR SUCH STRUCTURE SHALL BE DETERMINED BY INCREASING THE MINIMUM WIDTH OR DEPTH FOR THE HIGHEST STRUCTURE~~

~~PERMITTED IN SUCH MORE RESTRICTED DISTRICT BY ONE FOOT FOR EACH TWO FEET BY WHICH THE PROPOSED STRUCTURE EXCEEDS THE MAXIMUM HEIGHT PERMITTED IN THE MORE RESTRICTED DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-94 ACCESSORY USES IN RESIDENCE DISTRICTS.~~

~~GENERALLY, AN ACCESSORY BUILDING MAY BE ERECTED DETACHED FROM THE PRINCIPAL BUILDING OR MAY BE ERECTED AS AN INTEGRAL PART OF THE PRINCIPAL BUILDING, OR IT MAY BE CONNECTED THEREWITH BY A BREEZEWAY OR SIMILAR STRUCTURE.~~

~~IF CONNECTED OR ATTACHED, THE ACCESSORY BUILDING MUST BE FIVE FEET FROM ANY LOT LINE. (SEE FIGURE 50-94 A)~~

Deleted-40

~~NO ACCESSORY BUILDING SHALL BE ERECTED IN ANY FRONT YARD. (SEE FIGURE 50-94 A)~~

~~NO ACCESSORY BUILDING SHALL BE ERECTED IN ANY REQUIRED SIDE YARD UNLESS DETACHED AND AT LEAST 60 FEET FROM THE FRONT LOT LINE. (SEE FIGURE 50-94 B)~~

~~ACCESSORY BUILDINGS SHALL BE AT LEAST: FIVE FEET FROM ANY DWELLING SITUATED ON THE SAME LOT, UNLESS ATTACHED THERETO;~~

~~AT LEAST FIVE FEET FROM ANY OTHER ACCESSORY BUILDINGS ON THE SAME LOT; AND~~

~~AT LEAST TEN FEET FROM ANY DWELLING
LOCATED ON AN ADJOINING LOT. THIS
SHALL NOT PREVENT A DWELLING ON AN
ADJOINING LOT FROM BEING BUILT LESS
THAN TEN FEET FROM AN ACCESSORY
BUILDING ON THE ADJOINING LOT. IF A
DWELLING IS BUILT ON AN ADJOINING LOT
LESS THAN TEN FEET FROM AN EXISTING~~

FIGURE 50-94 A

~~ACCESSORY BUILDING, BOTH BUILDINGS
WILL BE CONSIDERED LEGAL CONFORMING
STRUCTURES AND CAN BE REBUILT IF THEY
ARE DAMAGED OR DESTROYED.~~

~~IN NO CASE SHALL AN ACCESSORY BUILDING
BE CLOSER THAN 18 FEET FROM THE SIDE
STREET LOT LINE.~~

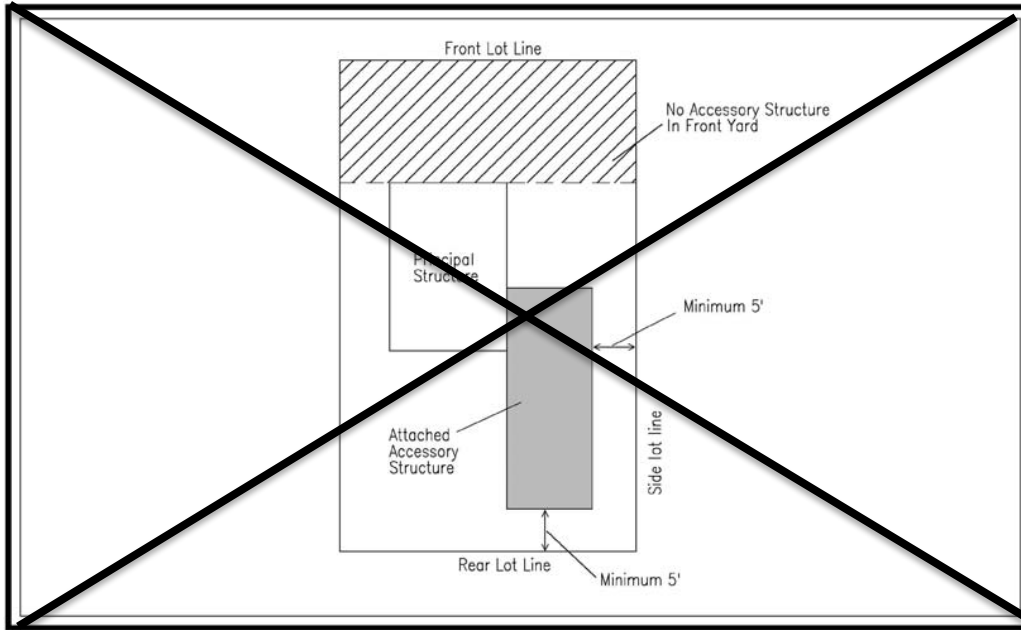
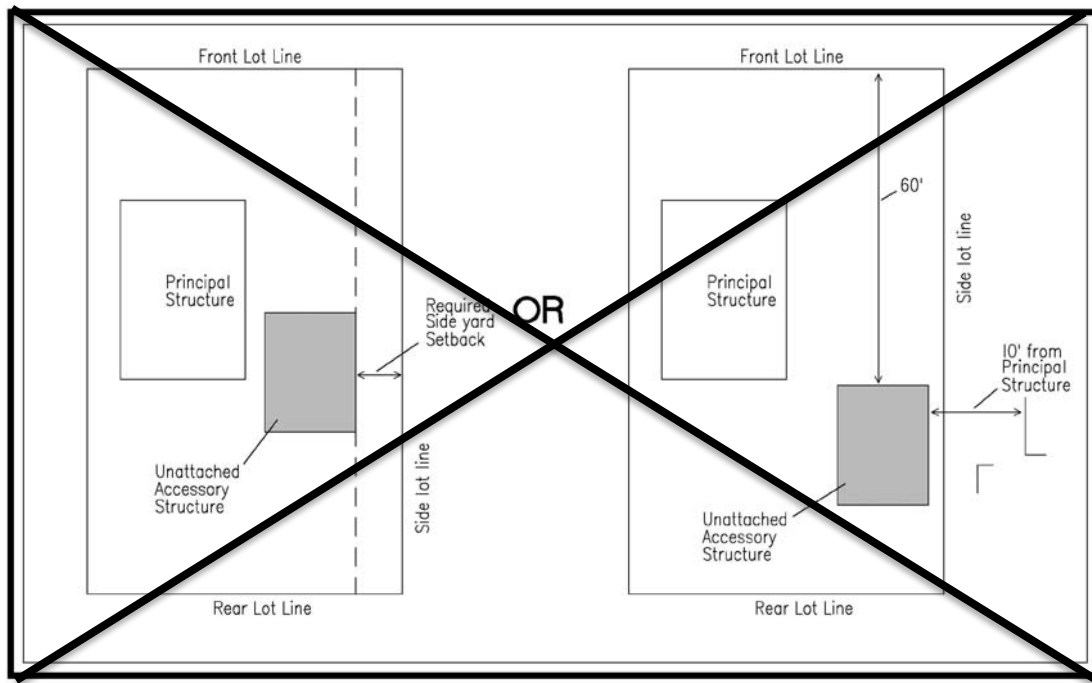


FIGURE 50-94 B

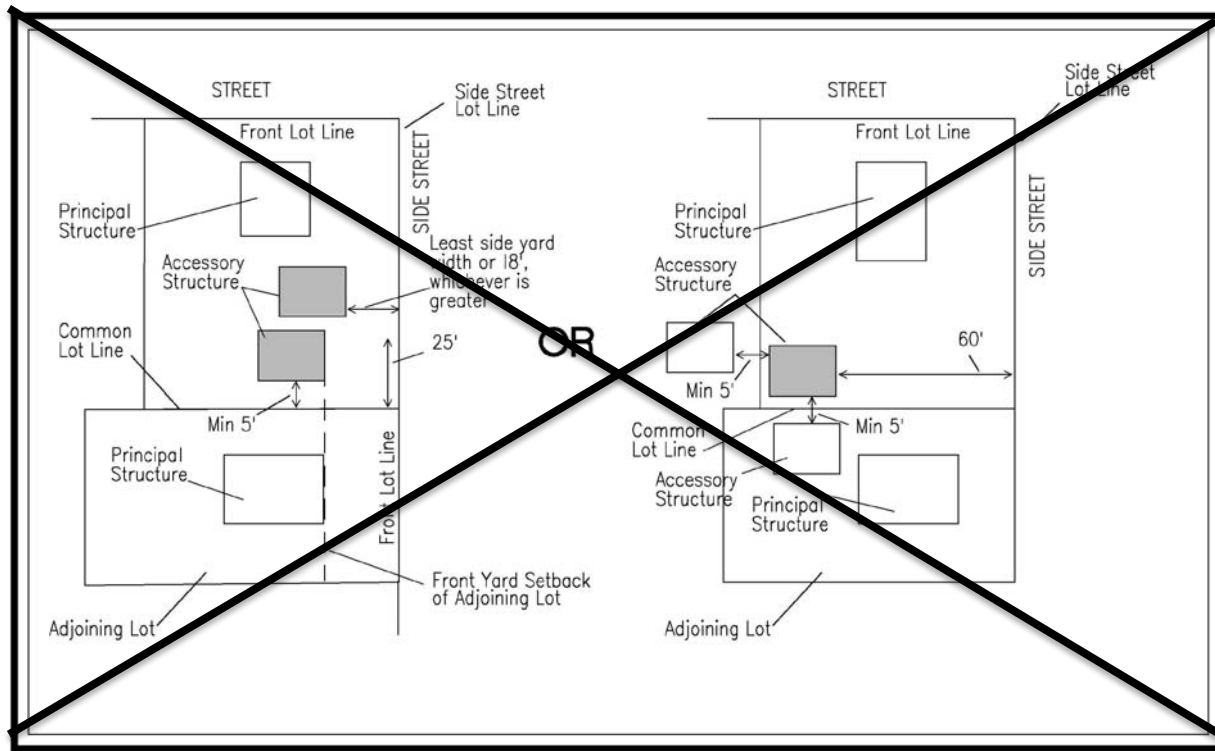


~~CORNER LOTS. IN ANY RESIDENCE DISTRICT, WHERE A CORNER LOT ADJOINS ON THE REAR OF A LOT FRONTING ON THE SIDE STREET AND LOCATED IN A RESIDENCE DISTRICT,~~

~~NO PART OF AN ACCESSORY BUILDING ON SUCH CORNER LOT WITHIN 25 FEET OF A COMMON LOT LINE SHALL BE NEARER A SIDE STREET LOT LINE THAN THE LEAST DEPTH OF THE FRONT YARD REQUIRED ALONG SUCH SIDE STREET FOR A DWELLING ON SUCH ADJOINING LOT, AND IN NO CASE SHALL ANY PART OF SUCH ACCESSORY BUILDING BE NEARER TO THE SIDE STREET LOT LINE THAN THE LEAST WIDTH OF THE SIDE YARD OR 18 FEET, WHICHEVER IS THE GREATER. (SEE FIGURE 50-94 C)~~

~~NO PART OF AN ACCESSORY BUILDING ON SUCH CORNER LOT SHALL BE LESS THAN FIVE FEET FROM THE COMMON LOT LINE, UNLESS 60 FEET OR MORE FROM THE SIDE STREET LINE. (SEE FIGURE 50-94 C)~~

FIGURE 50-94 C



~~YARD REQUIREMENTS. IF ATTACHED, AN ACCESSORY BUILDING MAY EXTEND INTO THE REQUIRED REAR YARD, AND IF USED FOR AUTOMOBILE PARKING OR STORAGE THE MINIMUM SIDE YARD'S LEAST WIDTH MAY APPLY TO BOTH SIDE YARD REQUIREMENTS.~~

~~ERECTION WITHOUT MAIN BUILDING. IN ANY RESIDENCE DISTRICT, NO ACCESSORY BUILDING OR STRUCTURE SHALL BE ERECTED OR CONSTRUCTED PRIOR TO THE ERECTION OR CONSTRUCTION OF THE PRINCIPAL OR MAIN BUILDING.~~

~~REMOVAL OF MAIN BUILDING. IN ANY RESIDENCE DISTRICT, NO EXISTING MAIN~~

~~BUILDING MAY BE DEMOLISHED OR REMOVED FROM A LOT WHILE AN EXISTING ACCESSORY STRUCTURE IS RETAINED UNLESS:~~

~~THE LOT IS COMBINED WITH AN ADJACENT LOT THAT HAS A PRINCIPAL BUILDING ON IT.~~

~~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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2063, PASSED 7-1-68; AM. ORD. 2284, PASSED 9-20-71;~~

~~AM. ORD. 2845, PASSED 7-25-82; AM. ORD. 3703,
PASSED 4-14-08)~~

~~§50-94.1 SATELLITE TELEVISION ANTENNAS AS ACCESSORY USES.~~

~~NO SATELLITE TELEVISION ANTENNA SHALL BE ERECTED, CONSTRUCTED, MAINTAINED OR OPERATED EXCEPT IN CONFORMANCE WITH THE FOLLOWING REGULATIONS:~~

~~*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.~~

~~*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 RELAY SIGNAL IN PLANETARY ORBIT.~~

~~*LOCATION.*~~

~~NO PART OF THE SATELLITE ANTENNA STRUCTURE, INCLUDING THE BASE AND OTHER APPURTENANCES, MAY PROJECT OVER OR ONTO A:~~

~~REQUIRED FRONT YARD;~~

~~REQUIRED SIDE YARD; OR~~

~~REQUIRED INTERIOR YARD (UNLESS 60 FEET OR MORE BACK FROM THE FRONT PROPERTY LINE AND THEN NO CLOSER THAN FIVE FEET TO A LOT LINE).~~

~~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.~~

~~*HEIGHT.* THE HEIGHT OF ANTENNA AND STRUCTURE SHALL NOT EXCEED TOTAL HEIGHT REQUIREMENT FOR THE DISTRICT.~~

~~*SIZE.* NO LIMIT.~~

~~*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.~~

~~*ADVERTISING.* NO ADVERTISING INDICATING THE MANUFACTURER OR INSTALLER SHALL BE ALLOWED ON ANY ANTENNA IF VISIBLE FROM A PUBLIC RIGHT-OF-WAY AND/OR ADJOINING PROPERTY.~~

~~(ORD. 3019, PASSED 11-24-86)~~

~~§ 50-95 LOT AREA EXCEPTION.~~

~~IN ANY DISTRICT WHERE DWELLINGS ARE PERMITTED, A ONE FAMILY DETACHED DWELLING MAY BE ERECTED ON ANY LOT OF OFFICIAL RECORD ON APRIL 26, 1968, IRRESPECTIVE OF ITS AREA OR WIDTH; PROVIDED, THAT THE APPLICABLE YARD AND OTHER OPEN SPACE REQUIREMENTS AS MAY BE MODIFIED HEREINAFTER ARE COMPLIED WITH; PROVIDED FURTHER, THAT:~~

~~*MINIMUM SIDE YARDS.* NOT LESS THAN 10% OF LOT WIDTH.~~

~~*PUBLIC SANITARY FACILITIES NOT AVAILABLE.* IN ANY DISTRICT WHERE NEITHER PUBLIC WATER SUPPLY NOR PUBLIC SANITARY SEWER IS ACCESSIBLE, THE LOT AREA AND~~

~~FRONTAGE REQUIREMENTS OTHERWISE
SPECIFIED SHALL BE INCREASED AS
FOLLOWS:~~

~~WHERE BOTH PUBLIC SEWERAGE AND
PUBLIC WATER SUPPLY ARE NOT
ACCESSIBLE: MINIMUM LOT AREA 20,000 SQ.
FEET~~

~~FRONTAGE 100 FEET~~

~~WHERE PUBLIC WATER SUPPLY IS
ACCESSIBLE, BUT WHERE PUBLIC SEWERAGE
IS NOT ACCESSIBLE: MINIMUM LOT AREA
10,000 SQ. FEET~~

~~FRONTAGE 100 FEET~~

~~WHERE DIFFERENT LOT AREA
REQUIREMENTS ARE RECOMMENDED BY THE
STATE BOARD OF HEALTH ON THE BASIS OF
PERCOLATION TESTS OR OTHER METHOD,
SUCH REQUIREMENTS SHALL GOVERN.~~

~~CONSIDERATION OF OPEN SPACE, ETC. THE
BUILDING INSPECTOR SHALL EXAMINE AND
DETERMINE IF THE PROPOSED
CONSTRUCTION ARRANGEMENT GIVES
ADEQUATE CONSIDERATION TO MAXIMIZING
OPEN SPACE FOR LIGHT AND AIR UPON THE
LAND AREA AVAILABLE, AND ATTAINMENT
OF THE OTHER OBJECTIVES OF THIS
CHAPTER. IF THE BUILDING INSPECTOR
SHALL FIND THAT SUCH CONSIDERATION
HAS NOT BEEN GIVEN IN ANY CASE HE OR
SHE SHALL REFER THE APPLICATION TO
THE BOARD OF APPEALS WHICH SHALL
REVIEW THE MATTER AND MAY IMPOSE
CONDITIONS IF IT FINDS THEM TO BE
NECESSARY IN THE BEST INTERESTS OF THE
PROPER ENFORCEMENT OF THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2252,~~

~~PASSED)~~

~~§ 50-96 AVERAGE DEPTH OF FRONT YARDS:~~

~~IN ANY RESIDENCE DISTRICT, WHERE THE
FRONT YARDS OF EXISTING PRINCIPAL
BUILDINGS IN THE SAME BLOCK FRONT ARE
GREATER OR LESS THAN THE MINIMUM
REQUIRED FRONT YARDS FOR SUCH
DISTRICT, THE REQUIRED FRONT YARD
DEPTH SHALL BE MODIFIED AS FOLLOWS:
ANY PRINCIPAL BUILDING ERECTED OR
ALTERED AFTER APRIL 26, 1969, ON A LOT IN
SUCH A BLOCK FRONT SHALL PROVIDE A
MINIMUM FRONT YARD AT LEAST EQUAL TO
THE AVERAGE SETBACK OF THE TWO
NEAREST PRINCIPAL BUILDINGS TO EACH
SIDE OF SUCH LOT IN THE SAME BLOCK
FRONT. IF NO EXISTING FRONT YARD OF A
PRINCIPAL BUILDING EXISTS TO ONE SIDE
OR THE OTHER OF SUCH LOT IN THE SAME
BLOCK FRONT, THE MINIMUM SETBACK FOR
THE DISTRICT SHALL BE USED IN COMPUTING
THE AVERAGE SETBACK, EXCEPT IN THE
CASE OF A CORNER LOT HAVING A FRONT
YARD IN THE SAME BLOCK FRONT, THE
SETBACK OF THE LOT SHALL NOT BE LESS
THAN THE SETBACK OF THE NEAREST
PRINCIPAL BUILDING IN THE SAME BLOCK
FRONT; PROVIDED THE DEPTH OF A FRONT
YARD ON ANY LOT SHALL BE AT LEAST TEN
FEET AND NEED NOT EXCEED 50 FEET.~~

~~STEEP SLOPES, FRONT YARD GARAGE. IN ANY
RESIDENCE DISTRICT WHERE THE NATURAL
GRADE OF A LOT WITHIN THE REQUIRED
FRONT YARD HAS AN AVERAGE SLOPE,
NORMAL TO THE FRONT LOT LINE AT EVERY
POINT ALONG THE LINE, OF SUCH A DEGREE
OR PERCENT OF SLOPE THAT IT IS NOT
PRACTICABLE TO PROVIDE A DRIVEWAY~~

~~WITH A GRADE OF 12% OR LESS TO A PRIVATE GARAGE CONFORMING TO THE REQUIREMENTS OF THIS CHAPTER, SUCH GARAGE MAY BE LOCATED WITHIN SUCH FRONT YARD, BUT NOT IN ANY CASE CLOSER THAN SIX FEET TO THE STREET LINE.~~

~~DOUBLE FRONTAGE LOTS. FRONT YARDS ON BOTH STREETS SHALL BE REQUIRED, WHERE ON A GIVEN BLOCK FACE THERE ARE DWELLINGS ADDRESSING OFF BOTH STREETS. THERE SHALL BE NO VEHICLE ACCESS TO AN ACCESSORY BUILDING FROM MORE THAN ONE STREET UNLESS AUTHORIZED BY THE TRAFFIC ENGINEER OF THE CITY, WHO SHALL REVIEW THE SECOND ACCESS IN RELATION TO TRAFFIC FLOW, MOVEMENT AND SAFETY AND FIND THAT THERE WILL NOT BE AN ADVERSE EFFECT. IN NO CASE SHALL AN ACCESSORY BUILDING WITH VEHICLE ACCESS ACROSS THE REAR LOT LINE BE NEARER THAN 18 FEET FROM THE REAR LOT LINE. SEE~~

~~APPENDIX: COMPILED ILLUSTRATIONS, ILLUSTRATION 50-96(B), "TYPICAL LOCATIONS OF ACCESSORY BUILDINGS ON DOUBLE FRONTAGE LOTS," AT THE END OF THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2845, PASSED 7-26-82)~~

~~§ 50-97 COMPUTATION OF REAR YARD DEPTH AND SIDE YARD WIDTH.~~

~~IN COMPUTING THE DEPTH OF A REAR YARD OR THE WIDTH OF A SIDE YARD, WHERE THE REAR OR SIDE YARD ABUTS AN ALLEY, ONE HALF OF THE WIDTH OF THE ALLEY MAY BE INCLUDED AS A PORTION OF THE REQUIRED REAR OR SIDE YARD, AS THE CASE~~

~~MAY BE. HOWEVER, IN NO EVENT SHALL ANY BUILDING OR STRUCTURE BE ERECTED CLOSER THAN FIVE FEET FROM ANY LOT LINE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-98 SIDE YARD MODIFICATIONS.~~

~~SIDE YARD INCREASED. EACH SIDE YARD WHERE REQUIRED, SHALL BE INCREASED IN WIDTH BY ONE HALF INCH FOR EACH FOOT BY WHICH THE LENGTH OF THE SIDE WALL OF THE BUILDING, ADJACENT TO THE SIDE YARD, EXCEEDS 50 FEET, FOR EACH STORY OF BUILDING HEIGHT.~~

~~SIDE YARD, CORNER LOT. A SIDE YARD ALONG THE SIDE STREET LOT LINE OF A CORNER LOT SHALL HAVE A WIDTH OF NOT LESS THAN ONE HALF THE REQUIRED DEPTH OF THE FRONT YARD, BUT IN NO CASE SHALL A BUILDING WIDTH OF LESS THAN 24 FEET BE REQUIRED.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-99 PROJECTION OF ARCHITECTURAL FEATURES.~~

~~CERTAIN ARCHITECTURAL FEATURES MAY PROJECT INTO REQUIRED YARDS OR COURTS AS FOLLOWS:~~

~~FRONT AND SIDE YARDS.~~

~~IN ANY REQUIRED FRONT YARD, OR REQUIRED SIDE YARD ADJOINING A SIDE STREET LOT LINE, CORNICES, CANOPIES, EAVES OR OTHER ARCHITECTURAL FEATURES MAY PROJECT A DISTANCE NOT EXCEEDING THREE FEET, EXCEPT AS PROVIDED FOR IN SUBSECTION (2) BELOW.~~

~~FIRE ESCAPES MAY PROJECT A DISTANCE NOT EXCEEDING FOUR FEET, SIX INCHES. AN UNCOVERED STAIR, NECESSARY LANDINGS AND RAMPS MAY PROJECT A DISTANCE NOT TO EXCEED 44 INCHES; PROVIDED, THAT SUCH STAIR AND LANDING SHALL NOT EXTEND ABOVE THE ENTRANCE FLOOR OF THE BUILDING, EXCEPT FOR AN OPEN RAILING NOT EXCEEDING THREE FEET, SIX INCHES IN HEIGHT. BAY WINDOWS, BALCONIES AND CHIMNEYS MAY PROJECT A DISTANCE NOT EXCEEDING THREE FEET; PROVIDED THAT SUCH FEATURES DO NOT OCCUPY, IN AGGREGATE, MORE THAN ONE-THIRD OF THE LENGTH OF THE BUILDING WALL ON WHICH THEY ARE LOCATED.~~

~~FRONT YARDS ONLY. IN ANY RESIDENTIAL DISTRICT, IN ANY REQUIRED FRONT YARD, A PORCH MAY PROJECT A DISTANCE NOT EXCEEDING EIGHT FEET. THIS PORCH MAY BE COVERED WITH AN AWNING OR OTHER TYPE OF ROOF PROJECTION NOT EXCEEDING NINE FEET. THE COVERED PORCH SHALL REMAIN OPEN BETWEEN THE FLOOR LINE AND EAVE LINE, EXCEPT FOR AN OPEN RAILING NOT EXCEEDING THREE FEET, SIX INCHES IN HEIGHT. IN NO CASE SHALL THE PROJECTION BE NEARER THAN TEN FEET TO THE FRONT LOT LINE. AN UNCOVERED STAIR, NECESSARY LANDING AND RAMP MAY PROJECT A DISTANCE NOT TO EXCEED 44 INCHES BEYOND THE COVERED PORCH, BUT IN NO CASE MAY BE NEARER THAN TEN FEET TO THE FRONT LOT LINE.~~

~~INTERIOR SIDE YARDS. SUBJECT TO THE LIMITATIONS ABOVE, THE ABOVE NAMED FEATURES MAY PROJECT INTO ANY REQUIRED SIDE YARD ADJOINING AN INTERIOR SIDE LOT LINE, A DISTANCE NOT TO EXCEED ONE FIFTH OF THE REQUIRED LEAST WIDTH OF SUCH SIDE YARD, BUT NOT EXCEEDING THREE FEET, IN ANY CASE.~~

~~REAR YARDS. SUBJECT TO THE LIMITATION ABOVE, THE FEATURES THEREIN MAY PROJECT INTO ANY REQUIRED REAR YARDS, THE SAME DISTANCE THEY ARE PERMITTED TO PROJECT INTO A FRONT YARD.~~

~~EXISTING PORCHES. ALL COVERED PORCHES MAY BE ENCLOSED; PROVIDED, THAT AT LEAST 50% OF THE TOTAL AREA OF THE FRONT AND TWO SIDES, BETWEEN THE FLOOR LINE AND EAVE LINE, SHALL BE LIMITED TO SCREEN OR WINDOW.~~

~~EXCEPTIONS. HANDICAP RAMPS TO BE ADDED TO EXISTING ONE AND TWO FAMILY RESIDENTIAL STRUCTURES. UNCOVERED RAMPS DESIGNED FOR THE HANDICAPPED SHALL NOT BE CONSTRUCTED OR EXTENDED CLOSER THAN FIVE FEET FROM ANY LOT LINE, BUT ARE EXEMPT FROM ALL OTHER PROJECTION LIMITATIONS OF THIS SECTION, AND MUST CONFORM TO ALL OTHER FEDERAL, STATE OR LOCAL REQUIREMENTS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2616, PASSED 11-28-77; AM. ORD. 2881, PASSED 7-11-83;~~

~~AM. ORD. 2887, PASSED 12-12-83; AM. ORD. 3266, PASSED 1-24-94)~~

~~ARTICLE XVIII COMMUNITY DEVELOPMENT PROJECTS~~

~~§ 50-100 SUBMISSION OF PLANS FOR DEVELOPMENT OF CERTAIN TRACTS.~~

~~IN ANY A-1 DISTRICT OR A-2 DISTRICT, THE OWNERS OF A TRACT OF UNIMPROVED LAND COMPRISING NOT LESS THAN TEN ACRES, AND IN ANY A-2 DISTRICT, THE OWNERS OF A TRACT OF LAND COMPRISING NOT LESS THAN EIGHT ACRES, AND IN ANY B DISTRICT, THE OWNERS OF ANY TRACT OF LAND COMPRISING NOT LESS THAN FIVE ACRES, AND IN ANY C-1 AND C-2 DISTRICT, THE OWNERS OF A TRACT OF LAND COMPRISING NOT LESS THAN THREE ACRES, MAY SUBMIT TO THE PLANNING COMMISSION A PLAN FOR THE USE AND DEVELOPMENT OF ALL OF SUCH TRACT OF LAND FOR RESIDENTIAL PURPOSES OR FOR THE REPAIR OR ALTERATION OF ANY EXISTING HOUSING DEVELOPMENT ON SUCH TRACT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2795, PASSED 5-26-81)~~

~~§ 50-101 STANDARDS FOR PLAN.~~

~~IT SHALL BE THE DUTY OF THE PLANNING COMMISSION TO INVESTIGATE AND ASCERTAIN WHETHER THE PROPOSED RESIDENTIAL DEVELOPMENT PLAN COMPLIES WITH THE FOLLOWING CONDITIONS:~~

~~CONSISTENCY WITH ZONING REGULATIONS. THAT THE PLAN IS CONSISTENT WITH THE INTENT AND PURPOSE OF THIS CHAPTER [I.E., THE ZONING ORDINANCE AND ANY AMENDMENTS THERETO].~~

~~ADJACENT PROPERTY, NO ADVERSE EFFECT. THAT PROPERTY ADJACENT TO THE AREA~~

~~INCLUDED IN THE PLAN WILL NOT BE ADVERSELY AFFECTED.~~

~~RESIDENTIAL USE ONLY. THAT THE BUILDINGS ARE TO BE USED ONLY FOR RESIDENTIAL PURPOSES AND USUAL ACCESSORY USES, SUCH AS GARAGES, STORAGE SPACE, RECREATIONAL AND COMMUNITY ACTIVITIES, INCLUDING CHURCHES, AND SUCH OTHER USES AS ACCESSORY USES AS MAY BE PERMITTED OUTRIGHT OR CONDITIONALLY IN THE DISTRICT WHERE LOCATED.~~

~~LOT AREA PER FAMILY. THAT THE AVERAGE LOT AREA PER FAMILY OR DWELLING UNIT CONTAINED IN THE SITE, EXCLUSIVE OF THE AREA OF STREETS, WILL NOT BE LESS THAN 80% OF THE LOT AREA PER FAMILY REQUIRED IN THE DISTRICT IN WHICH THE SITE IS LOCATED.~~

~~OFF STREET PARKING. THAT THERE ARE TO BE PROVIDED OFF STREET PARKING FACILITIES IN ACCORDANCE WITH THE OFF-STREET PARKING REQUIREMENTS OF THIS CHAPTER.~~

~~COVERAGE. 25%.~~

~~RECREATIONAL FACILITIES. THAT THERE ARE TO BE PROVIDED, AS A PART OF THE PROPOSED DEVELOPMENT, RECREATIONAL FACILITIES TO SERVE THE NEEDS OF THE ANTICIPATED POPULATION TO BE HOUSED THEREIN AS FOLLOWS:~~

~~RECREATION AREA, PROJECTS OVER 20 ACRES. IN CASE ANY LOT OR TRACT ON WHICH A RESIDENCE DEVELOPMENT OR DWELLING GROUP IS TO BE ERECTED CONTAINS 20 ACRES OR MORE, AT LEAST 5% OF THE ACREAGE OF SUCH LOT SHALL BE SET ASIDE AND DEVELOPED AS A~~

~~NEIGHBORHOOD PLAYGROUND OR PLAYGROUNDS.~~

~~RECREATION AREA, PROJECTS UNDER 20 ACRES. IN CASE OF A LOT UNDER 20 ACRES IN AREA WITH MORE THAN 50 DWELLING UNITS, THE REQUIRED AREA OF PLAY LOTS SHALL BE 2,000 SQUARE FEET PLUS 30 SQUARE FEET FOR EACH DWELLING UNIT IN EXCESS OF 50.~~

~~RECREATION AREA, MODIFICATION. THESE REQUIREMENTS FOR THE PROVISION OF RECREATION AREAS MAY BE MODIFIED OR WAIVED BY THE PLANNING COMMISSION WHERE ADEQUATE PUBLIC RECREATION AREAS ARE AVAILABLE NEARBY, OR WHERE JUSTIFIED IN VIEW OF THE AVAILABILITY OF SUITABLE YARD SPACE OF THE TYPE OF OCCUPANCY THE DWELLING UNITS ARE DESIGNED TO ACCOMMODATE.~~

~~PLANNING COMMISSION MAY AUTHORIZE PROJECT. FOLLOWING A PUBLIC HEARING BY THE PLANNING COMMISSION, AND IF THE COMMISSION FINDS THAT THE PROPOSED RESIDENCE DEVELOPMENT PLAN IS CONSISTENT WITH THE INTENT AND PURPOSE OF THIS CHAPTER, IT MAY AUTHORIZE THE BUILDING INSPECTOR TO ISSUE A ZONING CERTIFICATE, EVEN THOUGH THE USE OF THE LAND AND LOCATION OF THE BUILDING TO BE ERECTED AND THE YARDS AND OPEN SPACES CONTEMPLATED BY THE PLAN DO NOT CONFORM IN ALL RESPECTS TO THE REGULATIONS OF THIS CHAPTER FOR THE DISTRICT IN WHICH THE SITE OF THE PROPOSED DEVELOPMENT IS LOCATED.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2795, PASSED 5-26-81; AM. ORD. 2845, PASSED 7-26-82)~~

~~ARTICLE XIX DWELLING GROUPS~~

~~§ 50-102 STANDARDS GENERALLY.~~

~~A ZONING CERTIFICATE FOR THE ERECTION OF A DWELLING GROUP, IN THOSE DISTRICTS WHERE PERMITTED, MAY BE ISSUED BY THE BUILDING INSPECTOR; PROVIDED, THAT SUCH DWELLING GROUP CONFORMS TO ALL THE FOLLOWING CONDITIONS AND REQUIREMENTS:~~

~~MINIMUM LOT AREA. THE AREA OF THE LOT ON WHICH THE DWELLING GROUP IS TO BE ERECTED SHALL BE AT LEAST 20% GREATER THAN THE AGGREGATE OF THE MINIMUM LOT AREAS OTHERWISE REQUIRED FOR THE INDIVIDUAL DWELLINGS IN THE GROUP.~~

~~DWELLING TO FRONT ON STREET OR OTHER OPEN SPACES, DISTANCES.~~

~~EACH DWELLING IN THE GROUP SHALL FRONT EITHER ON A STREET, OR OTHER PERMANENT PUBLIC OPEN SPACE AT LEAST 40 FEET WIDE, OR ON A COMMON YARD OR OUTER COURT. THE LEAST WIDTH OF SUCH YARD, IF FLANKED BY BUILDINGS ON ONE SIDE ONLY, SHALL BE:~~

~~— 1½ STORIES — 30 FEET~~

~~— 2½ STORIES — 35 FEET~~

~~STORIES — 40 FEET~~

~~IF FLANKED BY BUILDINGS ON BOTH SIDES, THE LEAST WIDTH OF SUCH YARDS SHALL BE:~~

~~— 1½ STORIES — 40 FEET~~

~~— 2½ STORIES — 50 FEET~~

~~STORIES — 60 FEET~~

~~IN EACH CASE THE DISTANCE BETWEEN THE PRINCIPAL BUILDINGS, OTHER THAN THE~~

~~DISTANCES SPECIFIED ABOVE, SHALL NOT BE LESS THAN THE SUM OF THE LEAST WIDTHS OF SIDE YARDS REQUIRED IN THE DISTRICT IN WHICH THE DWELLING GROUP IS TO BE LOCATED.~~

~~THE DISTANCE BETWEEN PRINCIPAL BUILDINGS AND THE NEAREST LOT LINES, OTHER THAN A FRONT LOT LINE, SHALL BE NOT LESS THAN THE HEIGHT OF THE BUILDING, NOR LESS THAN 30 FEET IN ANY CASE.~~

~~ACCESS ROAD DISTANCE. EVERY DWELLING IN THE DWELLING GROUP SHALL BE WITHIN 60 FEET OF AN ACCESS ROADWAY OR DRIVE HAVING A RIGHT OF WAY AT LEAST 20 FEET WIDE, PROVIDING VEHICULAR ACCESS FROM A PUBLIC STREET, AND WITHIN 300 FEET, MEASURED ALONG THE ROUTE OF VEHICULAR ACCESS, FROM A PUBLIC STREET.~~

~~COMPLIANCE, OTHER CHAPTER REQUIREMENTS. EXCEPT AS MODIFIED HEREIN, SUCH DWELLING GROUP SHALL CONFORM TO ALL THE REQUIREMENTS OF THIS CHAPTER FOR THE DISTRICT IN WHICH IT IS TO BE LOCATED.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XX TRAILERS AND TRAILER PARKS,
MOTELS AND MOTOR HOTELS~~

~~§ 50-103 GENERAL REGULATIONS.~~

~~THE SANITARY REGULATIONS PRESCRIBED BY THE STATE BOARD OF HEALTH OR OTHER AUTHORITY HAVING JURISDICTION, THE REGULATIONS OF THE BUILDING CODE OF THE CITY AND AS MAY BE OTHERWISE REQUIRED BY LAW SHALL BE COMPLIED WITH IN ADDITION TO THE FOLLOWING REGULATIONS:~~

~~LOT AREA OCCUPANCY. THE BUILDINGS, CABINS AND TRAILERS, MOBILE HOMES, RECREATION VEHICLES IN ANY TOURIST CAMP, TRAILER PARK, MOBILE HOME PARK, OR MOTEL, TOGETHER WITH ANY NONACCESSORY BUILDINGS ALREADY ON THE LOT, SHALL NOT OCCUPY IN THE AGGREGATE MORE THAN 25% OF THE AREA OF THE LOT.~~

~~PARKING. ALL AREAS USED FOR AUTOMOBILE ACCESS AND PARKING SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THIS CHAPTER CONCERNING OFF STREET PARKING AND LOADING.~~

~~ENTRANCE. NO VEHICULAR ENTRANCE TO OR EXIT FROM ANY TRAILER PARK OR MOTEL, WHEREVER SUCH MAY BE LOCATED, SHALL BE WITHIN 200 FEET ALONG STREETS FROM ANY SCHOOL, PUBLIC PLAYGROUND, CHURCH, HOSPITAL, LIBRARY OR INSTITUTION FOR DEPENDENTS OR FOR CHILDREN, EXCEPT WHERE SUCH PROPERTY IS IN ANOTHER BLOCK OR ANOTHER STREET WHICH THE PREMISES IN QUESTION DO NOT ABUT.~~

~~LANDSCAPING, UNUSED AREAS. ALL AREAS USED FOR ACCESS, PARKING, CIRCULATION, BUILDINGS AND SERVICE SHALL BE COMPLETELY AND PERMANENTLY LANDSCAPED AND THE ENTIRE SITE MAINTAINED IN GOOD CONDITION.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2829, PASSED 3-22-82)~~

~~§ 50-104 ENLARGEMENTS OR EXTENSIONS.~~

~~ANY ENLARGEMENT OR EXTENSION TO ANY EXISTING MOTEL, MOBILE HOME PARK, TOURIST CAMP OR TRAILER PARK SHALL REQUIRE APPLICATION FOR A ZONING CERTIFICATE, AS IF IT WERE A NEW ESTABLISHMENT.~~

~~NO ENLARGEMENT OR EXTENSIONS TO ANY MOTEL, TRAILER PARK OR TOURIST CAMP, OR MOBILE HOME PARK SHALL BE PERMITTED UNLESS THE EXISTING ONE IS MADE TO CONFORM SUBSTANTIALLY WITH ALL THE REQUIREMENTS FOR NEW CONSTRUCTION FOR SUCH ESTABLISHMENT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2829, PASSED 3-22-82)~~

~~§ 50-105 PARKING OR OCCUPYING TRAILER OR MOBILE HOME OR RECREATION VEHICLE OUTSIDE OF APPROVED TRAILER PARK, MOBILE HOME PARK PROHIBITED; EXCEPTIONS.~~

~~PURPOSE. TO REGULATE THE STORAGE AND PARKING FOR RECREATION AND CAMPING EQUIPMENT, AS DEFINED, IN THE SAME MANNER AS OTHER ACCESSORY OR INCIDENTAL USES, WITH DUE REGARD TO THE UNIQUE PUBLIC SAFETY ISSUES~~

~~ASSOCIATED WITH THESE USES SUCH AS MAINTENANCE OF CLEAR VISION AREAS NEAR PUBLIC RIGHTS-OF-WAY.~~

~~DEFINITIONS. AS USED IN THIS CHAPTER, RECREATION AND CAMPING EQUIPMENT IS AND SHALL INCLUDE THE FOLLOWING:~~

~~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.~~

~~PICKUP CAMPER. IS A STRUCTURE DESIGNED PRIMARILY TO BE MOUNTED ON A PICKUP OR TRUCK CHASSIS AND WITH SUFFICIENT EQUIPMENT TO RENDER IT SUITABLE FOR USE AS A TEMPORARY DWELLING FOR TRAVEL, RECREATIONAL AND VACATION USE.~~

~~MOTOR HOME. A PORTABLE DWELLING DESIGNED AND CONSTRUCTED AS AN INTEGRAL PART OF A SELF-PROPELLED VEHICLE.~~

~~FOLDING TENT TRAILER. A CANVAS FOLDING STRUCTURE MOUNTED ON WHEELS AND DESIGNED FOR TRAVEL AND VACATION USE.~~

~~WATERCRAFT AND WATERCRAFT TRAILERS. BOATS, FLOATS AND RAFTS, PLUS THE NORMAL EQUIPMENT TO TRANSPORT THE SAME ON THE HIGHWAY.~~

~~GENERALLY. NO PERSON SHALL PARK NOR OCCUPY ANY TRAILER, MOBILE HOME OR RECREATIONAL AND CAMPING EQUIPMENT ON ANY PREMISES OUTSIDE AN APPROVED TRAILER PARK OR MOBILE HOME PARK EXCEPT AS PREVIOUSLY AUTHORIZED IN THIS CHAPTER. RECREATIONAL AND CAMPING EQUIPMENT DEFINED AS TRAVEL TRAILERS, PICKUP CAMPERS, MOTOR HOMES,~~

~~FOLDING TENT TRAILERS, AND WATERCRAFT TRAILERS MAY BE PARKED ON ANY RESIDENTIAL PROPERTY SUBJECT TO THE FOLLOWING CONDITIONS:~~

~~SUCH EQUIPMENT STORED OR PARKED SHALL NOT HAVE FIXED CONNECTIONS TO ELECTRICITY, WATER, GAS OR SANITARY SEWER FACILITIES, AND AT NO TIME SHALL THIS EQUIPMENT BE USED FOR LIVING OR HOUSEKEEPING PURPOSES.~~

~~IF THE EQUIPMENT IS TO BE UNUSED FOR A PERIOD EXCEEDING 30 DAYS, THE FOLLOWING CONDITIONS SHALL APPLY:~~

~~ALL BATTERIES SHALL BE REMOVED FROM THE EQUIPMENT TO PREVENT SHORT CIRCUITS; AND~~

~~ALL TANKS CONTAINING FLAMMABLE SUBSTANCES MUST BE LOCKED FROM THE OUTSIDE TO PREVENT TAMPERING.~~

~~IF THE EQUIPMENT IS STORED OR PARKED OUTSIDE OF A GARAGE, IT MUST BE STORED OR PARKED TO THE REAR OF THE FRONT BUILDING LINE AS ESTABLISHED BY THE PRINCIPAL ACCESSORY STRUCTURE AND NOT IN A REQUIRED SIDE STREET SIDE YARD OR REQUIRED INTERIOR SIDE YARD, EXCEPT AS MODIFIED. STORAGE OR PARKING IN A REQUIRED INTERIOR SIDE YARD IS ALLOWED IF LOCATED AT LEAST 60 FEET BEHIND THE FRONT PROPERTY LINE AND NO CLOSER THAN FIVE FEET TO A SIDE OR REAR LOT LINE OR ON THE PRINCIPAL DRIVEWAY TO THE REAR OF THE FRONT BUILDING LINE ESTABLISHED.~~

~~EMERGENCY PARKING. EMERGENCY OR TEMPORARY STOPPING, STANDING OR PARKING OF A TRAILER SHALL BE PERMITTED ON ANY STREET, ALLEY OR~~

~~HIGHWAY SUBJECT TO ANY REGULATIONS, OR LIMITATIONS IMPOSED BY THE TRAFFIC AND PARKING REGULATIONS OR ORDINANCES FOR SUCH STREET, ALLEY OR HIGHWAY.~~

~~WHEELS NOT TO BE REMOVED. IN ANY DISTRICT EXCEPT AS PREVIOUSLY REQUIRED, THE WHEELS OR ANY SIMILAR TRANSPORTING DEVICES OF ANY TRAILER SHALL NOT BE REMOVED EXCEPT FOR REPAIRS, NOR SHALL ANY TRAILER, UNLESS AS PREVIOUSLY REQUIRED, BE OTHERWISE PERMANENTLY FIXED TO THE GROUND IN A MANNER THAT WOULD PREVENT REMOVAL OF THE TRAILER.~~

~~PARKING OR STORAGE OF MOBILE HOMES PROHIBITED. THE PARKING OR STORAGE OF A MOBILE HOME, BEING A MOVABLE OR PORTABLE DWELLING, CONSTRUCTED TO BE TOWED ON ITS OWN CHASSIS AND CONNECTED TO UTILITIES AND DESIGNED WITHOUT A PERMANENT FOUNDATION FOR YEAR-ROUND LIVING, IS EXPRESSLY PROHIBITED.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2829, PASSED 3-22-82; AM. ORD. 2901, PASSED 4-9-84; AM. ORD. 2931, PASSED 1-15-85)~~

~~§ 50-106 APPLICATION FOR ESTABLISHMENT OF TRAILER PARK OR MOBILE HOME PARK.~~

~~AN APPLICATION FOR THE ESTABLISHMENT OF A TRAILER PARK OR MOBILE HOME PARK SHALL BE FILED WITH THE BUILDING INSPECTOR AND SHALL BE ACCOMPANIED BY A SCALE DRAWING CERTIFIED BY A REGISTERED CIVIL ENGINEER. SUCH DRAWING SHALL CONTAIN THE FOLLOWING INFORMATION:~~

~~ACCURATE DIMENSIONS OF THE PROPOSED TRAILER PARK OR MOBILE HOME PARK IN FEET.~~

~~ALL ROADS AND APPROACHES AND THE METHOD OF INGRESS AND EGRESS FROM PUBLIC HIGHWAYS.~~

~~THE COMPLETE ELECTRIC SERVICE INSTALLATION, WIRE SERVICE OUTLETS AND LIGHTING FACILITIES.~~

~~A COMPLETE LAYOUT OF UNIT PARKING PLACES AND THE NUMBER OF SQUARE FEET THEREIN, TOGETHER WITH THE DIMENSIONS THEREOF.~~

~~THE LOCATION OF ELECTRIC POWER OR GAS DISTRIBUTION SYSTEMS, WATER MAINS OR WELLS FOR WATER SUPPLY OUTLETS FOR DOMESTIC WATER USERS, LOCATION OF SANITARY FACILITIES, WASHROOMS, GARBAGE DISPOSAL UNITS, INCINERATORS, SANITARY SEWERS OR SEPTIC TANKS, SEWER DRAIN LINES, LEECHING BEDS, FIRE PROTECTION STALLS AND OTHER BUILDINGS OR STRUCTURES CONTEMPLATED TO BE USED BY SUCH APPLICANT IN CONNECTION WITH SUCH BUSINESS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2829, PASSED 3-22-82)~~

~~§ 50-107 TRAILER PARK OR MOBILE HOME PARK DESIGN REQUIREMENTS.~~

~~TRAILER PARKS OR MOBILE HOME PARKS SHALL BE DESIGNED AND MAINTAINED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:~~

~~PARK AREA. THE MINIMUM TRAILER PARK OR MOBILE HOME AREA SHALL BE 40,000~~

~~SQUARE FEET.~~

~~LOT AREA. THE MINIMUM LOT AREA PER TRAILER OR MOBILE HOME SHALL BE 2,000 SQUARE FEET.~~

~~DISTANCE BETWEEN TRAILERS OR MOBILE HOMES. THE MINIMUM DISTANCE BETWEEN NEIGHBORING TRAILERS OR MOBILE HOMES SHALL BE NOT LESS THAN 20 FEET. EACH TRAILER OR MOBILE HOME UNIT SHALL SET BACK NOT LESS THAN TEN FEET FROM THE EXTERIOR LINES OF THE TRAILER OR MOBILE HOME UNIT LOT UPON WHICH IT IS LOCATED.~~

~~CONCRETE SLAB. EACH TRAILER OR MOBILE HOME UNIT LOT SHALL BE EQUIPPED WITH A CONCRETE SLAB OF SUFFICIENT SIZE TO SUPPORT THE WHEELS AND THE FRONT PARKING JACK. SUCH SLAB SHALL HAVE A MINIMUM HORIZONTAL DIMENSION OF EIGHT BY TEN FEET AND A MINIMUM THICKNESS OF FOUR INCHES.~~

~~UTILITIES. EACH TRAILER OR MOBILE HOME UNIT SHALL BE EQUIPPED WITH ONE ELECTRIC OUTLET. A SANITARY SEWER AND WATER SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS. TRAILER OR MOBILE HOME UNITS NOT DIRECTLY CONNECTED WITH THE WATER AND SEWER SYSTEM SHALL BE LOCATED NOT MORE THAN 200 FEET FROM A COMMUNITY UTILITY BUILDING PROVIDING SEPARATE TOILET AND SHOWER FACILITIES FOR EACH SEX.~~

~~INTERIOR STREETS. THE MINIMUM WIDTH OF INTERIOR ONE-WAY STREETS WITH PARKING PERMITTED ON ONE SIDE SHALL BE 21 FEET. THE MINIMUM WIDTH OF TWO-WAY STREETS WITH PARKING PERMITTED ON ONE SIDE SHALL BE 26 FEET. SUCH STREETS SHALL BE~~

~~GRAVELED OR PAVED, MAINTAINED IN GOOD CONDITION, AND LIGHTED AT NIGHT.~~

~~LENGTH OF OCCUPANCY. NO TRAILER OR MOBILE HOME SHALL REMAIN IN A TRAILER PARK OR MOBILE HOME PARK FOR A PERIOD EXCEEDING 15 DAYS WITHOUT CONNECTION TO THE PERMANENT SANITARY SEWER SYSTEM OF THE PARK.~~

~~ADDITIONAL REQUIREMENTS. IN ADDITION TO THE FOREGOING, THE BOARD MAY IMPOSE SUCH OTHER CONDITIONS, REQUIREMENTS OR LIMITATIONS CONCERNING THE DESIGN, DEVELOPMENT AND OPERATION OF SUCH TRAILER PARK OR MOBILE HOME PARKS NECESSARY FOR THE PROTECTION OF ADJACENT PROPERTIES AND THE PUBLIC INTEREST.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2829, PASSED 3-22-82)~~

~~ARTICLE XXI INTEGRATED NEIGHBORHOOD
AND COMMUNITY SHOPPINGCENTERS~~

~~§ 50 108 SUBMISSION OF PRELIMINARY PLAN;
MINIMUM AREAS.~~

~~THE OWNER OF A TRACT OF LAND, LOCATED
IN ANY DISTRICT AT OR NEAR WHERE A
PROPOSED SHOPPING CENTER IS SHOWN ON
THE LAND USE PLAN, CONTAINING NOT LESS
THAN TWO ACRES IN THE CASE OF A
NEIGHBORHOOD SHOPPING CENTER,
NEIGHBORHOOD BUSINESS DISTRICT TYPE D-
2, AND NOT LESS THAN 15 ACRES IN THE
CASE OF A COMMUNITY SHOPPING CENTER,
COMMUNITY BUSINESS DISTRICT D-3, MAY
SUBMIT TO THE PLANNING COMMISSION FOR
ITS REVIEW A PRELIMINARY PLAN FOR THE
USE AND DEVELOPMENT OF SUCH TRACT OF
LAND FOR AN INTEGRATED SHOPPING
CENTER.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50 109 TIME FOR STARTING AND
COMPLETING CONSTRUCTION.~~

~~IN ACCEPTING A PLAN FOR REVIEW UNDER §
50 108, THE PLANNING COMMISSION SHALL
BE SATISFIED THAT THE PROPONENTS OF
THE INTEGRATED SHOPPING CENTER INTEND
TO START CONSTRUCTION WITHIN TWO
YEARS IF A NEIGHBORHOOD SHOPPING
CENTER, AND THREE YEARS IF A
COMMUNITY SHOPPING CENTER, FROM THE
DATE OF THE APPROVAL OF THE PROJECT
AND NECESSARY DISTRICT CHANGE, AND
INTEND TO COMPLETE IT WITHIN A
REASONABLE PERIOD OF TIME AS
DETERMINED BY THE PLANNING~~

~~COMMISSION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50 110 GENERAL STANDARDS FOR PLAN.~~

~~IT SHALL BE THE DUTY OF THE PLANNING
COMMISSION TO INVESTIGATE AND
ASCERTAIN WHETHER THE LOCATION, SIZE
AND OTHER CHARACTERISTICS OF THE SITE,
AND THE PROPOSED PLAN, COMPLY WITH
THE FOLLOWING CONDITIONS:~~

~~*SITE ADEQUACY.* THAT THE PROPOSED
SHOPPING CENTER IS ADEQUATE, BUT NOT
EXCESSIVE, IN SIZE TO PROVIDE ADEQUATE
SHOPPING FACILITIES FOR THE POPULATION
WHICH REASONABLY MAY BE EXPECTED TO
BE SERVED BY THE PROPOSED SHOPPING
CENTER.~~

~~*TRAFFIC CONGESTION.* THAT THE PROPOSED
SHOPPING CENTER IS AT A LOCATION WHERE
TRAFFIC CONGESTION DOES NOT EXIST AT
PRESENT ON THE STREETS TO BE UTILIZED
FOR ACCESS TO THE PROPOSED SHOPPING
CENTER, AND WHERE SUCH CONGESTION
WILL NOT LIKELY BE CREATED BY THE
PROPOSED CENTER; OR WHERE SUCH
EXISTING OR POSSIBLE FUTURE CONGESTION
WILL BE OBVIATED BY PRESENTLY
PROJECTED IMPROVEMENT OF ACCESS
THOROUGHFARES OR BY DEMONSTRABLE
PROVISIONS IN THE PLAN FOR PROPER
ENTRANCES AND EXITS, AND BY INTERNAL
PROVISIONS FOR TRAFFIC AND PARKING.~~

~~*THOROUGHFARE ACCESS REQUIRED.* THAT
ANY NEIGHBORHOOD SHOPPING CENTER
WILL ABUT AND FRONT A STREET
DESIGNATED IN THE OFFICIAL MAJOR STREET
PLAN AS A SECONDARY OR PRIMARY
THOROUGHFARE OR DESIGNATED BY THE~~

~~PLANNING COMMISSION AS A LOCAL OR COLLECTOR STREET AS DEFINED IN THE SUBDIVISION REGULATIONS; AND ANY COMMUNITY SHOPPING CENTER SHALL ABUT AND FRONT ON A STREET DESIGNATED IN SUCH PLAN AS A PRIMARY THOROUGHFARE.~~

~~INTEGRATED DESIGN. THE PLAN PROVIDES FOR A SHOPPING CENTER CONSISTING OF ONE OR MORE GROUPS OF ESTABLISHMENTS IN BUILDINGS OF INTEGRATED AND HARMONIOUS DESIGN, TOGETHER WITH ADEQUATE AND PROPERLY ARRANGED TRAFFIC AND PARKING FACILITIES AND ADEQUATE PROVISIONS FOR DRAINAGE AND LANDSCAPING. THE PROJECT SHALL BE ARRANGED IN AN ATTRACTIVE AND EFFICIENT MANNER, CONVENIENT, PLEASANT AND SAFE TO USE, AND FITTING HARMONIOUSLY INTO SURROUNDING PROPERTIES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-111 PERMITTED USES.~~

~~THE USES PERMITTED IN AN INTEGRATED SHOPPING CENTER SHALL BE APPROPRIATE TO THE SPECIFIC FUNCTIONS THEREOF. IN THE CASE OF A NEIGHBORHOOD SHOPPING CENTER, THE ALLOWABLE USES SHALL BE THOSE PERMITTED IN THE D-2 DISTRICT. IN THE CASE OF A COMMUNITY SHOPPING CENTER THE ALLOWABLE USES SHALL BE THOSE PERMITTED IN THE D-3 DISTRICT; PROVIDED, THAT NO RESIDENTIAL, HEAVY, COMMERCIAL OR INDUSTRIAL USES SHALL BE PERMITTED IN ANY SHOPPING CENTER. ONLY THOSE USES SHALL BE AUTHORIZED WHICH ARE NECESSARY OR DESIRABLE TO SUPPLY WITH GOODS OR SERVICES THE~~

~~SURROUNDING NEIGHBORHOOD OR COMMUNITY, AS THE CASE MAY BE. ALL USES AUTHORIZED IN THIS MANNER SHALL BE IN HARMONY WITH THE DESIGN OF THE CENTER AND THE ENVIRONS THEREOF.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-112 DESIGN REQUIREMENTS.~~

~~THE FOLLOWING REGULATIONS SHALL APPLY TO AN INTEGRATED SHOPPING CENTER:~~

~~*BUILDING HEIGHT.* NO BUILDING SHALL EXCEED TWO STORIES OR 30 FEET IN HEIGHT.~~

~~*YARDS.* NO BUILDING SHALL BE LESS THAN 50 FEET DISTANT FROM ANY BOUNDARY OF THE TRACT OR SITE ON WHICH THE SHOPPING CENTER IS LOCATED. THE CENTER SHALL BE PERMANENTLY SCREENED FROM ALL ADJOINING PROPERTIES LOCATED IN ANY RESIDENCE DISTRICT, AND EXCEPT FOR NECESSARY ENTRANCES AND EXITS, FROM ALL PROPERTIES LOCATED IN ANY RESIDENCE DISTRICT ACROSS THE STREET AND WITHIN 100 FEET FROM SUCH CENTER. THE TYPE AND NATURE OF SUCH SCREENING SHALL BE DETERMINED BY THE PLANNING COMMISSION.~~

~~*TRACT COVERAGE.* THE GROUND AREA OCCUPIED BY ALL THE BUILDINGS SHALL NOT EXCEED IN THE AGGREGATE 25% OF THE TOTAL AREA OF THE TRACT OR SITE.~~

~~*CUSTOMER PARKING SPACE.* NOTWITHSTANDING ANY OTHER REQUIREMENTS OF THIS CHAPTER, THERE SHALL BE PROVIDED AT LEAST TWO SQUARE FEET OF OFF STREET PARKING AREA, INCLUDING DRIVEWAYS, FOR EVERY SQUARE~~

~~FOOT OF TOTAL FLOOR SPACE, NOT INCLUDING STORAGE SPACE, IN AN INTEGRATED NEIGHBORHOOD SHOPPING CENTER; AND THREE SQUARE FEET OF OFF-STREET PARKING AREA FOR EVERY SQUARE FOOT OF TOTAL FLOOR SPACE, NOT INCLUDING STORAGE SPACE, IN A COMMUNITY SHOPPING CENTER.~~

~~LOADING SPACE. NOTWITHSTANDING ANY OTHER REQUIREMENTS OF THIS CHAPTER, THERE SHALL BE PROVIDED ONE OFF STREET LOADING SPACE FOR EACH 10,000 SQUARE FEET OR FRACTION THEREOF OF AGGREGATE FLOOR SPACE OF ALL BUILDINGS IN THE CENTER. AT LEAST ONE THIRD OF THE SPACE REQUIRED SHALL BE SUFFICIENT IN AREA AND VERTICAL CLEARANCE TO ACCOMMODATE TRUCKS OF THE TRACTOR-TRAILER TYPE.~~

~~ILLUMINATION. ACCESSWAYS AND PARKING AREAS SHALL BE ADEQUATELY LIGHTED BY LIGHTING FIXTURES WHICH SHALL BE SO INSTALLED AS TO REFLECT LIGHT AWAY FROM ADJOINING PROPERTIES.~~

~~SIGNS. SUBJECT TO APPROVAL BY THE PLANNING COMMISSION, ALL SIGNS WITHIN THE CENTER SHALL BE CONTROLLED BY WRITTEN AGREEMENT BETWEEN THE OWNERS AND TENANTS OF THE CENTER, OR OTHERWISE, WITH THE VIEW TO PREVENTING EXCESSIVE ADVERTISING AND ENSURE A HARMONIOUS APPEARANCE OF THE CENTER AS A WHOLE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-113 FINAL DEVELOPMENT PLAN.~~

~~UPON DETERMINATION BY THE PLANNING COMMISSION THAT THE PROPOSED~~

~~INTEGRATED SHOPPING CENTER, AS SHOWN IN THE PRELIMINARY PLAN, APPEARS TO CONFORM TO THE REQUIREMENTS OF THIS ARTICLE AND ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, THE PROPONENTS SHALL PREPARE AND SUBMIT A FINAL DEVELOPMENT PLAN, WHICH PLAN SHALL INCORPORATE ANY CHANGES OR MODIFICATIONS REQUIRED BY THE PLANNING COMMISSION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-114 RECOMMENDATIONS TO CITY COUNCIL.~~

~~IF THE FINAL DEVELOPMENT PLAN IS FOUND TO COMPLY WITH THE REQUIREMENTS IN THIS ARTICLE AND OTHER APPLICABLE PROVISIONS OF THIS CHAPTER, THE PLANNING COMMISSION SHALL SUBMIT SUCH PLAN, ITS REPORT AND RECOMMENDATIONS, TO THE CITY COUNCIL TOGETHER WITH THE REQUIRED APPLICATION BY THE PROPONENTS FOR THE NECESSARY CHANGE IN ZONING CLASSIFICATION OF THE SITE OF THE PROPOSED CENTER. THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING ON BOTH THE DEVELOPMENT PLAN AND APPLICATION FOR A ZONING DISTRICT CHANGE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-115 REZONING.~~

~~FOLLOWING THE PUBLIC HEARING, THE CITY COUNCIL MAY MODIFY THE PLAN, CONSISTENT WITH THE INTENT AND MEANING OF THIS CHAPTER, AND MAY REZONE THE PROPERTY TO A CLASSIFICATION PERMITTING THE PROPOSED~~

~~CENTER FOR DEVELOPMENT IN SUBSTANTIAL CONFORMITY WITH THE FINAL PLAN AS APPROVED BY THE CITY COUNCIL; PROVIDED, THAT ALL PROCEDURES RELATIVE TO AMENDMENTS TO THIS CHAPTER SHALL BE FOLLOWED IN SUCH CASE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-116 ADJUSTMENTS IN PLAN FOLLOWING APPROVAL.~~

~~AFTER THE FINAL DEVELOPMENT PLAN HAS BEEN APPROVED BY THE CITY COUNCIL AND IN THE COURSE OF CARRYING OUT THIS PLAN, ADJUSTMENTS OR REARRANGEMENTS OF BUILDINGS, PARKING AREAS, LOADING AREAS, ENTRANCES, HEIGHT OR YARDS MAY BE REQUESTED BY THE PROPONENTS, AND PROVIDED SUCH REQUESTS CONFORM TO THE STANDARDS ESTABLISHED BY THE FINAL DEVELOPMENT PLAN AND THIS CHAPTER, SUCH ADJUSTMENTS OR REARRANGEMENTS MAY BE AUTHORIZED BY THE PLANNING COMMISSION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XXII PLANNED SHOPPING AREA
EXTENSION~~

~~§ 50-117 PURPOSE OF ARTICLE.~~

~~IT SHALL BE AN AIM OF THIS ARTICLE TO
FACILITATE AND ENCOURAGE THE
MODERNIZATION OF EXISTING
NEIGHBORHOOD AND COMMUNITY
SHOPPING AREAS WITH THE VIEW TO
HELPING TO CREATE CONDITIONS IN SUCH
AREAS WHICH WILL AS NEARLY AS POSSIBLE
APPROXIMATE THOSE FOUND IN INTEGRATED
SHOPPING CENTERS, HEREBY TO PROMOTE
THE PUBLIC SAFETY, CONVENIENCE AND
GENERAL WELFARE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-118 SUBMISSION OF PRELIMINARY PLAN.~~

~~THE OWNER OF A TRACT OF LAND OF ONE
ACRE OR MORE IN AGGREGATE AREA
ADJOINING AND BEING CONTIGUOUS TO
ANY D-2 OR D-3 DISTRICT, INDICATED IN THE
LAND USE PLAN AS SUITABLE FOR PLANNED
EXTENSION OR MODERNIZATION, MAY
SUBMIT TO THE PLANNING COMMISSION FOR
ITS REVIEW A PRELIMINARY PLAN FOR
INTEGRATED COMMERCIAL DEVELOPMENT
THEREOF.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-119 GENERAL REQUIREMENTS AND
STANDARDS.~~

~~THE DEVELOPMENT PLAN SHALL MEET
SUBSTANTIALLY THE SAME REQUIREMENTS
AND STANDARDS AS STIPULATED IN THIS~~

~~CHAPTER FOR INTEGRATED SHOPPING
CENTERS, AND SHALL BE PROCESSED IN THE
SAME MANNER; PROVIDED, THAT PRIMARY
OR SECONDARY THOROUGHFARE FRONTAGE
SHALL NOT BE REQUIRED; AND PROVIDED
FURTHER, THAT PARKING AND LOADING
FACILITIES MAY BE INTEGRATED WITH ANY
EXISTING PARKING AND LOADING
FACILITIES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XXIII PLANNED INDUSTRIAL DISTRICTS~~

~~§ 50-120 SUBMISSION OF PRELIMINARY PLAN.~~

~~THE OWNER OF A TRACT OF UNDEVELOPED LAND OR LAND CLEARED FOR REDEVELOPMENT OF 20 ACRES OR MORE WHICH IS SUITED FOR LIGHT INDUSTRIAL DEVELOPMENT MAY SUBMIT TO THE PLANNING COMMISSION FOR ITS REVIEW A PRELIMINARY PLAN FOR THE USE AND DEVELOPMENT THEREOF FOR A PLANNED INDUSTRIAL DISTRICT REGARDLESS OF THE ZONING CLASSIFICATION OF SUCH TRACT AT THE TIME SUCH PLAN IS FILED.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-121 GENERAL CONDITIONS AND REQUIREMENTS.~~

~~IT SHALL BE THE DUTY OF THE PLANNING COMMISSION TO ASCERTAIN THAT THE PROPOSED PROJECT WILL COMPLY WITH THE FOLLOWING CONDITIONS:~~

~~INTEGRATED DESIGN. THAT THE PLAN PROVIDES FOR AN INDUSTRIAL DISTRICT CONSISTING OF SEVERAL BUILDINGS OR GROUPS OF BUILDINGS OF EFFICIENT AND HARMONIOUS DESIGN, TOGETHER WITH PROPERLY ARRANGED TRAFFICWAY, PARKING AND LOADING FACILITIES AND LANDSCAPING, SO ARRANGED AS TO CREATE AN ATTRACTIVE PROJECT READILY INTEGRATED WITH, AND FITTING HARMONIOUSLY INTO, ADJOINING OR SURROUNDING AREAS AND DEVELOPMENTS.~~

~~THOROUGHFARE ACCESS REQUIRED. THAT~~

~~THE INDUSTRIAL DISTRICT WILL ABUT A STREET DESIGNATED IN THE OFFICIAL MAJOR STREET PLAN AS A PRIMARY OR SECONDARY THOROUGHFARE, OR THAT DIRECT ACCESS TO SUCH STREET IS PROVIDED BY MEANS OF AN ACCEPTABLE INDUSTRIAL SERVICE STREET.~~

~~USES, DESIGN STANDARDS AND IMPROVEMENTS. THAT THE PROPOSED USES ACCORD WITH THE USES PERMITTED AND THAT THE LAYOUT OF THE PROPOSED INDUSTRIAL DISTRICT AND THE PROPOSED IMPROVEMENT REQUIREMENTS STIPULATED IN THIS CHAPTER.~~

~~APPLICANT. THE PLANNING COMMISSION SHALL BE SATISFIED THAT CONSTRUCTION WILL START WITHIN ONE YEAR OF APPROVAL AND A SUBSTANTIAL PART OF THE PROJECT WILL BE COMPLETED WITHIN A REASONABLE TIME LIMIT AS SPECIFIED BY THE PLANNING COMMISSION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-122 PERMITTED USES.~~

~~ANY USE PERMITTED AND AS REGULATED IN THE E AND F DISTRICTS, EXCEPT USES PROHIBITED THEREIN SHALL BE PERMITTED IN A PLANNED INDUSTRIAL DISTRICT; PROVIDED, THAT ANY DISTANCE REQUIREMENTS AND OTHER STANDARDS OF SUCH DISTRICTS MAY BE MODIFIED BY THE PLANNING COMMISSION IF, IN ITS JUDGMENT, OTHER SATISFACTORY ARRANGEMENTS ARE PROVIDED FOR WHICH, AMONG OTHER BENEFICIAL EFFECTS WILL AFFORD PROPERTIES, LOCATED IN THE ADJACENT ZONING DISTRICTS TO WHICH~~

~~SUCH DISTANCE REQUIREMENTS OR OTHER STANDARDS ARE PRIMARILY APPLICABLE, PROTECTION AGAINST POSSIBLE ADVERSE EFFECTS EQUIVALENT TO THE PROTECTION INTENDED TO BE PROVIDED BY MEANS OF SUCH DISTANCE REQUIREMENTS OR OTHER STANDARDS.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-123 PROHIBITED USES.~~

~~RESIDENTIAL AND RETAIL BUSINESS USES OF ANY KIND, EXCEPT WHEN ACCESSORY TO A PERMITTED PRINCIPAL USE, SHALL BE PROHIBITED IN A PLANNED INDUSTRIAL DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-124 GENERAL DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS.~~

~~THE FOLLOWING MINIMUM DESIGN STANDARDS SHALL BE OBSERVED IN A PLANNED INDUSTRIAL DISTRICT, AND THE OWNER OR DEVELOPER SHALL POST WITH THE PLANNING COMMISSION AN ADEQUATE SURETY BOND OR FURNISH OTHER KIND OF SURETY OR GUARANTEE, SATISFACTORY TO THE PLANNING COMMISSION, ASSURING AT THE EXPENSE OF THE OWNER OR DEVELOPER THE INSTALLATION OF IMPROVEMENTS SPECIFIED IN THE FOLLOWING:~~

~~*RIGHTS OF WAY AND PAVEMENTS.* ALL INTERIOR STREETS SHALL HAVE A RIGHT-OF-WAY WIDTH OF NOT LESS THAN 80 FEET, AND SHALL BE PROVIDED WITH ALL WEATHER PAVEMENT, CURB AND GUTTERS MEETING CITY SPECIFICATIONS.~~

~~*UTILITIES.* ALL NECESSARY UTILITIES SHALL BE INSTALLED MEETING CITY SPECIFICATIONS.~~

~~*OFF STREET PARKING.* EMPLOYEE PARKING, ONE SPACE FOR EACH TWO EMPLOYEES ON THE MAXIMUM SHIFT. VISITOR PARKING AT LEAST TEN SPACES PER PLANT.~~

~~*LOADING FACILITIES.* TO BE DETERMINED ACCORDING TO TYPE OF INDUSTRY; SHALL BE OFF STREET AND OF SUFFICIENT SIZE TO ACCOMMODATE NORMAL PEAK LOADS.~~

~~*PLANT VEHICLE STORAGE.* SUFFICIENT TO ACCOMMODATE OFF-STREET ALL PLANT VEHICLES.~~

~~*PAVING OFF STREET AREAS.* ALL OFF STREET PARKING, LOADING AND MANEUVERING AREAS SHALL BE SURFACED WITH HARD-SURFACE PAVEMENT.~~

~~*LOT AREA.* MINIMUM 20,000 SQUARE FEET.~~

~~*BUILDING HEIGHT LIMIT.* 35 FEET WITHIN 200 FEET OF ANY RESIDENCE DISTRICT.~~

~~*DISTANCE OF BUILDINGS FROM PROJECT BOUNDARY.* IF ADJOINING RESIDENCE DISTRICT, 100 FEET; IF ADJOINING D-BUSINESS DISTRICTS, 50 FEET.~~

~~*LANDSCAPING FOR UNSURFACED AREAS.* ALL UNPAVED AREAS SHALL BE LANDSCAPED SUBJECT TO PLANNING COMMISSION APPROVAL.~~

~~*GREENBELTS.* THE PROJECT AREAS SHALL BE ENCLOSED ON ALL SIDES BY A PLANTED STRIP AT LEAST 20 FEET WIDE OR OF SUCH GREATER WIDTH WHICH IN THE OPINION OF THE PLANNING COMMISSION MAY BE NECESSARY FOR THE ADEQUATE PROTECTION OF ADJOINING PREMISES. THE PLANT MATERIAL, SUBJECT TO PLANNING COMMISSION APPROVAL, SHALL HAVE INITIALLY A HEIGHT AND COMPACTNESS OF NOT MORE THAN 50% OF THE ULTIMATELY REQUIRED HEIGHT AND COMPACTNESS.~~

~~*OUTDOOR ADVERTISING.* SHALL BE PROHIBITED, EXCEPT THAT EACH INDUSTRY MAY HAVE SUITABLE IDENTIFYING SIGNS.~~

~~*ILLUMINATION.* LIGHTING FIXTURES SHALL BE SO INSTALLED AS TO REFLECT THE LIGHTS AWAY FROM ADJACENT PROPERTIES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-125 FINAL DEVELOPMENT PLAN.~~

~~UPON DETERMINATION BY THE PLANNING COMMISSION THAT THE PROPOSED PLANNED INDUSTRIAL DISTRICT AS SHOWN IN THE PRELIMINARY PLAN APPEARS TO CONFORM TO THE REQUIREMENTS IN THIS ARTICLE AND ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, THE PROPONENTS SHALL SUBMIT A FINAL DEVELOPMENT PLAN, WHICH PLAN SHALL INCORPORATE ANY CHANGE OR MODIFICATIONS REQUIRED BY THE PLANNING COMMISSION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-126 RECOMMENDATIONS TO CITY COUNCIL.~~

~~IF THE FINAL PLAN IS FOUND TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE, THE PLANNING COMMISSION SHALL SUBMIT SUCH PLAN, ITS REPORT AND RECOMMENDATIONS TO THE CITY COUNCIL, TOGETHER WITH AN APPLICATION BY THE PROPONENTS FOR THE NECESSARY APPROPRIATE CHANGE IN ZONING DISTRICT CLASSIFICATION OF THE SITE OF THE PROPOSED PLANNED INDUSTRIAL DISTRICT. THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING ON BOTH THE PLAN AND THE APPLICATION FOR ZONING DISTRICT CHANGE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-127 REZONING.~~

~~FOLLOWING THE PUBLIC HEARING, THE CITY COUNCIL MAY MODIFY THE PLAN, CONSISTENT WITH THE INTENT OF THIS CHAPTER, AND MAY CHANGE THE ZONING OF THE SITE TO THE APPROPRIATE ZONING DISTRICT CLARIFICATION; PROVIDED, THAT ALL PROCEDURES RELATIVE TO AMENDMENTS TO THIS CHAPTER SHALL BE FOLLOWED IN ALL CASES.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-128 ADJUSTMENTS FOLLOWING APPROVAL OF PLAN.~~

~~AFTER THE FINAL DEVELOPMENT PLAN HAS BEEN APPROVED BY THE CITY COUNCIL AND IN THE COURSE OF CARRYING OUT THE PLAN, MINOR ADJUSTMENTS AND REARRANGEMENTS OF BUILDINGS, SERVICE AREAS AND OTHER FEATURES REQUESTED BY THE DEVELOPERS MAY BE AUTHORIZED BY THE PLANNING COMMISSION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XXIV HEIGHT AND YARD
MODIFICATIONS~~

~~§ 50-129 HEIGHT LIMITATIONS NOT
APPLICABLE.~~

~~THE HEIGHT LIMITATIONS STIPULATED
ELSEWHERE IN THIS CHAPTER SHALL NOT
APPLY TO THE FOLLOWING:~~

~~FARM BUILDINGS, ARCHITECTURAL FEATURES,
ETC. BARNS, SILOS AND OTHER FARM
BUILDINGS OR STRUCTURES ON FARMS, TO
CHURCH SPIRES, BELFRIES, CUPOLAS AND
DOMES, MONUMENTS, WATER TOWERS, FIRE
AND HOSE TOWERS, OBSERVATION TOWERS,
TRANSMISSION TOWERS, WINDMILLS,
CHIMNEYS, SMOKESTACKS, FLAG POLES,
RADIO TOWERS, MASTS AND AERIALS; TO
PARAPET WALLS EXTENDING NOT MORE
THAN FOUR FEET ABOVE THE LIMITING
HEIGHT OF THE BUILDINGS, ETC.~~

~~PLACES OF PUBLIC ASSEMBLY. PLACES OF
PUBLIC ASSEMBLY IN CHURCHES, SCHOOLS
AND OTHER PERMITTED PUBLIC AND SEMI-
PUBLIC BUILDINGS, PROVIDED, THAT THESE
ARE LOCATED ON THE FIRST FLOOR OF SUCH
BUILDINGS AND PROVIDED THAT FOR EACH
THREE FEET BY WHICH THE HEIGHT OF SUCH
BUILDING EXCEEDS THE MAXIMUM HEIGHT
OTHERWISE PERMITTED 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.~~

~~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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2503,
PASSED 6-9-75)~~

~~§ 50-130 MINIMUM HEIGHT REQUIREMENTS.~~

~~ALL STRUCTURES LISTED IN § 50-129 ABOVE
THE HEIGHTS OTHERWISE PERMITTED IN THE
DISTRICT SHALL NOT OCCUPY MORE THAN
25% OF THE AREA OF THE LOT, AND UNLESS
MODIFIED BY THE BOARD, SHALL BE NOT
LESS THAN 50 FEET IN ALL PARTS FROM
EVERY LOT LINE NOT A STREET LOT LINE.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2503,
PASSED 6-9-75)~~

~~§ 50-131 EXCEPTIONS TO HEIGHT
REQUIREMENTS FOR D-1, D-2, D-3 AND D-6
DISTRICTS.~~

~~STRUCTURES IN D-1, D-2, D-3 AND D-6
DISTRICTS MAY BE BUILT TO A HEIGHT OF 35
FEET WHERE SUCH DISTRICTS ADJOIN A C-1
OR C-2 DISTRICT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2503,
PASSED 6-9-75)~~

~~§50-131.1 YARD MODIFICATIONS IN
COMMERCIAL AND MANUFACTURING
DISTRICTS.~~

~~IN ANY COMMERCIAL AND MANUFACTURING~~

~~DISTRICT WHERE THERE ARE FRONT YARDS OF EXISTING BUILDINGS IN THE SAME BLOCK FRONT WHICH ARE GREATER OR LESS THAN THE MINIMUM REQUIRED FRONT YARD FOR SUCH DISTRICT, THE REQUIRED FRONT YARD DEPTH SHALL BE MODIFIED AS FOLLOWS: THE FRONT YARD OF ANY BUILDING HEREAFTER ERECTED OR ALTERED ON A LOT IN SUCH A BLOCK FRONT WHICH IS LOCATED BETWEEN EXISTING BUILDINGS ON BOTH SIDES OF SAID LOT SHALL BE AS GREAT BUT NEED NOT BE GREATER THAN THAT OF A LINE DRAWN BETWEEN THE TWO NEAREST FRONT CORNERS OF THE EXISTING BUILDINGS ON EITHER SIDES. IN THE CASE WHERE THERE IS AN EXISTING BUILDING ON ONE SIDE ONLY, THE FRONT YARD OF SAID BUILDING TO BE ERECTED OR ALTERED SHALL BE AS GREAT BUT NEED NOT BE GREATER THAN THAT OF THE NEXT ADJOINING BUILDING; PROVIDED, HOWEVER, THAT WHERE FRONT YARDS SO MODIFIED ARE GREATER THAN THE REQUIRED MINIMUM FRONT YARD, THE FRONT YARD MAY BE FURTHER MODIFIED BY LESSENING THE FRONT YARD BY ONE FOOT FOR EACH TEN FEET BETWEEN THE NEAREST FRONT CORNERS OF THE PROPOSED BUILDING AND THE NEAREST ADJOINING BUILDING BUT IN NO CASE LESS THAN THE REQUIRED MINIMUM FRONT YARD AND PROVIDED FURTHER WHERE THE FRONT YARDS AS FIRST MODIFIED ARE LESS THAN THE REQUIRED MINIMUM FRONT YARD, THE FRONT YARD SHALL BE FURTHER MODIFIED BY INCREASING THE FRONT YARD BY ONE FOOT FOR EACH TEN FEET BETWEEN THE NEAREST ADJOINING EXISTING BUILDING UNTIL THE FRONT YARD EQUALS THE REQUIRED MINIMUM FRONT YARD.~~

~~THE ZONING BOARD OF APPEALS MAY, UPON APPLICATION FILED AS PROVIDED IN § 50-159(A), AUTHORIZE A FRONT YARD SETBACK WHICH IS LESS THAN THE FRONT YARD SETBACK AS MODIFIED BY THIS SECTION UPON A FINDING THAT THE REQUESTED FRONT YARD SETBACK DOES NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE SAME BLOCK FRONT, PROVIDED THE FRONT YARD SETBACK IS NOT LESS THAN THE REQUIRED MINIMUM FRONT YARD SETBACK. THE OWNERS OF THE RECORD OF ANY REAL PROPERTY IN THE SAME BLOCK FRONT SHALL BE NOTIFIED OF SUCH REQUEST IN THE SAME MANNER OF NOTIFICATION AS PROVIDED IN § 50-159(E).~~

~~(ORD. 2503, PASSED 6-9-75)~~

~~ARTICLE XXV OFF STREET PARKING AND
LOADING REGULATIONS~~

~~§ 50-132 OFF STREET LOADING SPACES
GENERALLY.~~

~~WHEN REQUIRED. IN ANY DISTRICT, IN
CONNECTION WITH EVERY BUILDING OR
PART THEREOF ERECTED AFTER APRIL 26,
1968, AND HAVING A GROSS FLOOR AREA OF
10,000 SQUARE FEET OR MORE, WHICH IS TO
BE OCCUPIED BY MANUFACTURING,
STORAGE, WAREHOUSE, GOODS DISPLAY,
RETAIL STORE, WHOLESALE STORE, MARKET,
HOTEL, HOSPITAL, MORTUARY, LAUNDRY,
DRY CLEANING OR OTHER USES SIMILARLY
REQUIRING RECEIVING OR DISTRIBUTION BY
VEHICLES OF MATERIAL OR MERCHANDISE,
THERE SHALL BE PROVIDED AND
MAINTAINED, ON THE SAME LOT WITH SUCH
BUILDING, AT LEAST ONE OFF STREET
LOADING SPACE PLUS ONE ADDITIONAL
SUCH LOADING SPACE FOR EACH 20,000
SQUARE FEET OR MAJOR FRACTION THEREOF
OF GROSS FLOOR AREA SO USED IN EXCESS
OF 20,000 SQUARE FEET.~~

~~DIMENSIONS. EACH LOADING SPACE SHALL
BE NOT LESS THAN TEN FEET IN WIDTH, 25
FEET IN LENGTH AND 14 FEET IN HEIGHT.
ANY SPACE THAT IS 50 FEET OR GREATER IN
LENGTH MAY BE COUNTED AS ONE AND ONE-
HALF LOADING SPACES.~~

~~MAY OCCUPY YARD. SUCH SPACE MAY
OCCUPY ALL OR ANY PART OF ANY
REQUIRED YARD.~~

~~DISTANCE FROM RESIDENCE DISTRICT. NO
SUCH SPACE SHALL BE CLOSER THAN 50 FEET
TO ANY OTHER LOT LOCATED IN ANY
RESIDENCE DISTRICT, UNLESS WHOLLY~~

~~WITHIN A COMPLETELY ENCLOSED BUILDING
OR UNLESS ENCLOSED ON ALL SIDES
ADJACENT TO OR DIRECTLY ACROSS THE
STREET FROM ANY RESIDENCE DISTRICT, BY
A SOLID WALL OR UNIFORMLY PAINTED
SOLID BOARD FENCE, OR A CHAIN LINK
FENCE WITH A SIX FOOT PLANTING BUFFER
MAINTAINED IN A HEALTHY CONDITION.
SUCH WALLS OR FENCES SHALL NOT BE LESS
THAN SIX FEET IN HEIGHT.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-133 OFF STREET PARKING SPACES
GENERALLY.~~

~~WHEN REQUIRED. IN ALL DISTRICTS, EXCEPT
THE D-4 DISTRICT, IN CONNECTION WITH
EVERY INDUSTRIAL, BUSINESS,
INSTITUTIONAL, RECREATIONAL,
RESIDENTIAL OR ANY OTHER USE, THERE
SHALL BE PROVIDED AT THE TIME ANY
BUILDING OR STRUCTURE IS ERECTED OR IS
ENLARGED OR INCREASED IN CAPACITY, OFF-
STREET PARKING SPACES FOR AUTOMOBILES
IN ACCORDANCE WITH THE REQUIREMENTS
HEREIN.~~

~~MINIMUM SIZE. PARKING SPACES THAT ARE
NOT DESIGNATED FOR HANDICAPPED
PARKING OR LOADING ZONES SHALL BE AT
LEAST 9 FEET WIDE AND 20 FEET LONG.
HANDICAPPED PARKING SPACES SHALL MEET
THE REQUIREMENTS OF THE "AMERICANS
WITH DISABILITIES ACT" (42 USC §§12101 ET
SEQ).~~

~~ACCESS. THERE SHALL BE ADEQUATE
PROVISION FOR INGRESS AND EGRESS TO
AND FROM ALL PARKING SPACES. NO
DRIVEWAY ON PUBLIC PROPERTY SHALL
EXCEED 40 FEET IN WIDTH WHERE IT~~

~~CROSSES THE PUBLIC SIDEWALK AND SHALL NOT EXCEED 65 FEET IN WIDTH ALONG THE CURBLINE. WHENEVER MORE THAN ONE DRIVEWAY IS CONSTRUCTED FROM ANY ONE STREET OVER PUBLIC PROPERTY, SUCH DRIVEWAY SHALL BE SEPARATED BY AN INTERVENING RAISED SPACE OR RAISED ISLAND NOT LESS THAN SIX INCHES HIGH LOCATED BETWEEN THE WALK AND THE CURBLINE OF NOT LESS THAN 40 FEET IN WIDTH PARALLEL TO THE PUBLIC WALK OR RIGHT OF WAY. THIS REQUIREMENT MAY BE REDUCED IN B, B-1 AND C-1 DISTRICTS. WHERE A LOT DOES NOT ABUT ON A PUBLIC OR PRIVATE RIGHT OF WAY OR EASEMENT OF ACCESS, THERE SHALL BE PROVIDED AN ACCESS DRIVE NOT LESS THAN 8 FEET IN WIDTH IN THE CASE OF A DWELLING, AND NOT LESS THAN 18 FEET IN WIDTH IN ALL OTHER CASES, UNLESS USED FOR EITHER INGRESS OR EGRESS ONLY, LEADING TO THE PARKING OR STORAGE AREAS OR LOADING AND UNLOADING SPACES REQUIRED HEREUNDER IN SUCH MANNER AS TO SECURE THE MOST APPROPRIATE DEVELOPMENT OF THE PROPERTY IN QUESTION. EXCEPT WHERE PROVIDED IN CONNECTION WITH A USE PERMITTED IN A RESIDENCE DISTRICT, SUCH EASEMENT OF ACCESS OR ACCESS DRIVE SHALL NOT BE LOCATED IN ANY RESIDENCE DISTRICT.~~

~~TYPE. PARKING SPACES FOR ALL TYPES OF USES MAY BE PROVIDED EITHER IN GARAGES OR PARKING AREAS CONFORMING WITH THE PROVISIONS OF THIS CHAPTER.~~

~~TRAFFIC ENGINEERING REVIEW. THE TRAFFIC ENGINEER OF THE CITY SHALL REVIEW ALL SITE PLANS FOR DEVELOPMENTS IN ALL DISTRICTS AND MAY ALLOW DRIVEWAY~~

~~DIMENSIONS LARGER THAN STATED BEFORE, FOR PARTICULAR TRAFFIC OR CIRCULATION CONDITIONS.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2845, PASSED 7-26-82; AM. ORD. _____, PASSED ____-____-05)~~

~~§ 50-134 LOCATION OF PARKING LOTS OR STRUCTURES.~~

~~OFF STREET PARKING LOTS OR STRUCTURES SHALL BE LOCATED AS HEREINAFTER SPECIFIED. WHERE A DISTANCE IS SPECIFIED, SUCH DISTANCE SHALL BE THE AVERAGE WALKING DISTANCE MEASURED FROM THE NEAREST POINT IN THE PARKING LOT OR STRUCTURE TO THE NEAREST POINT OF THE BUILDING THAT SUCH LOT OR STRUCTURE IS REQUIRED TO SERVE:~~

~~FOR ONE AND TWO FAMILY DWELLINGS. PARKING SPACES TO MEET THE MINIMUM REQUIREMENTS OF THIS CHAPTER SHALL BE LOCATED ON THE SAME LOT WITH THE BUILDING THEY ARE REQUIRED TO SERVE, BUT NOT IN THE REQUIRED FRONT OR SIDE STREET SETBACK AREA.~~

~~THE WIDTH OF SAID PARKING STRIP, APRON OR DRIVEWAY SHALL NOT EXCEED TEN FEET; HOWEVER,~~

~~IF A GARAGE OR CARPORT IS ATTACHED TO THE PRINCIPAL STRUCTURE, THE WIDTH OF THE PARKING STRIP, APRON OR DRIVEWAY SHALL NOT EXCEED THE WIDTH OF SAID GARAGE OR CARPORT;~~

~~IF A GARAGE OR CARPORT IS DETACHED FROM THE PRINCIPAL STRUCTURE, AND ACCESS IS PROVIDED FROM A SIDE STREET, THE WIDTH OF THE PARKING STRIP, APRON OR DRIVEWAY SHALL NOT EXCEED THE~~

~~WIDTH OF SAID GARAGE OR CARPORT.~~

~~THESE PROVISIONS SHALL NOT APPLY TO LOT WIDTHS OF 80 FEET OR MORE.~~

~~FOR MULTIPLE DWELLINGS. NOT MORE THAN 200 FEET FROM THE BUILDING THEY ARE REQUIRED TO SERVE, AND NOT IN THE FRONT OR SIDE STREET SETBACK AREA. IN THE REQUIRED FRONT OR SIDE STREET SETBACK AREAS ALL PARKING SPACES SHALL CONSIST OF A PARKING STRIP, APRON OR DRIVEWAY:~~

~~THE WIDTH OF SAID PARKING STRIP, APRONS OR DRIVEWAY SHALL NOT EXCEED TEN FEET; HOWEVER,~~

~~IF A GARAGE OR CARPORT IS ATTACHED TO THE PRINCIPAL STRUCTURE, THE WIDTH OF THE PARKING STRIP, APRON OR DRIVEWAY SHALL NOT EXCEED THE WIDTH OF SAID GARAGE OR CARPORT;~~

~~IF A GARAGE OR CARPORT IS DETACHED FROM THE PRINCIPAL STRUCTURE, AND ACCESS IS PROVIDED FROM A SIDE STREET, THE WIDTH OF THE PARKING STRIP, APRON OR DRIVEWAY SHALL NOT EXCEED THE WIDTH OF SAID GARAGE OR CARPORT.~~

~~THESE PROVISIONS SHALL NOT APPLY TO LOT WIDTHS OF 80 FEET OR MORE.~~

~~FOR COMMERCIAL AND INSTITUTIONAL USE. FOR HOSPITALS, SANITARIUMS, ASYLUMS, ORPHANAGES, ROOMING HOUSES, LODGING HOUSES, CLUBROOMS, FRATERNITY AND SORORITY HOUSES AND SIMILAR INSTITUTIONS, NOT MORE THAN 300 FEET FROM THE BUILDING THEY ARE REQUIRED TO SERVE.~~

~~FOR OTHER USES. FOR USES OTHER THAN THOSE SPECIFIED ABOVE, NOT MORE THAN 1,000 FEET FROM THE BUILDING THEY ARE~~

~~INTENDED TO SERVE.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3274, PASSED 4-25-94)~~

~~§ 50-135 UNITS OF MEASUREMENT.~~

~~FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING UNITS OF MEASUREMENT SHALL APPLY:~~

~~FLOOR AREA. IN THE CASE OF OFFICES, MERCHANDISING OR SERVICE TYPES OF USES, THE TERM FLOOR AREA SHALL MEAN THE GROSS FLOOR AREA USED OR INTENDED TO BE USED BY TENANTS, OR FOR SERVICE TO THE PUBLIC AS CUSTOMERS, PATRONS, CLIENTS OR PATIENTS, BUT NOT INCLUDING AREAS OCCUPIED BY FIXTURES AND EQUIPMENT USED PRINCIPALLY FOR NONPUBLIC PURPOSE SUCH AS STORAGE INCIDENTAL REPAIR, PROCESSING OR PACKAGING OF MERCHANDISE, FOR SHOW WINDOWS, FOR OFFICES INCIDENTAL TO THE MANAGEMENT OR MAINTENANCE OF STORES OR BUILDINGS, FOR TOILET OR RESTROOMS, FOR UTILITY ROOMS OR FOR DRESSING ROOMS, FITTING OR ALTERATION ROOMS.~~

~~HOSPITAL BASSINETS. IN HOSPITALS, BASSINETS SHALL NOT BE COUNTED AS BEDS.~~

~~PLACES OF PUBLIC ASSEMBLY. IN STADIUMS, SPORTS ARENAS, CHURCHES AND OTHER PLACES OF PUBLIC ASSEMBLY IN WHICH PATRONS OR SPECTATORS OCCUPY BENCHES, PEWS OR OTHER SIMILAR SEATING FACILITIES, EACH 20 INCHES OF SUCH SEATING FACILITIES SHALL BE COUNTED AS ONE SEAT FOR THE PURPOSE OF DETERMINING REQUIREMENTS FOR OFF-STREET PARKING FACILITIES UNDER THIS~~

~~ARTICLE.~~

~~FRACTIONS. WHEN UNITS OF MEASUREMENT DETERMINING NUMBER OF REQUIRED PARKING SPACES RESULT IN REQUIREMENT OF A FRACTIONAL SPACE, ANY FRACTION UP TO AND INCLUDING ONE HALF SHALL BE DISREGARDED AND FRACTIONS OVER ONE HALF SHALL REQUIRE ONE PARKING SPACE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-136 ADDITIONS AND ENLARGEMENTS TO USES; MIXED OCCUPANCIES; REQUIREMENTS FOR NOT SPECIFIED USES.~~

~~WHENEVER IN ANY BUILDING THERE IS A CHANGE IN USE, OR AN INCREASE IN FLOOR AREA OR IN THE NUMBER OF EMPLOYEES OR OTHER UNIT OF MEASUREMENT HEREAFTER SPECIFIED TO INDICATE THE NUMBER OF REQUIRED OFF STREET PARKING SPACES, AND SUCH CHANGE OR INCREASE CREATES A NEED FOR AN INCREASE OF MORE THAN 10% IN THE NUMBER OF OFF STREET PARKING SPACES AS DETERMINED BY THE REQUIREMENTS OF THIS ARTICLE, ADDITIONAL OFF STREET PARKING SPACES SHALL BE PROVIDED ON THE BASIS OF THE INCREASED REQUIREMENTS OF THE NEW USE, OR ON THE BASIS OF THE INCREASE IN FLOOR AREA OR IN NUMBER OF EMPLOYEES OR IN OTHER UNIT OF MEASUREMENT; PROVIDED, THAT IN CASE A CHANGE IN USE CREATES A NEED FOR AN INCREASE OF LESS THAN FIVE OFF STREET PARKING SPACES, NO ADDITIONAL PARKING FACILITIES SHALL BE REQUIRED. ADDITIONS OR EXPANSION SHALL BE ACCUMULATIVE AND SHALL REQUIRE ADDITIONAL SPACES WHEN THE TOTAL REQUIREMENT IS 10% OR MORE.~~

~~IN THE CASE OF MIXED USES, THE TOTAL REQUIREMENTS FOR OFF STREET PARKING FACILITIES SHALL BE THE SUM OF THE REQUIREMENTS FOR THE VARIOUS USES COMPUTED SEPARATELY. IN THE CASE OF A USE NOT SPECIFICALLY MENTIONED IN THIS ARTICLE, THE REQUIREMENTS FOR OFF STREET PARKING FACILITIES FOR A USE WHICH IS SO MENTIONED, AND TO WHICH SUCH USE IS SIMILAR, SHALL APPLY. OFF STREET PARKING FACILITIES FOR ONE USE SHALL NOT BE CONSIDERED AS PROVIDING REQUIRED PARKING FACILITIES FOR ANY OTHER USE, EXCEPT AS SPECIFIED IN THIS ARTICLE FOR JOINT USE.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-137 COLLECTIVE PROVIDING OF OFF-STREET PARKING SPACES.~~

~~NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PREVENT THE COLLECTIVE PROVISION OF OFF-STREET PARKING FACILITIES FOR TWO OR MORE BUILDINGS OR USES; PROVIDED, THAT THE TOTAL OF SUCH OFF-STREET PARKING SPACES SUPPLIED COLLECTIVELY SHALL NOT BE LESS THAN THE SUM OF THE REQUIREMENTS FOR THE VARIOUS USES COMPUTED SEPARATELY; PROVIDED FURTHER, THAT THE REQUIREMENTS SET FORTH IN THIS ARTICLE AS TO MAXIMUM DISTANCES BETWEEN PARKING AREAS AND ESTABLISHMENTS SERVED SHALL APPLY TO EACH SUCH ESTABLISHMENT PARTICIPATING IN THE COLLECTIVE PROVISIONS OF PARKING.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-138 JOINT USE OF FACILITIES.~~

~~NOT MORE THAN 50% OF THE OFF-STREET PARKING FACILITIES REQUIRED UNDER THIS ARTICLE FOR A THEATER, BOWLING ALLEY, DANCE HALL OR AN ESTABLISHMENT FOR THE SALE AND CONSUMPTION ON THE PREMISES OF FOOD, ALCOHOLIC BEVERAGES OR REFRESHMENTS, AND UP TO 100% OF SUCH FACILITIES REQUIRED FOR A CHURCH OR AN AUDITORIUM INCIDENTAL TO A PUBLIC OR PAROCHIAL SCHOOL, MAY BE SUPPLIED BY OFF-STREET PARKING FACILITIES PROVIDED FOR CERTAIN OTHER KINDS OF BUILDINGS OR USES, SPECIFIED IN SUBSECTION (B) OF THIS SECTION, WHICH~~

~~ARE NOT NORMALLY OPEN, USED OR OPERATED DURING THE PRINCIPAL OPERATING HOURS OF THEATERS, CHURCHES, OR THE ESTABLISHMENTS AFORESAID; AND NOT MORE THAN 50% OF THE OFF-STREET PARKING FACILITIES REQUIRED UNDER THIS SECTION, MAY BE SUPPLIED BY SUCH FACILITIES PROVIDED FOR THEATERS, CHURCHES OR OTHER ESTABLISHMENTS AFORESAID; PROVIDED, THAT THE PROPERLY DRAWN LEGAL INSTRUMENT IS EXECUTED BY THE PARTIES, WHICH INSTRUMENT, DULY APPROVED AS TO FORM AND MANNER OF EXECUTION BY THE CITY ATTORNEY, SHALL BE FILED WITH THE APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.~~

~~BUILDINGS OR USES NOT NORMALLY OPEN, USED OR OPERATED DURING THE PRINCIPAL OPERATING HOURS OF THEATERS, CHURCHES OR OTHER OF THE AFORESAID ESTABLISHMENTS, ARE DEFINED AS BANKS, BUSINESS OFFICES, RETAIL STORES, PERSONAL SERVICE SHOPS, HOUSEHOLD EQUIPMENT OR FURNITURE SHOPS, CLOTHING OR SHOE REPAIR OR SERVICE SHOPS, MANUFACTURING BUILDINGS, AND SIMILAR USES.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2310, PASSED 1-17-72)~~

~~§ 50-139 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.~~

~~THE FOLLOWING IS THE SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES:~~

USE	PARKING SPACES REQUIRED
AUTOMOBILE OR MACHINERY SALES AND SERVICE GARAGES	1 FOR EACH 800 SQ. FT. FLOOR AREA
BANKS, BUSINESS AND PROFESSIONAL OFFICES	1 FOR EACH 300 SQ. FT. FLOOR AREA
BEAUTY PARLORS OR BARBERSHOPS	3 SPACES FOR EACH OF THE FIRST TWO BEAUTY OR BARBER CHAIRS AND ONE SPACE FOR EACH ADDITIONAL CHAIR
BOWLING ALLEYS	6 FOR EACH ALLEY
BUSINESS, PROFESSIONAL OR TRADE SCHOOLS	1 FOR EACH 200 SQ. FT. FLOOR AREA
CHURCHES AND K-12 SCHOOLS	1 FOR EACH 6 SEATS IN AN AUDITORIUM OR NAVE OR 1 FOR EACH 17 CLASSROOM SEATS
USE	PARKING SPACES REQUIRED
DANCE HALLS AND ASSEMBLY HALLS WITHOUT FIXED SEATS; EXHIBITION HALLS, EXCEPT CHURCH ASSEMBLY ROOMS IN CONJUNCTION WITH AUDITORIUM	1 FOR EACH 100 SQ. FT. OF FLOOR AREA USED FOR ASSEMBLY OR DANCING
DWELLINGS, INCLUDING MULTIPLE DWELLINGS AND APARTMENT HOTELS	1 FOR EACH DWELLING UNIT

FEDERALLY AND STATE ASSISTED HOUSING FOR THE ELDERLY	1 FOR EACH 2 DWELLING UNITS; PROVIDED, THAT SUFFICIENT LAND AREA BE RESERVED IN THE SITE PLAN FOR FUTURE CONVERSION TO A 1 FOR EACH DWELLING UNIT RATIO
FRATERNITY HOUSES, SORORITY HOUSES, BOARDING HOUSES, LODGING HOUSES AND OTHER COLLECTIVE RESIDENTIAL USES NOT MEETING THE DEFINITION OF "FAMILY," "HOUSEKEEPING UNIT" AND "DWELLING UNIT"	1 SPACE FOR EACH OCCUPANT
FUNERAL HOMES, MORTUARIES	4 FOR EACH PARLOR OR 1 FOR EACH 50 SQ. FT. OF FLOOR AREA, WHICHEVER IS GREATER
FURNITURE AND APPLIANCE STORES, HOUSEHOLD EQUIPMENT OR FURNITURE REPAIR SHOP	1 FOR EACH 400 SQ. FT. OF FLOOR AREA
HOSPITALS	1 FOR EACH 2 BEDS PLUS 1 SPACE FOR EACH 5 STAFF DOCTORS AND 1 SPACE FOR EACH 3 EMPLOYEES ON MAXIMUM SHIFT
HOTELS	1 FOR EACH 2 BEDROOMS
LIBRARIES, MUSEUMS OR ART GALLERIES	1 FOR EACH 500 SQ. FT. OF FLOOR SPACE
MANUFACTURING PLANTS, RESEARCH OR TESTING LABORATORIES, BOTTLING PLANTS	5 PLUS 1 FOR EACH 3 EMPLOYEES ON THE MAXIMUM WORKING SHIFT

MEDICAL OR DENTAL CLINICS, PROFESSIONAL OFFICES OF DOCTORS, DENTISTS OR SIMILAR PROFESSIONS	1 FOR EACH 200 SQ. FT. OF FLOOR AREA PLUS 2 FOR EACH DOCTOR
MOTELS AND MOTOR HOTELS	1 FOR EACH LIVING OR SLEEPING UNIT
RESTAURANTS, BEER PARLORS AND NIGHTCLUBS, BARS, HALLS FOR HIRE, CLUBS, LODGES AND MEETING PLACES, AND USES WHERE ALCOHOLIC BEVERAGES ARE AVAILABLE FOR SALE AND CONSUMPTION ON PREMISES	1 FOR EACH 4 PERSONS ALLOWED WITHIN THE MAXIMUM LOAD AS ESTABLISHED, BY LOCAL OR STATE FIRE, BUILDING, OR HEALTH CODES AND 1 FOR EACH EMPLOYEE ON MAXIMUM SHIFT
RETAIL STORES, SHOPS, ETC.	1 FOR EACH 150 SQ. FT. OF FLOOR AREA
SANITARIUMS, CONVALESCENT HOMES, NURSING HOMES, CHILDREN'S HOMES	1 FOR EACH 6 BEDS
SPORTS ARENAS, AUDITORIUMS, THEATERS	1 FOR EACH 4 SEATS
WHOLESALE ESTABLISHMENTS OR WAREHOUSES	5 PLUS 1 FOR EACH 3 EMPLOYEES ON MAXIMUM SHIFT

IN CASE OF ANY BUILDING, STRUCTURE OR
PREMISES THE USE OF WHICH IS NOT
SPECIFICALLY MENTIONED HEREIN, THE
PROVISIONS FOR A USE WHICH IS SO
MENTIONED AND TO WHICH SUCH USE IS
SIMILAR SHALL APPLY.

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2310, PASSED 1-17-72; AM. ORD. 2972, PASSED 9-23-85;
AM. ORD. 3015, PASSED 11-10-86)~~

~~§ 50-140 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.~~

~~EVERY PARCEL OF LAND HEREAFTER USED AS A PUBLIC OR PRIVATE PARKING AREA, INCLUDING COMMERCIAL PARKING LOTS, RESTRICTED ACCESSORY PARKING LOTS IN RESIDENCE DISTRICTS, AND AUTOMOBILE OR TRAILER SALES LOTS, SHALL BE DEVELOPED AND MAINTAINED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:~~

~~SCREENING AND LANDSCAPING.~~

~~OFF-STREET PARKING AREAS FOR MORE THAN FIVE VEHICLES SHALL BE EFFECTIVELY SCREENED ON EACH SIDE WHICH ADJOINS OR FACES ANY RESIDENCE DISTRICT OR INSTITUTIONAL USE, EXCEPT FOR NECESSARY ENTRANCES AND EXITS, BY:~~

~~A MASONRY WALL OF ACCEPTABLE DESIGN; OR~~

~~A SOLID FENCE OF ACCEPTABLE DESIGN; OR~~

~~A PLANTING BUFFER, MAINTAINED IN A HEALTHY CONDITION OF ACCEPTABLE DESIGN AND SPECIES TO EFFECTIVELY SCREEN THE PARKING FROM THE RESIDENCE DISTRICT OR INSTITUTIONAL USE. THE PLANTING BUFFER SHALL BE PLANTED AND ARRANGED IN SUCH A WAY AS TO PRODUCE 80% OR MORE CONTINUING CAPACITY, BEGINNING NO LATER THAN FOUR YEARS AFTER PLANTING, WHEN VIEWED HORIZONTALLY FROM BETWEEN GROUND~~

~~LEVEL AND FOUR FEET ABOVE THE GROUND OR THREE FEET ABOVE THE GROUND FRONT AND SIDE STREET SETBACKS. THE PLANT MATERIAL AND DESIGN SHALL BE REVIEWED AND APPROVED BY A CITY STAFF LANDSCAPE ARCHITECT AS BEING ADEQUATE TO PRODUCE THE NECESSARY SCREENING EFFECT. THE PLANNING COMMISSION, ZONING BOARD OF APPEALS OR DIRECTOR OF BUILDING AND SAFETY INSPECTION MAY REQUIRE A CHAIN LINK FENCE IN ADDITION TO A PLANTING, TO PREVENT DEBRIS FROM BLOWING INTO ADJACENT AREAS.~~

~~ALL WALLS, FENCES OR PLANTING BUFFERS SHALL BE PROTECTED FROM VEHICLE DAMAGE BY BILLIARDS, GUARDRAILS OR CURBING OF ACCEPTABLE DESIGN.~~

~~ALONG THE FRONT OR SIDE STREET FRONTAGE, THE WALLS, FENCES OR PLANTING BUFFERS SHALL BE NO MORE THAN THREE FEET IN HEIGHT, TO INSURE ADEQUATE SIGHT DISTANCE. ALONG INTERIOR LOT LINES, THE WALLS, FENCES OR PLANTING BUFFERS SHALL BE BETWEEN FOUR AND SIX FEET IN HEIGHT AND MAINTAINED IN A HEALTHY CONDITION.~~

~~ONE TREE SHALL BE PLANTED IN THE REQUIRED SETBACK FOR EACH 50 LINEAR FEET, OR FRACTION THEREOF, OF FRONT OR SIDE STREET FRONTAGE. FRONT AND SIDE STREET FRONTAGE ARE TO BE COMPUTED SEPARATELY. THE TREES SHALL HAVE A CLEAR TRUNK OF AT LEAST FIVE FEET AND BE OF ACCEPTABLE SPECIES AS APPROVED BY THE CITY'S FORESTRY DIVISION.~~

~~THE AREA, IF ANY, BETWEEN SUCH WALLS OR FENCES AND THE NEAREST SIDE OR FRONT LOT LINE OR ANY UNPAVED AREA~~

~~SHALL BE PLANTED WITH GRASS, HARDY SHRUBS OR EVERGREEN GROUND COVER AND MAINTAINED IN A HEALTHY CONDITION. WALLS AND FENCES SHALL NOT CONTAIN SIGNING OR ADVERTISING, EXCEPT FOR NECESSARY DIRECTIONAL SIGNS.~~

~~ACCESS. OFF-STREET PARKING AREAS FOR FIVE OR MORE VEHICLES SHALL BE DESIGNED SO ALL VEHICLES MAY ENTER AND EXIT ADJOINING STREETS AND OTHER PUBLIC RIGHTS OF WAY IN A FORWARD MOTION.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2845, PASSED 7-26-82)~~

~~§ 50-141 MINIMUM DISTANCES AND SETBACKS; SURFACING AND LIGHTING OF PARKING AREAS.~~

~~NO PARKING IN ANY PARKING AREAS FOR MORE THAN FIVE VEHICLES SHALL BE CLOSER THAN TEN FEET TO ANY DWELLING, SCHOOL, HOSPITAL OR OTHER INSTITUTION FOR HUMAN CARE LOCATED ON AN ADJOINING LOT, UNLESS SCREENED BY AN UNPIERCED MASONRY WALL. IF IN A RESIDENCE DISTRICT OR ADJOINING A RESIDENCE DISTRICT, THAT PART OF THE PARKING AREA WITHIN 25 FEET OF ANY RESIDENCE DISTRICT SHALL NOT BE LOCATED WITHIN THE FRONT OR SIDE YARD SETBACK, AS ESTABLISHED BY THE ADJOINING STRUCTURE, BUT SHALL NOT EXCEED 25 FEET. THIS SETBACK AREA SHALL BE DEVELOPED AS A PLANTING BUFFER AREA AND SHALL NOT PERMIT DRIVES OR OTHER PAVING. IN COMMERCIAL OR INDUSTRIAL DISTRICTS, NO PAVING~~

~~SHALL BE CLOSER THAN SEVEN FEET TO THE STREET RIGHT-OF-WAY LINE, EXCEPT FOR NECESSARY ENTRANCES AND EXITS. IN RESIDENTIAL DISTRICTS NO PAVING SHALL BE CLOSER THAN TEN FEET TO THE STREET RIGHT OF WAY LINE, EXCEPT FOR NECESSARY ENTRANCES AND EXITS.~~

~~ANY OFF-STREET PARKING AREA FOR MORE THAN FIVE VEHICLES SHALL BE SURFACED WITH AN ASPHALTIC OR PORTLAND BINDER PAVEMENT, SO AS TO PROVIDE A DURABLE AND DUSTLESS SURFACE; SHALL BE SO GRADED AND DRAINED AS TO DISPOSE OF ALL SURFACE WATER, AS REQUIRED BY THE CITY PLUMBING CODE, ACCUMULATED WITHIN THE AREA; AND SHALL SO BE ARRANGED AND MARKED AS TO PROVIDE FOR ORDERLY AND SAFE LOADING OR UNLOADING AND PARKING AND STORAGE OF SELF-PROPELLED VEHICLES. THE FOREGOING REQUIREMENTS WITH RESPECT TO SURFACING SHALL NOT APPLY TO A PARKING AREA IN AN E, F OR G DISTRICT IF MORE THAN 200 FEET FROM ANY RESIDENCE DISTRICT, EXCEPT THAT A DUSTLESS SURFACE SHALL BE PROVIDED IN ANY CASE.~~

~~ANY LIGHTING USED TO ILLUMINATE ANY OFF-STREET PARKING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJOINING PREMISES IN ANY RESIDENCE DISTRICT. SEE ALSO APPENDIX: COMPILED ILLUSTRATIONS, ILLUSTRATION 50-134 50-142, "TYPICAL PARKING REGULATIONS ABUTTING RESIDENCE DISTRICTS."~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2845, PASSED 7-26-85)~~

~~§ 50-142 MODIFICATION OF REQUIREMENTS OF ARTICLE.~~

~~THE BOARD OF APPEALS MAY AUTHORIZE AN APPEAL, A MODIFICATION, REDUCTION OR WAIVER OF THE REQUIREMENTS OF THIS ARTICLE, IF IT SHOULD FIND THAT, IN THE PARTICULAR CASE APPEALED THE PECULIAR NATURE OF THE RESIDENTIAL, BUSINESS, TRADE, INDUSTRIAL OR OTHER USE, OR THE EXCEPTIONAL SHAPE OR SIZE OF THE PROPERTY OR OTHER EXCEPTIONAL SITUATIONS OR CONDITION, WOULD JUSTIFY SUCH ACTION.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XXV A. SIGNS ALONG FREEWAYS~~

~~§50-142.1 DEFINITIONS.~~

~~FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:~~

~~*APPLICABLE REGULATIONS.* ANY PERTINENT ZONING, BUILDING OR OTHER REGULATIONS IN EFFECT IN THE CITY.~~

~~*ERECT.* TO CONSTRUCT, BUILD, REBUILD (IF MORE THAN 50% OF THE STRUCTURAL MEMBERS INVOLVED), RELOCATE, RAISE, ASSEMBLE, PLACE, AFFIX, ATTACH, PAINT, DRAW OR IN ANY OTHER MANNER BRING INTO BEING OR ESTABLISH.~~

~~*FREEWAY.* LIMITED ACCESS RIGHTS OF WAY AND FACILITIES AND RELATED APPROACHES, VIADUCTS, BRIDGES AND INTERCHANGE FACILITIES AND SERVICE ROADS, AND ANY PORTION OF THE INTERSTATE HIGHWAY SYSTEM, NOW EXISTING OR AS MAY BE~~

~~LATER CONSTRUCTED OR DESIGNATED.~~

~~*OUTDOOR ADVERTISING.* ANY SIGN WHICH IS USED FOR ANY PURPOSE OTHER THAN THAT OF ADVERTISING ANY ACTIVITY, COMMODITY, SERVICE OR ENTERTAINMENT PRIMARILY SOLD, OFFERED, MANUFACTURED, PROCESSED OR FABRICATED ON THE PREMISES.~~

~~*POINT OF SALE SIGN.* ANY SIGN ADVERTISING OR DESIGNATING THE USE, OCCUPANT OF THE PREMISES, OR MERCHANDISE OR PRODUCTS SOLD ON THE PREMISES OR AN ACTIVITY, COMMODITY, SERVICE OR ENTERTAINMENT PRIMARILY SOLD, OFFERED, MANUFACTURED, PROCESSED OR FABRICATED ON THE PREMISES.~~

~~*PROTECTED AREAS.* ALL PROPERTY IN THE CITY WITHIN 600 FEET OF THE RIGHT-OF-WAY OF ANY FREEWAY RIGHT-OF-WAY.~~

~~*SIGN.* ANY DISPLAY OR CHARACTERS, LETTERS, ILLUSTRATIONS OR ANY ORNAMENTATION DESIGNATED OR USED AS AN ADVERTISEMENT, ANNOUNCEMENT OR TO INDICATE DIRECTION.~~

~~*TEMPORARY SIGN.* SIGNS TO BE ERECTED ON A TEMPORARY BASIS, SUCH AS SIGNS ADVERTISING THE SALE OR RENTAL OF THE PREMISES ON WHICH LOCATED; SIGNS, ADVERTISING A SUBDIVISION OF PROPERTY; SIGNS ADVERTISING CONSTRUCTION ACTUALLY BEING DONE ON PREMISES ON WHICH THE SIGN IS LOCATED; SIGNS ADVERTISING FUTURE CONSTRUCTION TO BE DONE ON THE PREMISES ON WHICH THE SIGN IS LOCATED; AND SPECIAL EVENTS, SUCH AS PUBLIC MEETINGS, SPORTING EVENTS, POLITICAL CAMPAIGNS OR EVENTS OF A SIMILAR NATURE.~~

~~(ORD. 2272, PASSED 6-21-71; AM. ORD. 3047, PASSED 10-12-87)~~

~~§50-142.2 SIGNS PROHIBITED IN PROTECTED AREAS.~~

~~IT SHALL BE UNLAWFUL FOR ANY PERSON TO ERECT, PERMIT OR MAINTAIN ANY SIGN IN PROTECTED AREAS, EXCEPT AS PROVIDED HEREINAFTER.~~

~~(ORD. 2272, PASSED 6-21-71)~~

~~§50-142.3 CERTAIN SIGNS PERMITTED.~~

~~ERECTION OF THE FOLLOWING SIGNS SHALL BE PERMITTED IN PROTECTED AREAS, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS LISTED HEREIN AND FURTHER, SUBJECT TO OTHER APPLICABLE REGULATIONS WHERE SUCH REGULATIONS ARE MORE RESTRICTIVE OR MORE DEFINITIVE THAN THE PROVISIONS OF THIS ARTICLE AND ARE NOT INCONSISTENT THEREWITH.~~

~~TEMPORARY SIGNS WHICH ARE LOCATED AND ORIENTED TO THE FRONTAGE ON THE STREET OR STREETS WHICH PROVIDES ACTUAL ACCESS TO THE PROPERTY. IN NO EVENT SHALL ANY TEMPORARY SIGN BE LARGER THAN 120 SQUARE FEET.~~

~~POINT OF SALE SIGNS.~~

~~THE CONTENT OF POINT OF SALE SIGNS SHALL BE LIMITED TO INFORMATION WHICH DIRECTS ATTENTION TO A BUSINESS OR PROFESSION CONDUCTED ON THE PREMISES OR TO AN ACTIVITY, COMMODITY, SERVICE OR ENTERTAINMENT PRIMARILY SOLD, OFFERED, MANUFACTURED, PROCESSED OR FABRICATED ON THE PREMISES.~~

~~DETACHED SIGNS. EACH BUSINESS, INDUSTRY OR INSTITUTIONAL USE MAY HAVE TWO DETACHED POINT OF SALE SIGNS. A CORNER LOT OR LOT WITH ACCESS TO MORE THAN ONE LOCAL STREET MAY HAVE THREE DETACHED POINT OF SALE SIGNS. IN NO EVENT, EXCEPT AS MODIFIED HEREIN, SHALL ANY POINT OF SALE SIGN BE ERECTED WHICH IS GREATER IN HEIGHT THAN THE HEIGHT LIMITATION ESTABLISHED FOR THE ZONING DISTRICT IN WHICH THE SIGN IS LOCATED.~~

~~WALL SIGNS. WALL SIGNS WITHIN 200 FEET OF A FREEWAY RIGHT OF WAY SHALL BE CONFINED TO THE WALL OF THE BUILDING CONTAINING THE PRINCIPAL ENTRANCE. A WALL SIGN MAY BE PLACED ON ONE OTHER WALL OF SUCH BUILDING AND SHALL BE LIMITED TO 10% OF SUCH OTHER WALL AREA, BUT IN NO EVENT SHALL EXCEED 80 SQUARE FEET.~~

~~ROOF SIGNS. ROOF SIGNS ARE PROHIBITED.~~

~~WITHIN THE PROTECTED AREA, EACH BUSINESS, INDUSTRY OR INSTITUTIONAL USE ABUTTING A FREEWAY RIGHT OF WAY MAY HAVE A SINGLE, DETACHED POINT OF SALE SIGN ORIENTED TO THE FREEWAY. SUCH SIGN SHALL MEET THE FOLLOWING CRITERIA IN ADDITION TO OTHER SIGN CRITERIA OF THIS CHAPTER.~~

~~IT MUST BE A SUBSTITUTION AND NOT AN ADDITION TO SIGNAGE PERMITTED BY THIS SECTION.~~

~~NO FLASHING LIGHTS ARE PERMITTED.~~

~~THERE SHALL BE NO MOVING PARTS, ANIMATION OR OTHER DEVICES USED TO DEPICT MOTION.~~

~~THE SIGN SHALL CONFORM~~

~~ARCHITECTURALLY WITH OTHER
STRUCTURES ON THE PREMISES.~~

~~IN THOSE INSTANCES WHERE THE
ELEVATION OF THE FREEWAY CREATES A
LINE OF SIGHT PROBLEM, A SIGN MAY BE
INCREASED IN HEIGHT SO THAT NO MORE
THAN 30 FEET OF THE SIGN IS VISIBLE FROM
A POINT THREE FEET ABOVE THE SURFACE
OF THE EDGE OF THE FREEWAY TRAFFIC
LANE, NEAREST THE PROPOSED SIGN,
MEASURED AT 90% DEGREES FROM THE
EXPRESSWAY TO THE SIGN LOCATION. IN
CASES WHERE THE SIGN IS ON A CURVE,
SUCH MEASUREMENT SHALL BE RADIAL.
HOWEVER, IN NO INSTANCE SHALL SUCH
SIGN EXCEED 75 FEET IN HEIGHT.~~

~~(ORD. 2272, PASSED 6-21-71; AM. ORD. 2814,
PASSED 10-26-81; AM. ORD. 3047, PASSED 10-
12-87;~~

~~AM. ORD. 3077, PASSED 10-10-88)~~

~~§50-142.4 NONCONFORMING SIGNS.~~

~~SIGNS WHICH HAVE BEEN ERECTED PRIOR
TO THE EFFECTIVE DATE OF THIS ARTICLE
[I.E., JULY 2, 1971] MAY CONTINUE TO BE
MAINTAINED UNTIL FIVE YEARS AFTER SUCH
EFFECTIVE DATE. THEREAFTER, UNLESS
SUCH SIGNS CONFORM TO THE PROVISIONS
OF THIS SECTION, THEY SHALL BE
REMOVED. IF A~~

~~NONCONFORMING SITUATION CAN BE
ELIMINATED BY THE REMOVAL OF ONE SIGN,
THE SIGN WHICH HAS BEEN ERECTED FOR
THE LONGEST PERIOD OF TIME SHALL HAVE
PRIORITY.~~

~~ANY SIGN LEGALLY ERECTED, PERMITTED,
OR MAINTAINED SUBSEQUENT TO JULY 2,~~

~~1971, WHICH IS NOT IN VIOLATION OF THIS
ARTICLE, BUT UPON THE OPENING FOR
PUBLIC USE OF A FREEWAY OR
APPLICABLE PORTION THEREOF BECOMES
NONCONFORMING, THE SAME MAY
CONTINUE TO BE MAINTAINED FOR A PERIOD
OF FIVE YEARS FROM THE DAY OF SUCH
OPENING PROVIDED ON OR BEFORE THE
EXPIRATION OF THE FIVE-YEAR PERIOD, THE
NONCONFORMING SIGN MUST BE REMOVED;
PROVIDED, ANY SIGN WHICH IS EXEMPT
FROM THE PROVISIONS OF THIS SECTION
PURSUANT TO § 50-142.3(C) HEREOF, BUT
SUBSEQUENTLY BECOMES NONCONFORMING
DUE TO THE ELIMINATION OF THE
OBSTRUCTION PREVENTING ITS VISIBILITY
FROM A FREEWAY MUST BE REMOVED
WITHIN FIVE YEARS FROM THE TIME OF THE
ELIMINATION OF SUCH OBSTRUCTION;
FURTHER PROVIDED, AFTER THE EFFECTIVE
DATE OF THIS SECTION ANY SIGN ERECTED,
PERMITTED OR MAINTAINED AFTER A
FUTURE FREEWAY RIGHT OF WAY HAS BEEN
DESIGNATED BY THE RECORDING OF A
FREEWAY RIGHT OF WAY MAP IN THE
PUBLIC RECORDS OF GENESEE COUNTY,
MICHIGAN, WHICH BECOMES
NONCONFORMING DUE TO THE COMPLETION
OF SUCH FREEWAY SHALL BE REMOVED
WITHIN 30 DAYS AFTER SUCH FREEWAY OR
APPLICABLE PORTION THEREOF IS OPEN FOR
PUBLIC USE.~~

~~THE REQUIREMENTS TO REMOVE ANY
NONCONFORMING SIGN SHALL BE
CONTINGENT UPON THE CITY INSTITUTING
CONDEMNATION TO PAY THE FAIR MARKET
VALUE OF SUCH SIGN ACCORDING TO LAW.~~

~~(ORD. 2272, PASSED 6-21-71; AM. ORD. 2456,
PASSED 10-7-74)~~

~~ARTICLE XXV B. GENERAL SIGN REGULATIONS~~

~~§50-142.5 DEFINITIONS.~~

~~FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.~~

~~SIGN. ANY PANEL, PAINTED, PRINTED, PLATED, ETCHED, ROUTED, SCREENED, CUT, FORMED, ETC., EITHER ILLUMINATED OR NOT ILLUMINATED, ADVERTISING, OR IN CONCERT WITH OTHER ADVERTISING, A NAME(S) OR A PERSON, FIRM, SERVICE, EVENT, PRODUCT OR PLACE OR HAVING ANY FORM OF INSCRIPTION, NOTICE OF PUBLICITY THEREON. INCLUDED IN THIS DEFINITION ARE SIGNS COMMONLY REFERRED TO AS POSTERS, PLACARDS, SHOW BILLS, CIRCULARS, STICKERS, BILLBOARDS AND THE LIKE.~~

~~ATTACH OR INSTALL. ANY ACT ASSOCIATED WITH THE PLACING OF A SIGN SUCH AS TO CONSTRUCT, ERECT, POST, PAINT, GLUE, PASTE, PRINT, STAPLE, NAIL, STAMP, TAPE, TACK AND THE LIKE.~~

~~FOR THE PURPOSE OF THIS ARTICLE, SIGNS SHALL BE DIVIDED INTO TYPES LISTED BELOW. WHERE APPLICABLE, THE APPROPRIATE BOCA NOMENCLATURE IS ALSO GIVEN FOR THE VARIOUS TYPES OF SIGNS.~~

~~ARTICLE TYPES BOCA NOMENCLATURE
TEMPORARY SIGN TEMPORARY SIGN
NAMEPLATES~~

~~PROJECTING & VERTICAL SIGNS
MARQUEE SIGNS~~

~~COLUMN SIGNS GROUND SIGNS~~

~~ROOF SIGNS ROOF~~

~~POSTER SIGNS POSTER PANEL OR
BILLBOARD~~

~~PORTABLE SIGNS~~

~~SPECIAL SIGNS~~

~~MOBILE/TRAILER SIGNS~~

~~(ORD. 2504, PASSED 6-23-75; AM. ORD. 2726,
PASSED 7-23-79)~~

~~§50-142.6 GENERAL PROVISIONS.~~

~~NO SIGN SHALL BE ERECTED ON OR OVER PUBLIC PROPERTY WITHIN A DISTANCE OF TEN FEET MEASURED HORIZONTALLY, FROM ANY FIRE HYDRANT, TRAFFIC LIGHT, FIRE ALARM BOX OR STREET LIGHT POLE, NOR SHALL ANY SIGN BE ERECTED IN ANY LOCATION WHERE BY REASON OF TRAFFIC CONDITIONS, FIRE, EXPLOSION HAZARD, IT WOULD IMPERIL PUBLIC SAFETY OR INTERFERE WITH THE FUNCTIONS OF THE FIRE DEPARTMENT. NO SIGN OF TYPES 1, 3 AND 4 SHALL BE ERECTED WITH ITS LOWEST POINT NEARER THAN TEN FEET OF THE SIDEWALK GRADE; PROVIDED, HOWEVER, THAT ANY SIGN ATTACHED TO A CANOPY ERECTED ON OR OVER PUBLIC PROPERTY PURSUANT TO THE BUILDING CODE, AS AMENDED, SHALL BE A PART OF SAID CANOPY AND SHALL COMPLY WITH THE CLEARANCE REQUIREMENTS FOR SUCH CANOPY.~~

~~NO PERSON SHALL ATTACH ANY NOTICE, SIGN, PLACARD, CARPET OR OTHER~~

~~ENCUMBRANCE ON ANY TREE, FOUNTAIN, POST, RAILING, FENCE OR OTHER STRUCTURE IN OR SURROUNDING ANY PUBLIC PARK GROUND OR BOULEVARD. BETWEEN THE STREET RIGHT OF WAY LINE AND A POINT SEVEN FEET BEHIND THIS LINE IT IS THE INTENT OF THIS ARTICLE TO PROVIDE A MINIMUM CLEAR VISION AREA IN THE SPACE BETWEEN 36 INCHES ABOVE GRADE AND TEN FEET ABOVE GRADE, NO PART OF ANY SIGN FACE, SIGN COLUMN OR OTHER SIGN APPURTENANCES, INCLUDING TRAFFIC, INFORMATION SIGNS, SHALL ENCROACH INTO THIS CLEAR VISION AREA. EXCEPTIONS TO THIS REQUIREMENT WOULD BE WHEN THE EXISTING BUILDING SETBACKS ARE LESS THAN SEVEN FEET, SUCH AS ARE FOUND ALONG SOME PARTS OF FENTON ROAD, LEWIS STREET, ETC.~~

~~THE PROVISIONS OF THE BOCA BASIC BUILDING CODE, HAVING BEEN ADOPTED BY THE CITY OF FLINT, SHALL REMAIN IN FULL FORCE AND EFFECT AND ARE TO BE READ IN HARMONY WITH THE PROVISIONS OF THIS ARTICLE TO THE EXTENT FEASIBLE; PROVIDED, HOWEVER, IN THE EVENT OF ANY CONFLICTING PROVISIONS OF THIS ARTICLE WITH THE BOCA BASIC BUILDING CODE OR ANY OTHER ORDINANCE NOW OR HEREFTER IN EFFECT, THE MORE RESTRICTIVE PROVISIONS OF THE CONFLICTING ORDINANCE SHALL APPLY.~~

~~*PROHIBITED SIGNS.* PROHIBITED ARE SIGNS WHICH:~~

~~CONTAIN, OR ARE AN IMITATION OF, AN OFFICIAL TRAFFIC SIGN OR SIGNAL OR CONTAIN WORDS SUCH AS "STOP," "GO SLOW," "CAUTION," "DANGER," "DETOUR," "WARNING," OR SIMILAR WORDS, OR ANY~~

~~OTHER WORDS, PHRASES, SYMBOLS OR CHARACTERS, IN SUCH A MANNER AS TO INTERFERE WITH, MISLEAD OR CONFUSE TRAFFIC.~~

~~ARE OF A SIZE, LOCATION, MOVEMENT, CONTENT, COLORING, OR MANNER OF ILLUMINATION, INCLUDING BUT NOT LIMITED TO, FLASHING LIGHTS, WHICH MAY BE CONFUSED WITH OR CONSTRUED AS A TRAFFIC CONTROL DEVICE WHICH HIDE FROM VIEW ANY TRAFFIC OR STREET SIGN OR SIGNAL.~~

~~ADVERTISE ANY ACTIVITY, BUSINESS, PRODUCT OR SERVICE ONCE CONDUCTED OR AVAILABLE ON THE PREMISES UPON WHICH THE SIGN IS LOCATED, BUT WHICH IS NO LONGER CONDUCTED OR AVAILABLE ON SUCH PREMISES. THE OWNER OF THE PREMISES SHALL HAVE SUCH SIGN REMOVED WITHIN 30 DAYS AFTER TERMINATION OF THE ACTIVITY, BUSINESS, PRODUCT OR SERVICE WHICH THIS SIGN ADVERTISES. IF THE SIGN IS NOT REMOVED BY THE OWNER OF THE PREMISES, THE DIRECTOR OF BUILDING AND SAFETY INSPECTION SHALL UNDERTAKE TO HAVE THE SIGN REMOVED AND THE CHARGES THEREFOR SHALL BE ASSESSED AGAINST THE PROPERTY.~~

~~CONTAIN STATEMENTS, WORDS, OR PICTURES OF AN OBSCENE, INDECENT, OR IMMORAL CHARACTER, AS SUCH TERMS ARE DEFINED BY THE PROVISIONS OF THIS CODE OF ORDINANCES AND ANY OTHER ORDINANCE OF THE CITY OF FLINT DEALING WITH OBSCENITY.~~

~~*ILLUMINATION.* ALL LIGHT SOURCES USED TO ILLUMINATE SIGNS SHALL BE SHIELDED IN SUCH A MANNER THAT PASSERSBY AND BUILDING OCCUPANTS WITHIN VIEW OF~~

~~SUCH SIGNS WILL NOT BE ABLE TO VIEW THE BARE LAMPS OF SUCH ILLUMINATED SIGNS. SIGNS WITH EXPOSED LAMPS SHALL BE APPROVED BY THE DIVISION OF BUILDING AND SAFETY INSPECTION AS TO ELEMENTS OF GLARE. NO COLORED LIGHTS SHALL BE USED AT ANY LOCATION OR IN ANY MANNER SO AS TO BE CONFUSED WITH OR CONSTRUED AS TRAFFIC CONTROL DEVICES.~~

~~SIGNS ARE DEFINED AS STRUCTURES AND ARE SUBJECT TO HEIGHT LIMITATIONS SET FORTH HEREIN.~~

~~A SIGN NOT IN CONFORMANCE WITH THIS ARTICLE SHALL CONSTITUTE A NONCONFORMING USE OF PROPERTY. NO NONCONFORMING SIGN SHALL BE REPLACED, RESTORED, RECONSTRUCTED, EXTENDED OR SUBSTITUTED EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.~~

~~(ORD. 2504, PASSED 6 23 75; AM. ORD. 2726, PASSED 7 23 79; AM. ORD. 3063, PASSED 7 11 88)~~

~~CROSS REFERENCE:~~

~~BUILDING CODE, SEE §§ 11-1 ET SEQ.~~

~~§50-142.7 TYPE 1, TEMPORARY SIGNS.~~

~~THIS SECTION IS LIMITED TO SIGNS MAINTAINED FOR A PERIOD OF 60 DAYS OR LESS. SIGNS USED FOR A LONGER PERIOD MUST CONFORM TO THE REQUIREMENTS OF A PERMANENT SIGN.~~

~~A CLOTH TYPE SIGN PANEL SHALL NOT EXCEED 30 SQUARE FEET IN AREA AND SHALL BE SUSPENDED BY WIRE OR ROPE SECURELY ANCHORED.~~

~~THE DIVISION OF BUILDING AND SAFETY INSPECTION MAY ORDER ANY TEMPORARY SIGN IN A DILAPIDATED CONDITION REMOVED, REGARDLESS OF THE PERIOD OF TIME SINCE ITS INSTALLATION.~~

~~THE TERM *TEMPORARY SIGN* SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, CONSTRUCTION SIGNS, REAL ESTATE SIGNS, POLITICAL SIGNS AND OVERHEAD OR SUSPENDED SIGNS.~~

~~THERE SHALL BE ONE CONSTRUCTION SIGN PER PROJECT WHICH MAY IDENTIFY ALL OF THE ARCHITECTS, ENGINEERS, CONTRACTORS AND OTHER INDIVIDUALS OR FIRMS INVOLVED WITH THE CONSTRUCTION AT THE SITE OF THE SIGN, AND THERE MAY BE ONE SIGN ANNOUNCING THE CHARACTER OF THE BUILDING ENTERPRISE OR THE PURPOSE FOR WHICH THE BUILDING UNDER CONSTRUCTION IS INTENDED, BUT NEITHER OF THE SIGNS SHALL INCLUDE ANY ADVERTISEMENT OF ANY PRODUCT AND EACH SUCH SIGN SHALL BE LIMITED TO A COMBINED TOTAL MAXIMUM AREA OF 64~~

~~SQUARE FEET AND SHALL BE CONFINED TO THE SITE OF CONSTRUCTION AND SHALL BE REMOVED WITHIN 30 DAYS AFTER THE BEGINNING OF THE INTENDED USE OF THE PROJECT.~~

~~REAL ESTATE SIGNS SHALL BE LIMITED TO A TOTAL AREA OF SIX SQUARE FEET, BUT THE LIMIT SHALL BE INCREASED TO 32 SQUARE FEET OF TOTAL AREA IN COMMERCIAL AND MANUFACTURING DISTRICTS. SUCH SIGNS SHALL BE REMOVED WITHIN 20 DAYS AFTER THE SALE, RENTAL OR LEASE OF THE PROPERTY.~~

~~POLITICAL SIGNS (TEMPORARY) SHALL BE LIMITED TO A MAXIMUM SIZE OF SIX SQUARE FEET IN RESIDENTIAL DISTRICTS BUT SAID AREA LIMIT SHALL BE INCREASED TO 32 SQUARE FEET OF TOTAL AREA IN COMMERCIAL AND MANUFACTURING DISTRICTS. THIS SIZE PROVISION SHALL NOT PROHIBIT THE USE OF PERMANENT SIGNS OF ANY SIZE OR LOCATION LEGALLY AUTHORIZED HEREIN FOR POLITICAL ADVERTISEMENT. POLITICAL SIGNS (TEMPORARY) ARE EXEMPT FROM THE REQUIREMENTS FOR PERMITS UNDER THE BASIC BUILDING CODE; THEY ARE EXEMPT FROM THE REQUIREMENTS FOR INSTALLATION BY A LICENSED BONDED SIGN HANGER, AND THEY ARE EXEMPT FROM THE REQUIREMENTS FOR AUTHORIZATION OR RATIFICATION IN WRITING OF THE OWNER OF THE PROPERTY AS REQUIRED HEREIN; HOWEVER, ORAL PERMISSION SHALL BE REQUIRED. SUCH EXCEPTION, HOWEVER, SHALL NOT BE CONSTRUED TO RELIEVE THE OWNER OF THE SIGN FROM RESPONSIBILITY FOR ITS ERECTION, MAINTENANCE AND SAFETY. THE EARLIEST TIME THAT~~

~~POLITICAL (TEMPORARY) SIGNS MAY BE INSTALLED IS 40 DAYS BEFORE AN ELECTION. POLITICAL SIGNS (TEMPORARY) SHALL BE REMOVED WITHIN 20 DAYS OF THE ELECTION. NOTHING HEREIN SHALL PROHIBIT POLITICAL SIGNS FOR GENERAL ELECTION CANDIDATES TO REMAIN ON LOCATION BETWEEN THE PRIMARY AND GENERAL ELECTION.~~

~~THE ATTACHING AND REMOVAL OF POLITICAL SIGNS AND OTHER SIGNS OF A TEMPORARY NATURE SHALL COMPLY IN ALL RESPECTS WITH SUBSECTIONS (A) THROUGH (F) OF THIS SECTION, AND IN ADDITION, SHALL COMPLY WITH THE FOLLOWING PROVISIONS:~~

~~LOCATION. NO PERSON SHALL, BY HIMSELF OR HERSELF OR BY ANOTHER, ATTACH ANY SIGNS EXCEPT SUCH AS MAY BE EXPRESSLY AUTHORIZED BY LAW ON ANY STREET OR SIDEWALK, OR UPON ANY PUBLIC PLACE OR OBJECT IN THE CITY, OR ON ANY FENCE, BUILDING, OR PROPERTY BELONGING TO THE CITY, OR UPON ANY STREET, TELEGRAPH POLE, ELECTRIC LIGHT POLE, OR TOWER OR ANY OTHER UTILITY POLE, IN OR ON ANY PUBLIC TREE, STREET OR ALLEY IN THE CITY. THIS SECTION SHALL NOT PROHIBIT THE CITY FROM DEVELOPING AND LEASING OR LICENSING PUBLIC PROPERTY TO A PRIVATE PERSON FOR ADVERTISING PURPOSES.~~

~~IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION, EXCEPT A PUBLIC OFFICER OR EMPLOYEE IN THE PERFORMANCE OF A PUBLIC DUTY, OR A PRIVATE PERSON IN GIVING A VALID LEGAL NOTICE, TO ATTACH ANY SIGN OR NOTICE OF ANY KIND UPON ANY PROPERTY, PUBLIC OR PRIVATE, OR CAUSE OR AUTHORIZE THE~~

~~SAME TO BE DONE, WITHOUT CONSENT, AUTHORIZATION OR RATIFICATION IN WRITING OF THE OWNER, HOLDER, OCCUPANT, LESSEE, AGENT OR TRUSTEE THEREOF; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO THE DISTRIBUTION OF HANDBILLS, ADVERTISEMENTS OR OTHER PRINTED MATTER THAT ARE NOT SECURELY AFFIXED TO THE PREMISES.~~

~~IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO INSTALL ANY SIGNS OR NOTICE OF ANY KIND UPON ANY PROPERTY, PRIVATE OR PUBLIC, OR CAUSE OR AUTHORIZE THE SAME TO BE DONE UNLESS SUCH PERSON, FIRM OR CORPORATION SHALL AFFIX THERETO ON EITHER LOWER CORNER A NOTICE IN LETTERS NOT LESS THAN ONE-QUARTER INCH HIGH, STATING THE NAME AND ADDRESS OF THE PERSON, FIRM OR CORPORATION, ENGAGED IN OR EMPLOYED TO DO THE PHYSICAL INSTALLATION OF SUCH SIGNS.~~

~~REMOVAL. THE PERSON, FIRM OR CORPORATION, WHOSE NAME APPEARS ON THE SIGN, SHALL BE RESPONSIBLE FOR THE REMOVAL OF SUCH SIGN OR NOTICE AND THE SAME SHALL BE REMOVED FROM THE PROPERTY, PRIVATE OR PUBLIC, WITHIN 20 DAYS AFTER THE OCCURRENCE OF THE EVENT FOR WHICH SAID SIGN WAS INSTALLED.~~

~~“FOR SALE” SIGNS OF THE SO CALLED “GARAGE SALE,” “RUMMAGE SALE,” “YARD SALE” OR “ANTIQUE SALE” TYPE SHALL BE RESTRICTED TO THE PROPERTY WHERE THE SALE IS BEING HELD AND SUCH SIGN SHALL REMAIN POSTED NO LONGER THAN NINE~~

~~DAYS, NOR MORE THAN TWO OCCASIONS,
WITHIN A 12-MONTH PERIOD.~~

~~(ORD. 2504, PASSED 6-23-75; AM. ORD. 2726,
PASSED 7-23-79; AM. ORD. 3254, PASSED 9-27-
93;~~

~~AM. ORD. 3305, PASSED 8-14-95)~~

~~§50-142.8 TYPE 2, NAMEPLATES.~~

~~UNLESS OTHERWISE RESTRICTED BY
PROVISIONS OF THIS ARTICLE, NAMEPLATES
FOR PROFESSIONAL OFFICES, APARTMENT
COMPLEXES, PUBLIC AND QUASI-PUBLIC
BUILDINGS AND INSTITUTIONS SHALL BE
SIZED IN PROPORTION TO THE BUILDING
WHICH THEY SERVICE. THE DIRECTOR OF
BUILDING AND SAFETY INSPECTION SHALL
REVIEW THE APPLICATION FOR
INSTALLATION OF NAMEPLATE SIGNS AND
DETERMINE THE APPROPRIATENESS OF THE
SIZE OF THE SIGN.~~

~~THE DIRECTOR OF BUILDING AND SAFETY
INSPECTION SHALL DEVELOP AND PUBLISH
GUIDELINES FOR THE SIZE LIMITATIONS OF
NAMEPLATES.~~

~~(ORD. 2504, PASSED 6-23-75)~~

~~§50-142.9 TYPE 3, PROJECTING AND VERTICAL
SIGNS.~~

~~THE TERM "PROJECTING" OR "VERTICAL
SIGNS" SHALL APPLY TO ANY SIGN
PROJECTING AT AN ANGLE OF 90°, MORE OR
LESS, FROM THE SPACE OF A WALL WITH A
FRAME OR SUPPORTING MEMBER OR
CANTILEVER TYPE CONSTRUCTION. NO
PORTION OF THE SIGN SHALL PROJECT
CLOSER THAN TWO MEASURED
HORIZONTALLY TO THE EDGE OF A STREET~~

~~WITH MINIMUM VERTICAL CLEARANCE OF 16
FEET OVER PUBLIC DRIVEWAYS OR ALLEYS.
NO PROJECTING OR VERTICAL SIGN SHALL
HAVE AN AREA GREATER THAN 100 SQUARE
FEET; PROVIDED A PROJECTING OR VERTICAL
SIGN HAVING AN AREA GREATER THAN 100
SQUARE FEET MAY BE ERECTED OR ALTERED
UPON APPLICATION TO AND APPROVAL BY
THE CITY COUNCIL.~~

~~ANY PERSON DESIRING TO ERECT OR ALTER
SUCH A PROJECTING OR VERTICAL SIGN
HAVING AN AREA GREATER THAN 100
SQUARE FEET SHALL MAKE, OR CAUSE TO BE
MADE, AN APPLICATION IN WRITING,
THROUGH THE DIVISION OF BUILDING AND
SAFETY INSPECTION, TO THE CITY COUNCIL,
SIGNED BY THE OWNER OR PERSON IN
CONTROL OF THE PREMISES WHERE SUCH
SIGN IS PROPOSED TO BE ERECTED OR
ALTERED, STATING THE LOCATION THEREOF.
UPON ITS APPROVAL OF THE CITY COUNCIL,
SUCH APPLICATION SHALL BE REFERRED TO
THE DIVISION OF BUILDING AND SAFETY
INSPECTION FOR A PERMIT IN ACCORDANCE
WITH, AND UPON COMPLIANCE WITH, THE
PROVISIONS OF THIS ARTICLE.~~

~~NO PERSON, COMPANY OR CORPORATION
SHALL PUT UP, ERECT, KEEP, USE OR
MAINTAIN ON OR IN ANY CITY SIDEWALK
ANY POST OR FIXTURE FOR THE SUPPORT OF
ANY SIGN, AWNING OR ADVERTISEMENT, OR
FOR ANY OTHER PURPOSE, WITHOUT HAVING
FIRST OBTAINED THE PERMISSION OF THE
CITY COUNCIL UPON THE RECOMMENDATION
OF THE DIRECTOR OF THE DEPARTMENT OF
PUBLIC WORKS.~~

~~(ORD. 2504, PASSED 6-23-75)~~

~~§50-142.10 TYPE 4, COLUMN SIGNS.~~

~~THE TERM "COLUMN SIGN" SHALL APPLY TO ANY ADVERTISING PANEL SUPPORTED BY OR SUSPENDED FROM A FREE STANDING COLUMN OR COLUMNS. EACH OF THESE COLUMNS SHALL NOT HAVE A PROJECTED WIDTH ON A PLANE PERPENDICULAR WITH THE FRONT PROPERTY LINE OF MORE THAN 14 INCHES, NOR A PROJECTED WIDTH ON A PLAIN PARALLEL WITH THE FRONT PROPERTY LINE OF MORE THAN 21 INCHES. THESE MAXIMUM COLUMN SIZE REQUIREMENTS MAY BE WAIVED WHEN ERECTED OUTSIDE THE CLEAR VISION AREA OF § 50-142.6(C), OR AS MODIFIED. WHEN MORE THAN ONE COLUMN IS USED, THEY SHALL BE SEPARATED A DISTANCE OF NOT LESS THAN 30 INCHES AT A DISTANCE OF FIVE FEET ABOVE GRADE. COLUMN SIGNS SHALL NOT BE ERECTED WITHIN TWO FEET OF AN INTERIOR PROPERTY LINE.~~

~~COLUMN SIGNS MAY BE ERECTED OUTSIDE PRIVATE PROPERTY LINES ON APPLICATION TO THE DIVISION OF BUILDING AND SAFETY INSPECTION, GIVING LOCATION, WITH RESPECT TO PROPERTY LINES, FIRE HYDRANTS.~~

~~(ORD. 2504, PASSED 6-23-75; AM. ORD. 3063, PASSED 7-11-88)~~

~~§50-142.11 TYPE 5, ROOF SIGNS.~~

~~THE TERM "ROOF SIGN" SHALL APPLY TO ANY ADVERTISING PANEL ERECTED ON THE ROOF OF A BUILDING OR ON A WALL WHERE THE SIGN PROJECTS ABOVE THE TOP OF THE WALL.~~

~~ROOF SIGNS SHALL BE INCLUDED IN THE HEIGHT OF THE BUILDING FOR COMPLIANCE~~

~~WITH THE HEIGHT REQUIREMENTS OF THIS ARTICLE.~~

~~(ORD. 2504, PASSED 6-23-75)~~

~~§50-142.12 TYPE 6, POSTER BOARDS.~~

~~THE TERM "POSTER BOARD" SHALL APPLY TO ANY ADVERTISING PANEL TYPICALLY ERECTED ON A FREE STANDING FRAMEWORK INDEPENDENT OF A BUILDING. LARGE "POSTER BOARDS" ARE COMMONLY REFERRED TO AS BILLBOARDS. POSTER BOARDS OR BILLBOARDS, BEING PRINCIPAL USES ADVERTISING A PRODUCT OR SERVICE NOT FOUND ON THE PREMISES, SHALL NOT RESTRICT THE VIEW OF ON-PREMISES ADVERTISING AND THUS SHALL HAVE NO PART OF THE SIGN FACE, SIGN COLUMN OR OTHER SIGN APPURTENANCE LOCATED CLOSER THAN SEVEN FEET TO A STREET RIGHT OF WAY LINE NOR CLOSER THAN TWO FEET TO THE NEAREST SIDE LOT LINE. THE DIRECTOR OF THE DIVISION OF BUILDING AND SAFETY INSPECTION SHALL ESTABLISH BUILDING LINES ON STREETS WHERE NO PLAT RESTRICTIONS EXIST. ALL POSTER BOARDS SHALL BE ERECTED ON STRUCTURAL STEEL FRAMES ANCHORED TO THE GROUND BY CONCRETE PIERS.~~

~~POSTER BOARDS MAY BE ERECTED NO CLOSER THAN 300 FEET TO A RESIDENTIALLY ZONED DISTRICT.~~

~~(ORD. 2504, PASSED 6-23-75; AM. ORD. 3063, PASSED 7-11-88; AM. ORD. 3281, PASSED 10-24-94)~~

~~§50-142.13 TYPE 7, PORTABLE SIGNS.~~

~~THE TERM "PORTABLE SIGN" SHALL APPLY~~

~~TO AN UNLIGHTED ADVERTISING PANEL SUPPORTED ON A BASE NOT EXCEEDING 100 POUNDS IN WEIGHT. THESE SIGNS SHALL NOT EXCEED NINE SQUARE FEET IN AREA. NO PORTABLE SIGN SHALL BE PLACED IN A PUBLIC RIGHT OF WAY, STREET, ALLEY OR PARKWAY (THE AREA BETWEEN THE SIDEWALK AND CURB) SIDEWALK OR PATH. NO PORTABLE SIGN SHALL BE PLACED OR MAINTAINED IN ANY LOCATION WHICH SHALL CAUSE OR CREATE A DANGEROUS OR HAZARDOUS CONDITION.~~

~~(ORD. 2504, PASSED 6-23-75; AM. ORD. 2726, PASSED 7-23-79)~~

~~§50-142.13.1 MOBILE/TRAILER SIGNS.~~

~~ANY SIGN ON A MOTOR VEHICLE OR TRAILER WHICH IS PARKED ON THE PREMISES FOR THE SOLE PURPOSE OF ADVERTISING A BUSINESS OR PRODUCT OR SERVICE OF A BUSINESS LOCATED ON THE PREMISES OR ABUTTING THE PREMISES IS PROHIBITED EXCEPT THAT A CHANGEABLE MESSAGE ADVERTISING PANEL MOUNTED ON A VEHICLE OR FREE STANDING IS PERMITTED UNDER THE FOLLOWING CONDITIONS:~~

~~THE SIGN SHALL NOT HAVE ANY FLASHING LIGHTS.~~

~~NO EXPOSED LAMPS OR BULBS ARE PERMITTED.~~

~~THE SIGNS SHALL NOT EXCEED 32 SQUARE FEET IN SIGN FACE AREA.~~

~~EACH INDIVIDUAL BUSINESS PREMISES OR LOCATION SHALL BE LIMITED TO THE USE OF ONE SUCH SIGN ON ONE OCCASION IN EACH CALENDAR YEAR, THE OCCASION NOT TO EXCEED 60 CONSECUTIVE DAYS.~~

~~(ORD. 2726, PASSED 7-23-79)~~

~~§50-142.14 TYPE 8, SPECIAL SIGNS.~~

~~THE TERM "SPECIAL SIGN" SHALL APPLY TO ANY ADVERTISING DISPLAY SUCH AS GOODS, MERCHANDISE, DEVICES, ILLUMINATING DEVICE, OR ANY OTHER DISPLAY FOR ADVERTISING PURPOSES PLACED OUT OF DOORS AND NOT OTHERWISE PROVIDED FOR IN THIS ARTICLE. SPECIAL SIGNS SHALL COMPLY WITH THE GENERAL PROVISIONS OF § 50-142.6 HEREOF.~~

~~THE DIRECTOR OF THE DIVISION OF BUILDING AND SAFETY INSPECTION SHALL MAKE AND ENFORCE SUCH REGULATIONS NECESSARY TO INSURE SAFE AND SECURE STRUCTURES, PROPERLY LOCATED, TO SAFEGUARD LIFE AND PROPERTY RIGHTS AND TO PROTECT THE PUBLIC INTEREST.~~

~~(ORD. 2504, PASSED 6-23-75)~~

~~§50-142.15 MAINTENANCE OF SIGNS;
PRIVILEGE FEES.~~

~~RESPONSIBILITY FOR KEEPING SIGNS IN
GOOD REPAIR AND IN GOOD CONDITION
RESTS ENTIRELY WITH THE OWNER OR
OWNERS OF THE SIGN.~~

~~OWNERS OF SIGNS OF TYPE 3 AND 4, WHERE
LOCATED ON PUBLIC PROPERTY, SHALL PAY
THE CITY AN ANNUAL PRIVILEGE FEE PLUS A
FEE PER SQUARE FOOT OF AREA OF ONE SIDE
OF SIGN. SAID FEES 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. PROVIDED THAT, IF THE
OWNER IS A PERSON, ORGANIZATION OR
CORPORATION ORGANIZED AND DOING
BUSINESS EXCLUSIVELY FOR A CHARITABLE
PURPOSE, THEN AND IN THAT EVENT THE
“OWNER” SHALL NOT BE REQUIRED TO PAY
THE ANNUAL PRIVILEGE FEE PROVIDED FOR
HEREIN.~~

~~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.~~

~~CHARGES FOR USE OF THE CITY PROPERTY
FOR SIGNS SHALL BE A LIEN THEREON AND
DURING THE MONTH OF APRIL OF EACH YEAR
THE DIRECTOR OF BUILDING AND SAFETY
INSPECTION 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.~~

~~(ORD. 2504, PASSED 6-23-75; AM. ORD. 3428,
PASSED 2-8-99)~~

~~ARTICLE XXVI NONCONFORMING USES,
BUILDINGS AND LOTS~~

~~§ 50-143 INTENT.~~

~~IT IS THE POLICY OF THE CITY THAT
NONCONFORMING USES, LOTS, AND
STRUCTURES ARE DISFAVORED AND THAT
THEIR EVENTUAL ELIMINATION IS DESIRED.
IT IS THE INTENTION OF THIS ARTICLE TO
PERMIT THE CONTINUANCE OF
NONCONFORMING USES, LOTS, AND
STRUCTURES ONLY AS PROVIDED IN THIS
ARTICLE AND TO RESTRICT ANY CHANGE
OR DEVELOPMENT THAT WOULD TEND TO
MAKE THEM MORE PERMANENT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3633,
PASSED 02-14-05)~~

~~§ 50-144 AUTHORITY TO CONTINUE.~~

~~AN EXISTING BUILDING OR PREMISES
DEVOTED TO A USE NOT PERMITTED BY THIS
CHAPTER, SHALL NOT BE ENLARGED,
EXTENDED, RECONSTRUCTED, SUBSTITUTED
OR STRUCTURALLY ALTERED, EXCEPT AS
REQUIRED BY LAW, AS PERMITTED IN § 50-
147.~~

~~EXCEPT AS OTHERWISE PROVIDED IN THIS
ARTICLE, ANY NONCONFORMING USE, LOT,
OR STRUCTURE LAWFULLY EXISTING ON THE
EFFECTIVE DATE OF THIS ORDINANCE, OR
SUBSEQUENT AMENDMENT THERETO, MAY
BE CONTINUED, REGARDLESS OF ANY
CHANGE IN TENANCY, OWNERSHIP, OR
MANAGEMENT, SO LONG AS IT REMAINS
LAWFUL.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3633,
PASSED 02-14-05)~~

~~§ 50-145 NONCONFORMING USES OR
STRUCTURES.~~

~~WHEN ANY NONCONFORMING STRUCTURE IS
DESTROYED OR DAMAGED BY ANY MEANS
TO THE EXTENT OF 51 PERCENT OR MORE
OF THE COST OF REPLACEMENT, AS
DETERMINED BY THE CODE ENFORCEMENT
OFFICER, SAID STRUCTURE SHALL NOT BE
REBUILT, RESTORED, OR RE-OCCUPIED FOR
ANY PURPOSE UNLESS IT SHALL THEREAFTER
CONFORM TO THE REGULATIONS OF THE
DISTRICT IN WHICH IT IS LOCATED. IF THE
DAMAGE EQUALS 50 PERCENT OR LESS OF
THE REPLACEMENT COST, REPAIRS OR
REBUILDING SHALL BE PERMITTED.~~

~~WHEN A NONCONFORMING USE IS
DISCONTINUED OR CEASES TO EXIST FOR
ONE YEAR, THE NONCONFORMING USE
SHALL NOT THEREAFTER BE RESUMED.~~

~~WHEN A NONCONFORMING USE OR
STRUCTURE IS REPLACED BY A REGULARLY
PERMITTED USE OR STRUCTURE, IT SHALL
THEREAFTER CONFORM TO THE
REGULATIONS OF THE DISTRICT IN WHICH IT
IS LOCATED, AND THE NONCONFORMING USE
MAY NOT BE RESUMED.~~

~~AN EXTENSION OF A NONCONFORMING USE
FOR THE SOLE PURPOSE OF PROVIDING
REQUIRED OFF-STREET PARKING AND
LOADING SPACES SHALL BE PERMITTED, SO
LONG AS SUCH EXTENSION DOES NOT
INVOLVE ANY STRUCTURAL ALTERATION OR
ENLARGEMENT OF A NONCONFORMING
STRUCTURE.~~

~~WHEN A PUBLIC OFFICIAL, CHARGED WITH
PROTECTING THE PUBLIC SAFETY, DECLARES
A STRUCTURE UNSAFE AND ORDERS ITS~~

~~RESTORATION TO A SAFE CONDITION, THE RESTORATION SHALL BE PERMITTED, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (A):~~

~~NO NONCONFORMING STRUCTURE SHALL BE MOVED, IN WHOLE OR IN PART, TO ANY OTHER LOCATION ON THE SAME OR A DIFFERENT LOT UNLESS THE ENTIRE STRUCTURE THEREAFTER CONFORMS TO THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED AFTER BEING MOVED. NO USE OR STRUCTURE WHICH IS ACCESSORY TO A PRINCIPAL NONCONFORMING USE OR STRUCTURE SHALL CONTINUE AFTER SUCH PRINCIPAL USE OR STRUCTURE HAS ENDED, UNLESS IT CONFORMS WITH ALL THE REGULATIONS OF THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3633, PASSED 2-14-05)~~

~~§ 50-146 NONCONFORMING LOTS:~~

~~NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, IN ANY DISTRICT IN WHICH SINGLE FAMILY DWELLINGS ARE PERMITTED, A SINGLE FAMILY DWELLING AND CUSTOMARY ACCESSORY BUILDINGS MAY BE ERECTED ON ANY SINGLE LOT OF RECORD AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS SECTION EVEN THOUGH SUCH LOT DOES NOT CONFORM TO THE AREA OR WIDTH REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED. ANY STRUCTURE ERECTED ON SUCH A LOT SHALL CONFORM TO THE YARD DIMENSIONS AND OTHER REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED.~~

~~ANY LOT OF RECORD AT THE EFFECTIVE~~

~~DATE OF ADOPTION OR AMENDMENT OF THIS SECTION, WHICH IS LOCATED IN A DISTRICT WHERE RESIDENTIAL USES ARE NOT PERMITTED, MAY BE USED FOR ANY PRINCIPAL PERMITTED USE IN THAT DISTRICT, EVEN THOUGH SUCH LOT DOES NOT CONFORM TO THE AREA OR WIDTH REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED. ANY STRUCTURE ERECTED ON SUCH A LOT SHALL CONFORM TO THE YARD DIMENSIONS AND OTHER REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3633, PASSED 2-14-05)~~

~~§ 50-147 NONCONFORMING SITE REQUIREMENTS:~~

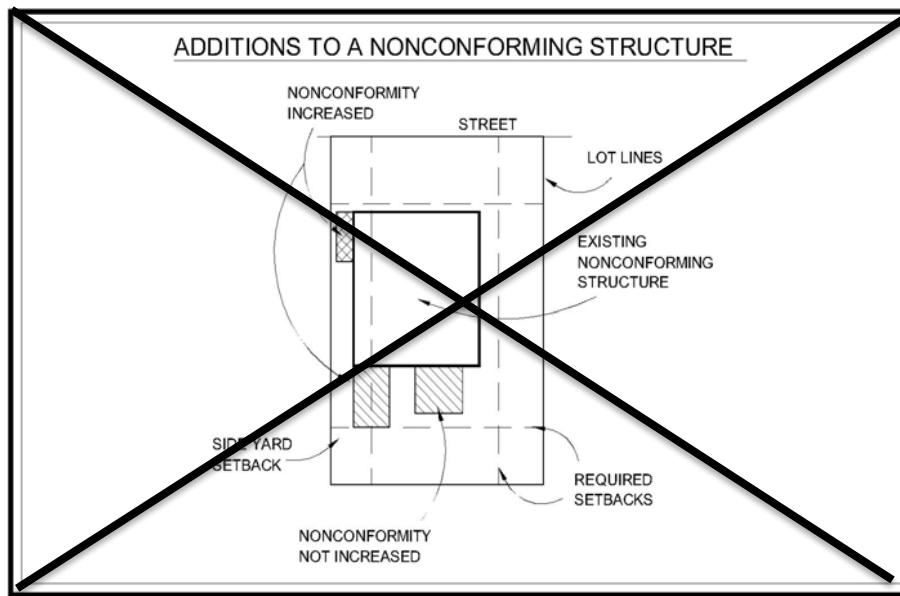
~~A STRUCTURE THAT IS OTHERWISE LAWFUL AND APPROPRIATE IN THE DISTRICT IN WHICH IT IS LOCATED BUT WHICH IS NONCONFORMING SOLELY BY REASON OF ITS FAILURE TO COMPLY WITH RESTRICTIONS ON LOT AREA, LOT COVERAGE, HEIGHT, YARDS, OR OTHER SIMILAR RESTRICTIONS, MAY BE CONTINUED SO LONG AS IT REMAINS OTHERWISE LAWFUL, SUBJECT TO THE FOLLOWING PROVISIONS:~~

~~*EXPANSION.* SUCH STRUCTURE MAY BE ENLARGED OR ALTERED ONLY IN A MANNER THAT DOES NOT INCREASE ITS NONCONFORMITY. EXPANSION IS A CHANGE IN THE STRUCTURE THAT EXTENDS A STRUCTURE FURTHER INTO A REQUIRED YARD, FURTHER ABOVE THE MAXIMUM HEIGHT REQUIREMENTS OR LARGER THAN THE MAXIMUM CUBICAL CONTENTS ALLOWED BY THIS ORDINANCE, OR AN~~

~~INCREASE IN THE MASS OF THE STRUCTURE
IN A REQUIRED YARD OR ABOVE THE
MAXIMUM HEIGHT ALLOWED IN THIS
ORDINANCE.~~

FIGURE 50-147

~~§ 50-148 SITE PLAN REVIEW REQUIRED FOR
CHANGE OF USE.~~



~~REPAIR OR RECONSTRUCTION. SHOULD SUCH STRUCTURE BE DESTROYED OR DAMAGED BY ANY MEANS TO THE EXTENT OF 51 PERCENT OR MORE OF ITS REPLACEMENT COST, EXCLUSIVE OF THE FOUNDATION, IT MAY BE RECONSTRUCTED ONLY IF IT THEREAFTER CONFORMS WITH ALL THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED AND WITH APPLICABLE BUILDING CODES.~~

~~RELOCATION. SHOULD SUCH STRUCTURE BE MOVED ANY DISTANCE FOR ANY REASON, IT SHALL THEREAFTER CONFORM TO THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED AFTER BEING MOVED.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3633, PASSED 2-14-05; AM. ORD. 3704, PASSED 4-14-08)~~

~~A CHANGE OF LAND USE FROM ONE TYPE OF OCCUPANCY TO ANOTHER OR FROM A NONCONFORMING USE TO A CONFORMING USE IS SUBJECT TO THE PROVISIONS OF SITE PLAN REVIEW.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3633, PASSED 02-14-05)~~

~~ARTICLE XXVII CHANGES AND AMENDMENTS~~

~~§ 50-149 METHODS OF MAKING GENERALLY.~~

~~THE CITY COUNCIL MAY, FOLLOWING A PUBLIC HEARING AND RECEIPT OF REPORTS AND RECOMMENDATIONS FROM THE CITY PLANNING COMMISSION, ENACT ORDINANCES AMENDING, SUPPLEMENTING OR CHANGING THE DISTRICT BOUNDARIES OR THE REGULATIONS ESTABLISHED IN THIS CHAPTER.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2616, PASSED 11-28-77; AM. ORD. 2846, PASSED 7-26-82)~~

~~§ 50-150 APPLICATION PROCEDURE.~~

~~WHEN AN AMENDMENT, SUPPLEMENT OR CHANGE IS SOUGHT BY APPLICATION, THE APPLICANT SHALL FILE IN WRITING WITH THE OFFICE OF THE CITY PLANNING COMMISSION AN APPLICATION OBTAINED FROM THAT OFFICE.~~

~~WHO MAY APPLY. AN APPLICATION SHALL BE SIGNED BY EITHER THE FREEHOLDER, A CONTRACT PURCHASER, AN OPTION TO PURCHASE HOLDER, OR BY THEIR AUTHORIZED AGENT. AGENT AUTHORIZATION SHALL BE IN WRITING AND FILED WITH THE APPLICATION.~~

~~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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2616, PASSED 11-28-77)~~

~~§ 50-151 PLANNING COMMISSION ACTION.~~

~~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 TENTATIVE REPORT AND RECOMMENDATION. SUCH COMMISSION SHALL HOLD A PUBLIC HEARING ON THE TENTATIVE REPORT, CHANGES OR AMENDMENTS, GIVING NOT LESS THAN 15 DAYS NOTICE THEREOF IN OFFICIAL PAPER OR PAPERS OF GENERAL CIRCULATION IN THE CITY. IN THE CASES OF AN INDIVIDUAL PROPERTY, OR SEVERAL ADJACENT PROPERTIES, WHICH ARE PROPOSED FOR REZONING, NOTICE OF THE PROPOSED REZONING AND HEARING SHALL BE GIVEN TO THE OWNERS OF THE PROPERTY IN QUESTION AT LEAST 15 DAYS BEFORE THE HEARING.~~

~~IN ADDITION, FOR ZONING AMENDMENTS, NOT LESS THAN SEVEN DAYS WRITTEN NOTICE SHALL BE DELIVERED PERSONALLY OR BY ORDINARY MAIL, ADDRESSED TO THE LAST ADDRESS SHOWN ON THE ASSESSMENT ROLLS OF THE CITY, TO ANY PERSONS OWNING PROPERTY WITHIN THE RADIUS OF 300 FEET FROM ANY PART OF THE PROPERTY SOUGHT TO BE REZONED. WRITTEN NOTICES~~

~~SHALL SET FORTH THE PROPERTY SOUGHT TO BE REZONED, STATING ITS LEGAL DESCRIPTION OR PERMANENT PARCEL NUMBER AND THE STREET NUMBER; IF THERE IS NO NUMBER, THE GEOGRAPHICAL LOCATION, WITH REFERENCE TO ADJACENT STREETS, OF THE ZONING CHANGE. PROPERTY OWNERS OUTSIDE OF THE 300 FEET SHALL BE HEARD AT SUCH HEARING. THE REQUIREMENTS HEREIN SET FORTH RELATIVE TO THE WRITTEN NOTICE TO PROPERTY OWNERS WITHIN THE 300 FOOT RADIUS SHALL BE DEEMED DIRECTORY RATHER THAN MANDATORY, NOTWITHSTANDING ANYTHING IN THIS CHAPTER WHICH MIGHT BE CONSTRUED TO THE CONTRARY, AND NO AMENDMENT TO THIS CHAPTER SHALL BE HELD INVALID IF THERE HAS BEEN SUBSTANTIAL COMPLIANCE WITH THIS REQUIREMENT.~~

~~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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2555, PASSED 4-26-76; AM. ORD. 2616, PASSED 11-28-71;~~

~~AM. ORD. 2846, PASSED 7-26-82)~~

~~§50-151.1 SAME SITE PLAN REVIEW FOR SPECIAL LAND USE REQUESTS.~~

~~(1) NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS CHAPTER AND TO SECURE COMPLIANCE WITH THE ACT 638 OF THE PUBLIC ACTS OF 1978, BEING MCLA §§ 25.581 ET SEQ., AND MSA §§ 5.2931 ET SEQ., IN THE CHAPTER PERTINENT TO "SPECIAL LAND USES, CONDITIONAL USES" AND/OR "PLANNED UNIT DEVELOPMENTS, COMMUNITY DEVELOPMENT PROJECTS" OR CONCEPTS IN THIS CHAPTER UNDER DIFFERENT TERMINOLOGY DESIGNED TO ACCOMPLISH SIMILAR OBJECTIVES OF A REVIEWING PROCESS, HEREAFTER SUCH REVIEWING PROCESS IS DELEGATED TO THE PLANNING COMMISSION. ANY SITE PLAN REVIEW REQUIRED PERTINENT TO THE FOREGOING IS ALSO HEREBY SIMILARLY DELEGATED TO THE PLANNING COMMISSION. ANY SITE PLAN REVIEW REQUIRED PERTINENT TO THE FOREGOING IS ALSO HEREBY SIMILARLY DELEGATED, NOTWITHSTANDING ANY OTHER APPLICABLE PROVISIONS OF THIS CHAPTER OR ANY OTHER ORDINANCE OF THE CITY TO THE CONTRARY.~~

~~IN ADDITION TO SPECIFIC STANDARDS WHICH MAY BE APPLICABLE, THE FOLLOWING STANDARDS SHALL SERVE AS THE BASIS FOR DECISIONS INVOLVING SPECIAL LAND USES, PLANNED UNIT DEVELOPMENTS, AND OTHER DISCRETIONARY DECISIONS CONTAINED IN THIS CHAPTER. THE PROPOSED USE OR ACTIVITY SHALL:~~

~~BE COMPATIBLE WITH ADJACENT USES OF LAND.~~

~~BE CONSISTENT WITH AND PROMOTE THE INTENT AND PURPOSE OF THIS CHAPTER, THE MASTER PLAN AND OTHER ADOPTED RENEWAL PLANS;~~

~~BE COMPATIBLE WITH THE NATURAL ENVIRONMENT;~~

~~BE CONSISTENT WITH THE CAPABILITIES OF PUBLIC SERVICES AND FACILITIES AFFECTED BY THE PROPOSED USE; AND~~

~~PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.~~

~~*APPLICATIONS FOR CONDITIONAL USES AND COMMUNITY DEVELOPMENT PROJECTS.*~~

~~FILING OF APPLICATIONS. ANY APPLICATION UNDER THE PROVISIONS OF THIS CHAPTER MAY BE TAKEN BY ANY PROPERTY OWNER, OR OPTION HOLDER WITH THE CONSENT OF THE PROPERTY OWNER, OR BY A TENANT, OR BY A GOVERNMENTAL OFFICER, DEPARTMENT, BOARD OR BUREAU. SUCH APPLICATIONS SHALL BE FILED WITH THE BUILDING INSPECTOR, WHO SHALL TRANSMIT THE SAME TO THE DESIGNATED PLANNING OFFICIAL.~~

~~THE DESIGNATED PLANNING OFFICIAL SHALL INVESTIGATE THE APPLICATION AND SUBMIT A REPORT THERETO, TOGETHER WITH HIS OR HER RECOMMENDATION TO THE COMMISSION. HEARINGS. THE COMMISSION SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPLICATION FOR A CONDITIONAL USE PERMIT OR COMMUNITY DEVELOPMENT PROJECT, GIVE 15 DAYS PUBLIC NOTICE THEREOF IN AN OFFICIAL NEWSPAPER OR PAPER OF GENERAL CIRCULATION IN THE CITY, AS WELL AS~~

~~NOTICE TO THE PARTIES IN INTEREST, AND DECIDE THE SAME WITHIN A REASONABLE TIME. EACH APPLICATION SHALL BE ACCOMPANIED BY A CHECK, PAYABLE TO THE TREASURER OF THE CITY, OR A CASH PAYMENT, TO COVER THE COST OF PUBLICATION, POSTING, AND HEARINGS. SAID AMOUNT 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. AT THE HEARINGS, ANY PARTY MAY APPEAR IN PERSON OR BE REPRESENTED BY AN AGENT OR ATTORNEY. PARTIES OF INTEREST SHALL INCLUDE THE APPLICANT AND ALL OWNERS OF RECORD OF ANY REAL PROPERTY WITHIN 300 FEET OF THE PREMISES IN QUESTION. THE OWNERS OF RECORD FOR THE PURPOSES HEREOF SHALL BE THOSE PERSONS APPEARING ON THE ASSESSMENT ROLLS OF THE CITY. THE REQUIRED NOTICE SHALL BE DELIVERED PERSONALLY OR BY MAIL ADDRESSED TO THE RESPECTIVE OWNERS AT THE ADDRESS GIVEN ON THE LAST ASSESSMENT ROLL.~~

~~DECISION OF COMMISSION. THE COMMISSION SHALL DECIDE ALL APPLICATIONS AND APPEALS WITHIN 30 DAYS AFTER THE FINAL HEARING THEREON. A CERTIFIED COPY OF THE COMMISSION'S DECISION SHALL BE TRANSMITTED TO THE APPLICANT AND TO THE BUILDING INSPECTOR. SUCH DECISION SHALL BE BINDING UPON THE BUILDING INSPECTOR, 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 COMMISSION. THE DECISION OF THE 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.~~

~~(ORD. 2846, PASSED 7-26-82; AM. ORD. 3043, PASSED 8-24-87; AM. ORD. 3080, PASSED 10-24-88;~~

~~AM. ORD. 3429, PASSED 2-8-99)~~

~~§50-151.2 NOTIFICATION WHEN LAND USE IS SIGNIFICANTLY AFFECTED BY AN ADMINISTRATIVE DECISION.~~

~~WHERE AN INDIVIDUAL, PARTNERSHIP, LIMITED PARTNERSHIP, CORPORATION OR ANY OTHER ORGANIZATION HAS GONE BEFORE THE PLANNING COMMISSION TO SEEK A CHANGE IN A ZONING ORDINANCE FOR A SPECIFIC PARCEL OR PROPERTY, AND THE REQUESTED CHANGE IS REJECTED BY THE CITY COUNCIL: BEFORE A SUBSEQUENT REQUEST TO THE ZONING ADMINISTRATOR OR HIS OR HER DESIGNEE REGARDING ANY PORTION OF THE SAME PARCEL OF PROPERTY CAN BE APPROVED, ACTUAL NOTICE MUST BE SENT TO ALL PERSONS LIVING WITHIN 300 FEET OF THE PROPERTY IN QUESTION. IF ANY APPEAL IS NOT FILED PURSUANT TO § 50-159 WITHIN 20 DAYS OF THE ACTUAL NOTICE, THE ZONING ADMINISTRATOR OR HIS OR HER DESIGNEE MAY THEN ACT UPON THE REQUESTED USE.~~

~~(ORD. 3104, PASSED 7-24-89)~~

~~§ 50-152 ACTION BY CITY COUNCIL.~~

~~AT THE MEETING AT WHICH THE FINAL REPORT FOR THE PLANNING COMMISSION IS RECEIVED THE CITY ATTORNEY SHALL~~

~~PRESENT FOR INTRODUCTION AND PUBLIC HEARING AN ORDINANCE EFFECTUATING THE ZONING CHANGES RECOMMENDED BY THE PLANNING COMMISSION AND, IN CASES OF UNFAVORABLE ACTION BY THE PLANNING COMMISSION, EFFECTUATING THE ZONING CHANGE SOUGHT BY THE APPLICANT.~~

~~NOTICE OF SUCH PUBLIC HEARING BEFORE THE CITY COUNCIL STATING THE TIME AND PLACE OF THE HEARING SHALL BE PUBLISHED IN AN OFFICIAL PAPER OF GENERAL CIRCULATION IN THE CITY NOT LESS THAN 15 DAYS PRIOR TO THE PUBLIC HEARING. NOT LESS THAN 15 DAYS NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE GIVEN BY REGISTERED UNITED STATES MAIL TO EACH PUBLIC UTILITY COMPANY AND TO EACH RAILROAD COMPANY OWNING OR OPERATING ANY PUBLIC UTILITY OR RAILROAD WITHIN THE DISTRICTS OR ZONES AFFECTED. AFTER SECOND READING, ORDINANCE AND MAP SHALL BE PUBLISHED AS REQUIRED BY LAW.~~

~~THE CITY COUNCIL MAY ADOPT SUCH PROPOSED CHANGE, SUPPLEMENT OR AMENDMENT IN THE FORM SUBMITTED TO IT, OR WITH AMENDMENTS, OR MAY REFER THE MATTER BACK TO THE PLANNING COMMISSION; PROVIDED, THAT IN CASE OF PROTEST AGAINST A PROPOSED AMENDMENT, SUPPLEMENT OR CHANGE BE PRESENTED, DULY SIGNED BY THE OWNERS OF 20% OR MORE OF THE FRONTAGE PROPOSED TO BE ALTERED, OR BY THE OWNERS OF 20% OF THE FRONTAGE DIRECTLY OPPOSITE THE FRONTAGE PROPOSED TO BE ALTERED, SUCH AMENDMENT SHALL NOT BE PASSED EXCEPT~~

~~BY THREE FOURTHS VOTE OF THE CITY COUNCIL.~~

~~IF AN ORDINANCE EFFECTUATING A ZONING CHANGE FAILS OF PASSAGE AFTER THE PUBLIC HEARING BEFORE THE CITY COUNCIL, OR IS REFERRED BACK TO THE PLANNING COMMISSION, REZONING OF THE LOT OR PARCEL IN QUESTION SHALL NOT TAKE PLACE, UNDER ANY CIRCUMSTANCES, EXCEPT UPON COMPLIANCE WITH THE PROCEDURES SET FORTH IN § 50-151.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2616, PASSED 11-28-77)~~

~~§ 50-153 ZONING CHANGE FEES.~~

~~AN APPLICANT FOR AN AMENDMENT, SUPPLEMENT OR CHANGE OF ZONING SHALL PAY A SUM TO THE OFFICE OF THE PLANNING COMMISSION AT THE TIME THE APPLICATION IS FILED, TO COVER THE COST OF PROCESSING THE SAME. SAID SUM 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.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2616, PASSED 11-28-77; AM. ORD. 3043, PASSED 8-24-87;~~

~~AM. ORD. 3080, PASSED 10-24-88; AM. ORD. 3429, PASSED 2-8-99)~~

~~§ 50-154 ZONING CERTIFICATE OR BUILDING PERMIT NOT TO BE ISSUED WHILE ZONING MAP CHANGE PENDING.~~

~~WHENEVER THE CITY COUNCIL HAS TAKEN UNDER ADVISEMENT A CHANGE OR AMENDMENT TO THE ZONING MAP FROM A~~

~~LESS RESTRICTED DISTRICT TO A MORE RESTRICTED DISTRICT CLASSIFICATION, AS EVIDENCED BY RESOLUTION OF RECORD, NO ZONING CERTIFICATE OR BUILDING PERMIT SHALL BE ISSUED WITHIN 30 DAYS FROM THE DATE OF SUCH RESOLUTION WHICH WOULD AUTHORIZE THE CONSTRUCTION OF A BUILDING ON THE ESTABLISHMENT OF A USE WHICH WOULD BECOME NONCONFORMING UNDER THE CONTEMPLATED REDISTRICTING PLAN.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~ARTICLE XXVIII BOARD OF APPEALS~~

~~§ 50-155 COMPOSITION; APPOINTMENT AND TERM OF MEMBERS.~~

~~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. 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. THE CITY PLANNER SHALL BE THE SECRETARY OF THE BOARD AND SHALL HAVE NO VOTE.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2608, PASSED 7-25-77; AM. ORD. 2888, PASSED 12-12-83;~~

~~AM ORD. 3683, PASSED 9-25-06)~~

~~§50-155.1 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:~~

~~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.~~

~~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; AND~~

~~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 ADMINISTRATOR. 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.~~

~~THE CITY COUNCIL MAY REMOVE SAID MEMBER FROM THE BOARD UPON BOARD RECOMMENDATION. (ORD. 3094, PASSED 3-13-89; AM. ORD. 3697, PASSED 12-10-07)~~

~~§ 50-156 ORGANIZATION; ELECTION OF CHAIRPERSON; ADOPTION OF RULES; MEETINGS; RECORDS.~~

~~THE BOARD OF APPEALS SHALL ORGANIZE, ELECT ITS CHAIRPERSON AND ADOPT RULES FOR ITS OWN GOVERNMENT IN ACCORDANCE WITH THIS CHAPTER. MEETINGS OF THE BOARD SHALL BE HELD AT THE CALL OF THE CHAIRPERSON, AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE.~~

~~THE CHAIRPERSON, OR IN HIS ABSENCE THE ACTING CHAIRPERSON, MAY ADMINISTER OATHS AND THE BOARD MAY COMPEL THE ATTENDANCE OF WITNESSES. ALL MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE VOTE OF EACH MEMBER UPON EACH QUESTION, OR, IF ABSENT OR FAILING TO VOTE, INDICATING THAT FACT, AND SHALL KEEP RECORDS AND ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS, ALL OF WHICH SHALL BE IMMEDIATELY FILED IN THE OFFICE OF THE BOARD AND SHALL BE A PUBLIC RECORD.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-157 QUORUM; VOTES REQUIRED FOR ACTION.~~

~~SIX MEMBERS OF THE BOARD OF APPEALS SHALL CONSTITUTE A QUORUM. THE BOARD SHALL ACT BY RESOLUTION OR MOTION, AND THE CONCURRING VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD SHALL BE NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION OF THE BUILDING INSPECTOR OR ANY OTHER ADMINISTRATIVE OFFICIAL, OR TO DECIDE IN FAVOR OF AN APPLICANT IN ANY MATTER ON WHICH IT IS REQUIRED TO PASS UNDER THIS CHAPTER, OR TO EFFECT A VARIANCE FROM THE REQUIREMENTS STIPULATED IN THIS CHAPTER, EXCEPT THAT A CONCURRING VOTE OF TWO THIRDS OF THE MEMBERS OF THE BOARD SHALL BE NECESSARY TO GRANT A VARIANCE FROM USES OF LAND PERMITTED IN THIS CHAPTER. THE GROUNDS OF EVERY SUCH DETERMINATION SHALL SET FORTH UPON THE RECORD.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2665, PASSED 10-9-78; AM. ORD. 2880, PASSED 7-11-83;~~

~~AM. ORD. 3296, PASSED 5-8-95; AM. ORD. 3697, PASSED 12-10-07)~~

~~§ 50-158 ASSISTANCE OF OTHER CITY DEPARTMENTS.~~

~~THE BOARD OF APPEALS MAY CALL UPON THE SEVERAL CITY DEPARTMENTS FOR ASSISTANCE IN THE PERFORMANCE OF ITS DUTIES. IT SHALL BE THE DUTY OF SUCH DEPARTMENTS TO RENDER SUCH ASSISTANCE TO THE BOARD AS MAY REASONABLY BE REQUIRED.~~

~~(ORD. 2046, PASSED 4-11-68)~~

~~§ 50-159 APPLICATIONS; APPEALS, HEARINGS, ETC.~~

~~*FILING OF APPLICATIONS.* AN APPLICATION, IN CASES IN WHICH THE BOARD OF APPEALS HAS ORIGINAL JURISDICTION UNDER THE PROVISIONS OF THIS CHAPTER, MAY BE TAKEN BY ANY PROPERTY OWNER, OR OPTION HOLDER, OR BY A TENANT, WITH THE CONSENT OF THE PROPERTY OWNER, OR BY A GOVERNMENTAL OFFICER, DEPARTMENT, BOARD OR BUREAU. SUCH APPLICATIONS SHALL BE FILED WITH THE PLANNING AND ZONING OFFICE.~~

~~*REPORT ON APPLICATION.* THE PLANNING AND ZONING OFFICE SHALL INVESTIGATE THE APPLICATION AND SUBMIT A REPORT TO THE BOARD.~~

~~*FILING OF APPEALS.* AN APPEAL TO THE BOARD MAY BE TAKEN BY ANY PERSON AGGRIEVED BY A DECISION OF THE BUILDING INSPECTOR 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 BUILDING INSPECTOR. SUCH APPEAL SHALL BE TAKEN WITHIN 20 DAYS AFTER THE DECISION BY FILING, WITH THE PLANNING AND ZONING OFFICE, A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE ZONING ADMINISTRATOR SHALL FORTHWITH TRANSMIT TO THE ZONING BOARD OF APPEALS ALL PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION~~

~~APPEALED FROM WAS TAKEN.~~

~~REPORT ON APPEAL. THE PLANNING AND ZONING OFFICE SHALL INVESTIGATE THE APPEAL AND SUBMIT A REPORT TO THE BOARD.~~

~~NOTICE REQUIREMENTS AND FEES. THE BOARD SHALL SUBSCRIBE TO ALL OF THE FOLLOWING NOTICE REQUIREMENTS AS SET FORTH BY MICHIGAN LAW.~~

~~THE CITY PLANNER OR DESIGNEE SHALL PUBLISH NOTICE OF THE REQUEST FOR HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF FLINT.~~

~~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. IF THE NAME OF THE OCCUPANT IS NOT KNOWN, THE TERM "OCCUPANT" MAY BE USED IN MAKING NOTIFICATION UNDER THIS SUBSECTION. THE NOTICE SHALL DO ALL OF THE FOLLOWING:~~

~~DESCRIBE THE NATURE OF THE REQUEST.~~

~~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.~~

~~STATE WHEN AND WHERE THE REQUEST WILL BE CONSIDERED.~~

~~INDICATE WHEN AND WHERE WRITTEN COMMENTS WILL BE RECEIVED CONCERNING THE REQUEST.~~

~~EACH APPLICATION OR APPEAL SHALL BE ACCOMPANIED BY A CHECK, PAYABLE TO THE CITY OF FLINT, OR A CASH PAYMENT TO COVER THE COST OF PUBLICATION OR POSTING, MAILING THE NOTICES OF THE HEARING OR HEARINGS AND WORK PERFORMED IN RELATION TO THE APPLICATION. SAID AMOUNT 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. AT THE HEARING, ANY PARTY MAY APPEAR IN PERSON OR BE REPRESENTED BY AN AGENT OR ATTORNEY.~~

~~DECISION OF THE BOARD.~~

~~THE BOARD SHALL DECIDE ALL APPLICATIONS AND APPEALS WITHIN 30 DAYS AFTER THE FINAL HEARING THEREON. A COPY OF THE BOARD'S DECISION SHALL BE TRANSMITTED TO THE APPLICANT OR APPELLANT, AND TO THE BUILDING INSPECTOR. THE DECISION SHALL BE BINDING UPON THE BUILDING INSPECTOR AND OBSERVED BY HIM, AND HE SHALL INCORPORATE THE TERMS AND CONDITIONS OF THE SAME IN THE PERMIT TO THE APPLICANT OR APPELLANT, WHENEVER A PERMIT IS AUTHORIZED BY THE BOARD.~~

~~THE DECISION OF THE BOARD SHALL NOT~~

~~BECOME FINAL UNTIL THE EXPIRATION OF FIVE DAYS FROM THE DATE OF ENTRY THEREOF, UNLESS THE BOARD SHALL FIND THE IMMEDIATE TAKING EFFECT OF SUCH DECISION IS NECESSARY FOR THE PRESERVATION OF PROPERTY OR PERSONAL RIGHTS AND SHALL SO CERTIFY ON THE RECORD.~~

~~STAY OF PROCEEDINGS. AN APPEAL SHALL STAY ALL PROCEEDINGS REGARDING THE ACTION ON APPEAL, UNLESS THE ENTITY OR OFFICER FROM WHICH THE APPEAL IS TAKEN CERTIFIES TO THE BOARD THAT A STAY WOULD CAUSE IMMINENT PERIL TO LIFE OR PROPERTY. THE ENTITY OR OFFICER DESCRIBED ABOVE SHALL STATE THE FACTUAL BASIS FOR THE OPINION PROVIDED IN A CERTIFICATE PROVIDED TO THE BOARD. OTHERWISE, PROCEEDINGS SHALL ONLY BE STAYED BY A RESTRAINING ORDER GRANTED BY THE ZONING BOARD OF APPEALS OR CIRCUIT COURT.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 3043, PASSED 8-24-87; AM. ORD. 3080, PASSED 10-24-88;~~

~~AM. ORD. 3429, PASSED 2-8-99; AM. ORD. 3697, PASSED 12-10-07)~~

~~§50-159.1 EXTENDED APPEAL OF AN ADMINISTRATIVE DECISION.~~

~~AN APPEAL OF AN ADMINISTRATIVE DECISION MAY BE FILED AFTER 20 CALENDAR DAYS IF THE PARTY FILING THE APPEAL DID NOT RECEIVE ACTUAL NOTICE OF THE ADMINISTRATIVE DECISION.~~

~~THE DECISION TO HEAR AN APPEAL DESCRIBED IN (A), ABOVE, MUST BE APPROVED BY NOT LESS THAN SIX MEMBERS OF THE ZONING BOARD OF APPEALS (ZBA).~~

~~THE ZBA DOES NOT HAVE THE AUTHORITY TO HEAR AN APPEAL OF AN ADMINISTRATIVE DECISION FILED MORE THAN 30 CALENDAR DAYS AFTER THE APPEALING PARTY HAS RECEIVED ACTUAL OR CONSTRUCTIVE NOTICE.~~

~~AN APPEAL TAKEN TO THE ZBA UNDER THIS SECTION SHALL BE CONSISTENT WITH THE PROCEDURES ESTABLISHED IN § 50-159 HEREOF.~~

~~(ORD. 3103, PASSED 7-24-89; AM. ORD. 3697, PASSED 12-10-07)~~

~~§ 50-160 POWERS GENERALLY.~~

~~THE BOARD OF APPEALS SHALL HAVE THE FOLLOWING POWERS:~~

~~VARIANCES AND INTERPRETATIONS OF ZONING MAP. THE BOARD SHALL HAVE THE POWER TO HEAR AND DECIDE, IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, APPLICATIONS, FILED AS PROVIDED IN THIS ARTICLE, FOR VARIANCES OR INTERPRETATION OF THE ZONING MAP, OR FOR DECISIONS UPON OTHER SPECIAL QUESTIONS UPON WHICH THE BOARD IS AUTHORIZED TO PASS BY THIS CHAPTER. IN~~

~~CONSIDERING AN APPLICATION FOR A VARIANCE, THE BOARD SHALL GIVE DUE REGARD TO THE NATURE AND CONDITION OF ALL ADJACENT USES AND STRUCTURES; AND IN AUTHORIZING A VARIANCE, THE BOARD MAY IMPOSE SUCH REQUIREMENTS AND CONDITIONS WITH RESPECT TO LOCATION, CONSTRUCTION, MAINTENANCE AND OPERATION, IN ADDITION TO THOSE EXPRESSLY STIPULATED IN THIS CHAPTER FOR THE PARTICULAR VARIANCE, AS THE BOARD MAY DEEM NECESSARY FOR THE PROTECTION OF ADJACENT PROPERTIES AND THE PUBLIC INTEREST.~~

~~OTHER USES. IN ADDITION TO PERMITTING THE VARIANCES ALREADY SPECIFIED, THE BOARD SHALL HAVE THE POWER TO PERMIT THE FOLLOWING:~~

~~TEMPORARY STRUCTURES AND USES. THE BOARD MAY AUTHORIZE THE TEMPORARY USE OF A STRUCTURE OR PREMISES IN ANY DISTRICT FOR A PURPOSE OR USE THAT DOES NOT CONFORM TO THE REGULATIONS PRESCRIBED IN THIS CHAPTER FOR THE DISTRICT IN WHICH IT IS LOCATED; PROVIDED, THAT SUCH USE IS OF A TEMPORARY NATURE AND DOES NOT INVOLVE THE ERECTION OF A SUBSTANTIAL STRUCTURE. A ZONING CERTIFICATE FOR SUCH USE SHALL BE GRANTED IN THE FORM OF A TEMPORARY AND REVOCABLE PERMIT, FOR NOT MORE THAN A 12-MONTH PERIOD, SUBJECT TO SUCH CONDITIONS AS WILL SAFEGUARD THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE.~~

~~INTERPRETATION OF ZONING MAP. WHERE THE STREET OR LOT LAYOUT ACTUALLY ON THE GROUND, OR AS RECORDED, DIFFERS FROM~~

~~THE STREET AND LOT LINES AS SHOWN ON THE ZONING MAP, THE BOARD, AFTER NOTICE TO THE OWNERS OF THE PROPERTY AND AFTER PUBLIC HEARING, SHALL INTERPRET THE MAP IN SUCH A WAY AS TO CARRY OUT THE INTENT AND PURPOSE OF THIS CHAPTER. IN CASE OF ANY QUESTION AS TO THE LOCATION OF ANY BOUNDARY LINE BETWEEN ZONING DISTRICTS, A REQUEST FOR INTERPRETATION OF THE ZONING MAP MAY BE MADE TO THE BOARD AND A DETERMINATION SHALL BE MADE BY THE BOARD.~~

~~INTERPRETATION OF ZONING ORDINANCE TEXT. THE BOARD SHALL HAVE THE AUTHORITY TO INTERPRET THE TEXT OF THE CITY OF FLINT ZONING ORDINANCE; AND ANY SUCH DETERMINATION ON THIS SUBJECT SHALL BE FINAL AND APPEALABLE TO THE CIRCUIT COURT FOR THE COUNTY OF GENESEE.~~

~~ADMINISTRATIVE REVIEW.~~

~~HEARINGS. THE BOARD SHALL HAVE THE POWER TO HEAR AND DECIDE APPEALS FILED AS PROVIDED IN THIS ARTICLE, WHERE IT IS ALLEGED BY THE APPELLANT THAT THERE IS ERROR IN ANY ORDER, REQUIREMENTS, DECISION, DETERMINATION, GRANT OR REFUSAL MADE BY THE BUILDING INSPECTOR OR OTHER ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT AND INTERPRETATION OF THE PROVISIONS OF THIS CHAPTER.~~

~~DECISIONS. THE BOARD SHALL, WITHIN ITS PRESCRIBED AUTHORITY, HAVE THE POWER TO MAKE ITS OWN, OR REVERSE, AFFIRM, OR MODIFY, EITHER IN WHOLE OR IN PART, ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING~~

~~INSPECTOR OR OTHER ADMINISTRATIVE OFFICIAL THAT IS BEFORE IT.~~

~~VARIANCES. THE BOARD SHALL HAVE THE POWER TO AUTHORIZE, UPON APPLICATION (OR APPEAL IN SPECIFIC CASES) FILED AS PROVIDED IN THIS ARTICLE, SUCH VARIANCES FROM THE TERMS, PROVISIONS OR REQUIREMENTS OF THIS CHAPTER AND AS OTHERWISE PROVIDED IN THE CODE OF ORDINANCES AS WILL NOT BE CONTRARY TO THE PUBLIC INTEREST; PROVIDED, THAT SUCH VARIANCES SHALL BE GRANTED ONLY IN SUCH CASES WHERE, OWING TO SPECIAL AND UNUSUAL CONDITIONS PERTAINING TO A SPECIFIC PIECE OF PROPERTY, THE LITERAL ENFORCEMENT OF THE PROVISIONS OR REQUIREMENTS OF THIS CHAPTER WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP. IN AUTHORIZING A VARIANCE, THE BOARD MAY ATTACH THERETO SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE INTEREST OF THE FURTHERANCE OF THE PURPOSES OF THIS CHAPTER AND IN THE PUBLIC INTEREST. IN AUTHORIZING A VARIANCE, WITH ATTACHED CONDITIONS, THE BOARD SHALL REQUIRE SUCH EVIDENCE AND GUARANTEE OR BOND AS IT SHALL DEEM TO BE NECESSARY TO ENFORCE COMPLIANCE WITH THE CONDITIONS ATTACHED.~~

~~USE VARIANCE. A USE VARIANCE ALLOWS A USE IN A ZONING DISTRICT THAT IS OTHERWISE NOT ALLOWED IN THAT DISTRICT UNDER THE TERMS OF THE ZONING ORDINANCE. AN APPLICANT MUST SHOW "UNDUE HARDSHIP" TO BE GRANTED A USE~~

~~VARIANCE.~~

~~FINDINGS OF THE BOARD. NO SUCH USE VARIANCE SHALL BE AUTHORIZED BY THE BOARD UNLESS THE BOARD FINDS THAT ALL THE FOLLOWING FACTS AND CONDITIONS EXIST:~~

~~THE PROPERTY CANNOT BE USED (PUT TO A REASONABLE USE) FOR THE PURPOSES PERMITTED IN THAT ZONE.~~

~~THE PLIGHT IS DUE TO UNIQUE CIRCUMSTANCES PECULIAR TO THE PROPERTY AND NOT TO GENERAL NEIGHBORHOOD CONDITIONS.~~

~~THAT THE PROPOSED USE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE AREA.~~

~~THE PROBLEM WAS NOT A SELF-CREATED HARDSHIP.~~

~~ISSUANCE OF THE VARIANCE WOULD STILL ENSURE THAT THE SPIRIT OF THE ORDINANCE IS OBSERVED, PUBLIC SAFETY SECURED AND SUBSTANTIAL JUSTICE DONE.~~

~~NONUSE VARIANCE. A NONUSE VARIANCE IS A VARIANCE RELATING TO THE CONSTRUCTION, STRUCTURAL CHANGES, OR ALTERATIONS OF BUILDINGS OR STRUCTURES RELATED TO DIMENSIONAL REQUIREMENTS OF THE ZONING ORDINANCE OR TO ANY OTHER NONUSE-RELATED STANDARD IN THE ORDINANCE. AN APPLICANT MUST SHOW "PRACTICAL DIFFICULTY" TO BE GRANTED A NONUSE VARIANCE.~~

~~FINDINGS OF THE BOARD. NO SUCH NONUSE VARIANCE SHALL BE AUTHORIZED BY THE BOARD UNLESS THE BOARD FINDS THAT ALL OF THE FOLLOWING FACTS AND CONDITIONS EXIST:~~

~~THE STANDARD FOR WHICH THE VARIANCE IS BEING GRANTED WOULD UNREASONABLY PREVENT THE OWNER FROM USING PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY UNNECESSARILY BURDENSOME.~~

~~THE VARIANCE IS THE MINIMUM NECESSARY TO PROVIDE ADEQUATE RELIEF TO THE APPLICANT AND IS NOT SO LARGE THAT IT IS UNFAIR TO SIMILARLY SITUATED PROPERTY OWNERS WHO MANAGED TO COMPLY WITH THE REQUIREMENTS OR MAKE DO WITH A SMALLER VARIANCE.~~

~~THE PROBLEM IS DUE TO CIRCUMSTANCES UNIQUE TO THE PROPERTY AND NOT TO GENERAL CONDITIONS IN THE AREA.~~

~~THE PROBLEM THAT RESULTED IN THE NEED FOR THE VARIANCE WAS NOT A SELF-CREATED HARDSHIP. IN THIS INSTANCE "SELF-CREATED" INCLUDES ACTIONS BY THE CURRENT OWNER OR PAST OWNERS OF THE PROPERTY.~~

~~ISSUANCE OF THE VARIANCE WOULD STILL ENSURE THAT THE SPIRIT OF THE ORDINANCE IS OBSERVED, PUBLIC SAFETY SECURED AND SUBSTANTIAL JUSTICE DONE.~~

~~EXPIRATION OF VARIANCE. VARIANCE APPROVAL IS VALID FOR ONE YEAR FROM THE DATE OF APPROVAL. IF THE APPLICANT HAS NOT ESTABLISHED THE USE IN THE CASE OF A USE VARIANCE OR PULLED A BUILDING PERMIT TO CONSTRUCT THE STRUCTURE AUTHORIZED BY A NON-USE VARIANCE, VARIANCE APPROVAL SHALL EXPIRE. IF A BUILDING PERMIT IS ISSUED WITHIN A YEAR OF THE VARIANCE APPROVAL, BUT THE BUILDING IS NOT COMPLETED BEFORE EXPIRATION OF THE BUILDING PERMIT AND~~

~~THE PERMIT IS NOT EXTENDED, THE VARIANCE APPROVAL SHALL EXPIRE.~~

~~A USE VARIANCE THAT CEASES TO BE USED FOR 12 CONSECUTIVE MONTHS SHALL EXPIRE. WHERE APPLICABLE, THE 12 MONTH PERIOD SHALL BEGIN TO RUN FROM THE DATE THE USE VARIANCE IS APPROVED.~~

~~(ORD. 2046, PASSED 4-11-68; AM. ORD. 2846, PASSED 7-26-82; AM. ORD. 3392, PASSED 1-11-99;~~

~~AM. ORD. 3697, PASSED 12-10-07)~~

~~ARTICLE XXIX SPECIAL REGULATED USES~~

~~§ 50-161 PURPOSE.~~

~~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. SPECIAL 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 SPECIAL 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.~~

~~USES SUBJECT TO THESE CONTROLS ARE AS FOLLOWS:~~

~~GROUP "A" SPECIAL REGULATED USES:
ADULT BOOKSTORE~~

~~ADULT MOTION PICTURE THEATER ADULT
MINI MOTION PICTURE THEATER MASSAGE
ESTABLISHMENTS~~

~~ESTABLISHMENTS FOR CONSUMPTION OF
BEER OR INTOXICATING LIQUOR ON THE
PREMISES AND HAVING ADULT
ENTERTAINMENT~~

~~STEAM BATHS~~

~~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"~~

~~GROUP "B" SPECIAL REGULATED USES:
PAWN SHOPS~~

~~LIQUOR STORES~~

~~TATTOO ESTABLISHMENTS~~

~~GROUP "C" SPECIAL REGULATED USES: POOL
OR BILLIARD HALLS~~

~~GAMING TABLES~~

~~GROUP "D" SPECIAL REGULATED USES
WIRELESS TELECOMMUNICATION FACILITIES
WIRELESS TELECOMMUNICATION TOWERS
WIRELESS TELECOMMUNICATION ANTENNAS~~

~~(ORD. 2599, PASSED 4-25-77; AM. ORD. 2872,~~

~~PASSED 3-14-83; AM. ORD. 3286, PASSED 12-12-94;~~

~~AM. ORD. 3289, PASSED 1-9-95; AM. ORD. 3501, PASSED 10-14-02; AM. ORD. 3669, PASSED 11-28-~~

~~05)~~

~~§ 50-162 APPLICATION TO ESTABLISH A SPECIAL REGULATED USE.~~

~~APPLICATION TO ESTABLISH ANY OF THE SPECIAL REGULATED USES AS ITEMIZED IN § 50-161 SHALL BE MADE TO THE PLANNING AND ZONING OFFICE. APPLICATIONS TO ESTABLISH SPECIAL REGULATED USES ARE SUBJECT TO APPROVAL BY THE PLANNING COMMISSION AND ALL REQUIREMENTS OF THIS ARTICLE.~~

~~AN APPROVED APPLICATION FOR A SPECIAL REGULATED USE, EXCEPT A GROUP "D" USE, SHALL BECOME NULL AND VOID IF THE USE HAS NOT COMMENCED WITHIN 3 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.~~

~~(ORD. 2599, PASSED 4-25-77; AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-163 LOCATIONAL STANDARDS ———
RELATIONSHIP TO SIMILAR USES.~~

~~GROUP "A" SPECIAL REGULATED USES (§ 50-161). AN APPLICATION TO ESTABLISH A GROUP "A" SPECIAL REGULATED USE SHALL~~

~~NOT BE APPROVED IF THERE IS ALREADY IN EXISTENCE TWO OR MORE GROUP "A", GROUP "B", OR GROUP "C" SPECIAL REGULATED USES WITHIN 2,000 FEET OF THE BOUNDARIES OF THE SITE OF THE PROPOSED REGULATED USES.~~

~~GROUP "B" SPECIAL REGULATED USES (§ 50-161). AN APPLICATION TO ESTABLISH A GROUP "B" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THERE IS ALREADY IN EXISTENCE FOUR OR MORE GROUP "B" OR GROUP "C" SPECIAL REGULATED USES WITHIN 2,000 FEET OF THE BOUNDARIES OF THE SITE OF THE PROPOSED REGULATED USES.~~

~~GROUP "C" SPECIAL REGULATED USES (§ 50-161). AN APPLICATION TO ESTABLISH A GROUP "C" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THERE IS ALREADY IN EXISTENCE FOUR OR MORE GROUP "C" SPECIAL REGULATED USES WITHIN 2,000 FEET OF THE BOUNDARIES OF THE SITE OF THE PROPOSED REGULATED USE.~~

~~(ORD. 2599, PASSED 4-25-77; AM. ORD. 3286, PASSED 12-12-94; AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-164 LOCATIONAL STANDARDS ———
RELATIONSHIP TO RESIDENTIAL AREA AND OTHER USES.~~

~~GROUP "A" SPECIAL REGULATED USES (§ 50-161). AN APPLICATION TO ESTABLISH A GROUP "A" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF ANY RESIDENTIALLY ZONED DISTRICT, MOBILE HOME PARK, K THROUGH 12 SCHOOL, PARK OR CHURCH.~~

~~GROUP "B" SPECIAL REGULATED USES (§ 50-161). AN APPLICATION TO ESTABLISH A GROUP "B" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 300 FEET OF A RESIDENTIALLY ZONED DISTRICT, MOBILE HOME PARK, K THROUGH 12 SCHOOL, DEDICATED PARK, OR CHURCH.~~

~~GROUP "C" SPECIAL REGULATED USES (§50-161). AN APPLICATION TO ESTABLISH A GROUP "C" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 200 FEET OF A~~

~~RESIDENTIALLY ZONED DISTRICT, MOBILE HOME PARK, K THROUGH 12 SCHOOL, PARK OR CHURCH, EXCEPT IN THE D-4 ZONING DISTRICT WHERE THIS LOCATIONAL STANDARD IS WAIVED.~~

~~(ORD. 2599, PASSED 4-25-77; AM. ORD. 2727, PASSED 7-23-79; AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-165 SPECIAL ADDITIONAL REQUIREMENTS.~~

~~THE FOLLOWING REQUIREMENTS APPLY TO ALL GROUP "A" AND GROUP "B" SPECIAL REGULATED USES:~~

~~THE USE 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.~~

~~THE EXTERIOR COLOR OF THE BUILDING MUST BE APPROVED BY THE PLANNING COMMISSION.~~

~~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.~~

~~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.~~

~~(ORD. 3669, PASSED 11-28-05)~~

~~§ 50-165.5 STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES AND WIRELESS TELECOMMUNICATION ANTENNAS AND TOWERS.~~

~~ALL WIRELESS TELECOMMUNICATION FACILITIES SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION, AS WELL AS ANY OTHER APPLICABLE PROVISIONS OF THIS ARTICLE AND THE FLINT CITY CODE. IF AT ANY TIME A WIRELESS TELECOMMUNICATION FACILITY DOES NOT MEET THE PROVISIONS AND REGULATIONS OF THIS ARTICLE, SAID FACILITY MUST BE REMOVED AS PROVIDED IN DIVISION (L).~~

~~DEFINITIONS. FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING:~~

~~CO-LOCATION. THE ABILITY TO ATTACH WIRELESS ANTENNAS TO EXISTING STRUCTURES WHICH COULD INCLUDE TOWERS, ROOFTOPS, UTILITY LINES, CHURCH SPIRES, AND THE LIKE.~~

~~WIRELESS TELECOMMUNICATION ANTENNA. THE DEVICE THROUGH WHICH WIRELESS TELECOMMUNICATION SIGNALS, AS AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION, ARE TRANSMITTED OR RECEIVED. NOT INCLUDED ARE AM/FM RADIO ANTENNAS, TELEVISION ANTENNAS, SATELLITE DISHES, AND~~

~~LICENSED AMATEUR RADIO FACILITIES.~~

~~WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER. THE STRUCTURE IN WHICH THE ELECTRONIC RECEIVING AND TRANSMITTING EQUIPMENT FOR WIRELESS TELECOMMUNICATIONS IS HOUSED.~~

~~WIRELESS TELECOMMUNICATION FACILITY. A FACILITY CONSISTING OF ALL STRUCTURES AND EQUIPMENT INVOLVED IN TRANSMITTING AND/OR RECEIVING TELECOMMUNICATION SIGNALS FROM MOBILE COMMUNICATION SOURCES AND TRANSMITTING THOSE SIGNALS TO A CENTRAL SWITCHING COMPUTER, WHICH CONNECTS THE MOBILE UNIT TO THE LAND-BASED TELEPHONE SYSTEM. THESE FACILITIES INCLUDE, BUT ARE NOT LIMITED TO, PRIVATE AND COMMERCIAL MOBILE RADIO SERVICE FACILITIES, PERSONAL COMMUNICATION SERVICES TOWERS (PCS), AND CELLULAR TELEPHONE TOWERS. NOT INCLUDED IN THIS DEFINITION ARE AM/FM RADIO TOWERS, TELEVISION TOWERS, SATELLITE DISHES, AND FEDERALLY LICENSED AMATEUR RADIO FACILITIES.~~

~~WIRELESS TELECOMMUNICATION STEALTH DESIGN. TELECOMMUNICATION FACILITIES, INCLUDING TOWERS AND ANTENNAS CAMOUFLAGED IN WAYS TO MINIMIZE VISIBILITY AND BLEND WITH THEIR SURROUNDINGS.~~

~~WIRELESS TELECOMMUNICATION TOWER. A STRUCTURE INTENDED TO SUPPORT EQUIPMENT USED TO TRANSMIT AND/OR RECEIVE TELECOMMUNICATION SIGNALS INCLUDING, BUT NOT LIMITED TO, MONOPOLES, FREESTANDING LATTICE STRUCTURES AND GUYED LATTICE STRUCTURES.~~

~~ZONING DISTRICT REQUIREMENTS. WIRELESS TELECOMMUNICATION FACILITIES SHALL BE PERMITTED WITH THE FOLLOWING CONDITIONS:~~

~~NO NEW WIRELESS TELECOMMUNICATION TOWERS SHALL BE PERMITTED IN THE SINGLE-FAMILY DISTRICTS (A DISTRICTS), TWO-FAMILY OR TOWNHOUSE DISTRICTS (B DISTRICTS), MULTI-FAMILY DISTRICTS (C DISTRICTS), OFFICE DISTRICTS (D-1 DISTRICTS), NEIGHBORHOOD BUSINESS DISTRICTS (D-2 DISTRICTS), COMMUNITY BUSINESS DISTRICTS (D-3 DISTRICTS), METROPOLITAN BUSINESS DISTRICTS (D-4 DISTRICTS) AND METROPOLITAN COMMERCIAL SERVICE DISTRICTS (D-5 DISTRICTS). STEALTH DESIGN OF WIRELESS FACILITIES, TOWERS AND ANTENNAS SHALL BE PERMITTED AS A SPECIAL REGULATED LAND USE. CO-LOCATIONS ON EXISTING WIRELESS TELECOMMUNICATION FACILITIES OR EXISTING STRUCTURES THAT DO NOT REQUIRE ANY ADDITIONAL HEIGHT SHALL BE A PERMITTED USE.~~

~~WIRELESS TELECOMMUNICATION FACILITIES SHALL BE PERMITTED AS A SPECIAL REGULATED LAND USE IN THE GENERAL AND HIGHWAY COMMERCIAL SERVICE DISTRICT (D-6 DISTRICT), HEAVY COMMERCIAL DISTRICTS (E DISTRICTS), INTERMEDIATE MANUFACTURING DISTRICTS (F DISTRICTS) AND THE HEAVY MANUFACTURING DISTRICTS (G DISTRICTS).~~

~~ALL TELECOMMUNICATION WIRELESS FACILITIES SHALL BE PROHIBITED IN THE PARKING DISTRICT AS DEFINED IN ARTICLE XV A.~~

~~NEW WIRELESS TELECOMMUNICATION FACILITIES, TOWERS, OR ANTENNAS~~

~~LOCATED WITHIN A HISTORIC DISTRICT SHALL BE PROHIBITED. STEALTH DESIGN OF WIRELESS FACILITIES, TOWERS, OR ANTENNAS SHALL BE PERMITTED AS A SPECIAL REGULATED LAND USE UPON REVIEW AND APPROVAL OF THE FLINT HISTORIC DISTRICT COMMISSION AND THE REGULATIONS SET FORTH IN THIS SECTION. CO-LOCATION ON EXISTING WIRELESS TELECOMMUNICATION FACILITIES OR EXISTING STRUCTURES THAT DO NOT REQUIRE ADDITIONAL HEIGHT SHALL BE A PERMITTED USE UPON REVIEW AND APPROVAL BY THE FLINT HISTORIC DISTRICT COMMISSION.~~

~~NEW WIRELESS TELECOMMUNICATION TOWERS LOCATED WITHIN A CITY PARK SHALL BE PROHIBITED. STEALTH DESIGN OF WIRELESS FACILITIES, INCLUDING TOWERS AND ANTENNAS, SHALL BE PERMITTED AS A SPECIAL REGULATED LAND USE. CO-LOCATIONS ON EXISTING WIRELESS TELECOMMUNICATION FACILITIES OR EXISTING STRUCTURES THAT DO NOT REQUIRE ANY ADDITIONAL HEIGHT SHALL BE A PERMITTED USE.~~

~~*COMPLIANCE WITH FEDERAL REGULATIONS.*~~

~~ALL TELECOMMUNICATION FACILITIES SHALL COMPLY WITH CURRENT REGULATIONS OF THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THE FEDERAL COMMUNICATIONS COMMISSION (FCC) OR ANY OTHER FEDERAL OR STATE AGENCY WITH AUTHORITY TO REGULATE TELECOMMUNICATION FACILITIES, INCLUDING TOWERS AND/OR ANTENNAS.~~

~~IN THE EVENT OF A CHANGE IN FEDERAL OR STATE REGULATION, THE OWNER OF THE TELECOMMUNICATION FACILITY SHALL~~

~~BRING IT INTO COMPLIANCE WITH THE REVISED REGULATIONS WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF SUCH REGULATIONS, UNLESS A DIFFERENT COMPLIANCE SCHEDULE IS MANDATED BY THE STATE OR FEDERAL AGENCY.~~

~~*COMPLIANCE WITH BUILDING CODES.* ALL WIRELESS TELECOMMUNICATION SHALL BE CONSTRUCTED IN COMPLIANCE WITH ALL APPLICABLE BUILDING CODES, INCLUDING THE ELECTRONIC INDUSTRIES ASSOCIATION/TELECOMMUNICATION-INDUSTRY (EIA/TIA) STANDARDS FOR THE CONSTRUCTION OF FACILITIES INCLUDING TOWERS, ANTENNAS, AND SUPPORT STRUCTURES.~~

~~(1) *GENERAL SITE LOCATION REQUIREMENTS.* NO NEW WIRELESS TELECOMMUNICATION TOWERS SHALL BE PERMITTED WITHIN A RADIUS OF 1,000 FEET OF AN EXISTING WIRELESS TELECOMMUNICATION TOWER UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE EXISTING TELECOMMUNICATION TOWER IS UNSUITABLE FOR TECHNICAL OR STRUCTURAL REASONS.~~

~~*SETBACK REQUIREMENTS.*~~

~~IN NONRESIDENTIAL ZONING DISTRICTS, WIRELESS TELECOMMUNICATION TOWERS SHALL BE SETBACK AT LEAST 50% OF THE TOWER HEIGHT FROM ANY ADJOINING PROPERTY ZONED FOR NONRESIDENTIAL USE.~~

~~IN RESIDENTIAL ZONING DISTRICTS, WIRELESS TELECOMMUNICATION TOWERS SHALL BE SETBACK AT LEAST 50% OF THE TOWER HEIGHT FROM ALL ADJOINING PROPERTY ZONED FOR RESIDENTIAL USE.~~

~~OTHER STRUCTURES ASSOCIATED WITH THE~~

~~WIRELESS TELECOMMUNICATION TOWER (SUCH AS EQUIPMENT SHELTERS, GUY WIRE ANCHORS) SHALL COMPLY WITH THE SETBACK REQUIREMENTS OF THE DISTRICT IN WHICH THE TOWER IS LOCATED.~~

~~THE SETBACK REQUIREMENTS OF THIS SECTION ARE MINIMUMS. THE PLANNING COMMISSION MAY REQUIRE ADDITIONAL SETBACK DISTANCE AS PART OF A SPECIAL LAND USE APPROVAL.~~

~~CO-LOCATION REQUIREMENTS. UNLESS MADE TECHNICALLY INFEASIBLE AS A RESULT OF THE USE OF STEALTH DESIGN, NEW WIRELESS TELECOMMUNICATION TOWERS SHALL BE DESIGNED TO PERMIT CO-LOCATION BY AT LEAST TWO ADDITIONAL ENTITIES AND PROPOSED LOCATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES SHALL BE ADEQUATELY SIZED AND CONFIGURED TO ALLOW THE PLACEMENT OF AT LEAST TWO ADDITIONAL TELECOMMUNICATION EQUIPMENT SHELTERS.~~

~~TOWER DESIGN. WIRELESS TELECOMMUNICATION TOWERS THAT ARE NOT OF STEALTH DESIGN SHALL BE CONSTRUCTED AS FREESTANDING STRUCTURES (MONOPOLE OR LATTICE TOWERS, AS APPROVED BY THE PLANNING COMMISSION) AND SHALL HAVE A NEUTRAL SURFACE FINISH COLOR TO REDUCE VISUAL OBTRUSIVENESS, EXCEPT AS OTHERWISE REQUIRED BY A STATE OR FEDERAL AGENCY.~~

~~SIGNS. WIRELESS TELECOMMUNICATION FACILITIES SHALL NOT BE USED FOR ADVERTISING PURPOSES. WIRELESS TELECOMMUNICATION FACILITIES SHALL DISPLAY ONE SIGN, NOT TO EXCEED TWO SQUARE FEET, WHICH IDENTIFIES THE SERVICE PROVIDER AND AN EMERGENCY~~

~~TELEPHONE NUMBER. THESE RESTRICTIONS SHALL NOT APPLY TO ANY SAFETY SIGNS PLACED ON THE SECURITY FENCE OR TOWER.~~

~~FENCING. WIRELESS TELECOMMUNICATION FACILITIES SHALL BE ENCLOSED BY A SOLID SCREENING FENCE NOT LESS THAN SIX FEET IN HEIGHT. THE PLANNING COMMISSION SHALL REVIEW THE NEED FOR THE INSTALLATION OF ANTI CLIMBING DEVICES AND MAKE A DETERMINATION BASED ON ADJACENT LAND USE AND ZONING PATTERNS.~~

~~SCREENING. WIRELESS TELECOMMUNICATION FACILITIES SHALL BE EFFECTIVELY SCREENED WITH A LANDSCAPE BUFFER, APPROVED BY THE PLANNING COMMISSION, TO OBSCURE VIEWS OF THE TOWER BASE, EQUIPMENT SHELTER, SECURITY FENCING, OR GUY WIRE ANCHORS FROM ADJACENT USES AND PUBLIC RIGHTS-OF-WAY. LOCATIONS WHERE THE VISUAL IMPACT OF THE TOWER WILL BE MINIMAL OR WHERE EXISTING VEGETATION PROVIDE AN EFFECTIVE NATURAL SCREEN OR WHERE THE SECURITY REQUIREMENTS OF THE PRINCIPAL USE PREVENT SCREENING (UTILITY SUBSTATIONS), THE PLANNING COMMISSION MAY MODIFY THIS REQUIREMENT.~~

~~LIGHTING. WIRELESS TELECOMMUNICATION TOWERS SHALL NOT BE ARTIFICIALLY LIGHTED UNLESS REQUIRED BY THE FAA, FCC, OR OTHER AGENCY WITH JURISDICTIONAL AUTHORITY. IF LIGHTING IS REQUIRED BY FEDERAL REGULATION, THE APPLICANT SHALL USE THE LEAST INTRUSIVE FORM OF LIGHTING ACCEPTABLE UNDER THE CONTROLLING REGULATION.~~

~~EQUIPMENT SHELTER DESIGN. THE DESIGN AND MATERIALS USED IN THE~~

~~CONSTRUCTION OF THE EQUIPMENT SHELTER SHALL, TO THE EXTENT POSSIBLE, BLEND THE STRUCTURE WITH THE SURROUNDING BUILT OR NATURAL ENVIRONMENT. THE EQUIPMENT SHELTER SHALL NOT EXCEED 15 FEET IN HEIGHT.~~

~~OFF STREET PARKING. NEW WIRELESS TELECOMMUNICATION FACILITIES OF NON-STEALTH DESIGN SHALL PROVIDE ONE OFF-STREET PARKING SPACE TO ACCOMMODATE MAINTENANCE VEHICLES, IF PRACTICABLE. DRIVEWAYS AND PARKING SPACES SERVING SUCH FACILITIES MAY HAVE A GRAVEL SURFACE, PROVIDED THE SURFACE IS MAINTAINED IN A DUST FREE CONDITION AND GRADED TO MAINTAIN PROPER DRAINAGE.~~

~~PERMITTED ADDITIONAL ANTENNA. WIRELESS TELECOMMUNICATION ANTENNAS SHALL BE CONSIDERED A PERMITTED ACCESSORY USE WHEN PLACED ON OR ATTACHED TO ANY EXISTING WIRELESS TELECOMMUNICATION STRUCTURE, PROVIDED THAT ALL OTHER APPLICABLE ORDINANCE REQUIREMENTS ARE COMPLIED WITH. ANY INITIAL WIRELESS TELECOMMUNICATION ANTENNA PLACED ON AN ALTERNATIVE TOWER STRUCTURE SHALL BE SUBJECT TO THE SAME REVIEW AND APPROVAL PROCEDURES AS A NEW WIRELESS TELECOMMUNICATIONS FACILITY. SUBSEQUENT ANTENNAS ON ALTERNATIVE TOWER STRUCTURES SHALL BE CONSIDERED PERMITTED ACCESSORY USES IN ALL DISTRICTS.~~

~~PERMITTED TOWER PLACEMENT. AN EXISTING WIRELESS TELECOMMUNICATION TOWER MAY BE PLACED FOR THE PURPOSES OF ACCOMMODATING THE CO-LOCATION OF ADDITIONAL WIRELESS~~

~~TELECOMMUNICATION ANTENNAS SUBJECT TO THE FOLLOWING REVIEW AND APPROVAL PROCESS:~~

~~TOWER REPLACEMENTS THAT RESULT IN THE ADDITION OF 50 OR FEWER FEET OF ADDITIONAL TOWER HEIGHT SHALL REQUIRE SITE PLAN VIEW AND APPROVAL BY THE PLANNING COMMISSION;~~

~~TOWER REPLACEMENTS THAT RESULT IN THE ADDITION OF MORE THAN 50 FEET IN HEIGHT SHALL REQUIRE SPECIAL LAND USE REVIEW AND APPROVAL BY THE PLANNING COMMISSION;~~

~~TOWER REPLACEMENTS THAT REQUIRE THE INSTALLATION OF TOWER LIGHTS SHALL REQUIRE SPECIAL LAND USE REVIEW AND APPROVAL BY THE PLANNING COMMISSION.~~

~~SITE PLAN PROCEDURES. AS SHOWN IN § 50-8.3.~~

~~APPLICATION REQUIREMENTS. IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS OF ARTICLE XXIX, THE FOLLOWING INFORMATION SHALL BE PROVIDED IN SUPPORT OF AN APPLICATION TO INITIALLY CONSTRUCT A WIRELESS TELECOMMUNICATION TOWER:~~

~~CERTIFICATION FROM A MICHIGAN LICENSED PROFESSIONAL ENGINEER AS TO THE MANNER IN WHICH THE PROPOSED WIRELESS TELECOMMUNICATION TOWER IS DESIGNED TO COLLAPSE;~~

~~A REPORT THAT ADDRESSES THE REVIEW CRITERIA CONTAINED IN DIVISION (K) BELOW. THIS REPORT SHALL INCLUDE A MAP DEPICTING THE EXISTING AND KNOWN PROPOSED LOCATION OF TELECOMMUNICATION, INCLUDING TELECOMMUNICATION WIRELESS TOWERS AND WIRELESS TELECOMMUNICATION~~

~~ANTENNAS ATTACHED TO ALTERNATIVE TOWER STRUCTURES, WITHIN A ONE-MILE RADIUS OF THE PROPOSED SITE. THIS INCLUDES WIRELESS TELECOMMUNICATION TOWERS LOCATED WITHIN ADJACENT JURISDICTIONS WITHIN THE ONE-MILE RADIUS;~~

~~THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO CONTACT REGARDING SITE MAINTENANCE OR OTHER NOTIFICATION PURPOSES. THE TOWER OWNER SHALL PERIODICALLY UPDATE THIS INFORMATION;~~

~~A STATEMENT THAT INDICATES THE APPLICANT'S INTENT TO ALLOW THE CO-LOCATION OF OTHER ANTENNAS, PROVIDED THAT THE COST OF MODIFYING THE EXISTING TOWER IS BORNE BY THE CO-LOCATING ENTITY AND REASONABLE COMPENSATION IS PAID BY THE CO-LOCATING ENTITY.~~

~~REVIEW CRITERIA. A WIRELESS TELECOMMUNICATION TOWER SHALL NOT BE APPROVED UNLESS IT CAN BE DEMONSTRATED BY THE APPLICANT THAT THERE IS A NEED FOR THE TOWER WHICH CANNOT BE MET BY PLACING WIRELESS TELECOMMUNICATION ANTENNAS ON AN EXISTING TOWER OR OTHER SUITABLE STRUCTURE, OR PLACEMENT OF AN EXISTING TOWER;~~

~~NO EXISTING TOWERS OR ALTERNATIVE TOWER STRUCTURES HAVE THE STRUCTURAL CAPACITY TO SUPPORT THE PROPOSED ANTENNA NOR CAN EXISTING TOWERS OR ALTERNATIVE TOWER STRUCTURES BE REINFORCED TO SUPPORT THE PROPOSED ANTENNA;~~

~~NO EXISTING TOWERS OR ALTERNATIVE TOWER STRUCTURES ARE LOCATED WITHIN THE GEOGRAPHIC AREA THAT MEETS THE SYSTEM'S ENGINEERING REQUIREMENTS;~~

~~THE COST OF USING AN EXISTING TOWER OR OTHER SUITABLE STRUCTURE OR REPLACING AN EXISTING TOWER EXCEEDS THE COST OF CONSTRUCTING A NEW WIRELESS TELECOMMUNICATION TOWER; OR~~

~~THE INSTALLATION OR USE OF AN ALTERNATIVE COMMUNICATION TECHNOLOGY IS UNSUITABLE OR INFEASIBLE.~~

~~REMOVAL OF ABANDONED FACILITIES. ANY WIRELESS TELECOMMUNICATION TOWER OR ANTENNA THAT IS NOT OPERATED FOR A CONTINUOUS PERIOD OF 12 MONTHS SHALL BE CONSIDERED ABANDONED AND THE OWNER OF SUCH TOWER OR ANTENNA SHALL REMOVE THE SAME WITHIN 90 DAYS OF RECEIVING AN ABANDONMENT NOTIFICATION FROM THE CITY. FAILURE TO REMOVE AN ABANDONED TOWER OR ANTENNA WITHIN 90 DAYS SHALL BE GROUNDS FOR THE REMOVAL OF THE TOWER OR ANTENNA AT THE OWNER'S SOLE EXPENSE.~~

~~BOND. APPLICANT SHALL PROVIDE THE CITY WITH PROOF OF AN ANNUAL PERFORMANCE BOND IN THE AMOUNT OF \$7,500 TO ENSURE THAT THE APPLICANT WILL COMPLY WITH THE PROVISIONS SET FORTH IN DIVISION (L) REGARDING THE REMOVAL OF AN ABANDONED TOWER AND/OR ANTENNA.~~

~~INSPECTION. AN INSPECTION OF THE WIRELESS TELECOMMUNICATION FACILITY SHALL BE REQUIRED EVERY TWO YEARS AFTER THE COMPLETION OF IMPROVEMENTS.~~

~~THE INSPECTION SHALL BE CARRIED OUT BY THE OWNER OF THE FACILITY AND SHALL CERTIFY THE STRUCTURAL INTEGRITY OF THE WIRELESS TELECOMMUNICATION FACILITY. THE INSPECTION CERTIFICATION SHALL BE SUBMITTED TO THE DEPARTMENTS OF BUDGET, GRANTS AND DEVELOPMENT AND FILED WITH THE SITE PERMIT DOCUMENTS. IF THE DEPARTMENTS OF BUDGET, GRANTS AND DEVELOPMENT DETERMINE THAT AN INSPECTION HAS NOT BEEN COMPLETED WITHIN THE TWO-YEAR TIME PERIOD, A NOTICE WILL BE SENT TO THE OWNER. THE OWNER SHALL HAVE 30 DAYS IN WHICH TO COMPLY WITH THIS REQUIREMENT. IF THE INSPECTION IS NOT COMPLETED WITHIN THE 30 DAYS, THE PERMIT FOR THE WIRELESS TELECOMMUNICATION FACILITY WILL BE REVOKED.~~

~~(ORD. 3501, PASSED 10-14-02; AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-166 RESERVED FOR FUTURE USE.~~

~~(AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-167 CONDITIONS AND LIMITATIONS.~~

~~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.~~

~~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 PERCENT OF THE VALUE THEREOF.~~

~~NO SPECIAL REGULATED USE MAY BE EXPANDED IN ANY MANNER WITHOUT APPROVAL OF THE PLANNING COMMISSION.~~

~~IN THE EVENT OF THE DEATH OR DOCUMENTED LONG TERM ILLNESS OF THE OWNER OR OWNERS OF A SPECIAL REGULATED USE, A WAIVER OF §50-167(B) 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.~~

~~(ORD. 2599, PASSED 4-25-77; AM. ORD. 2845, PASSED 7-26-82; AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-168 RESERVED FOR FUTURE USE.~~

~~(AM. ORD. 3669, PASSED 11-28-05)~~

~~§ 50-169 ZONING DISTRICTS REQUIREMENTS FOR SPECIAL REGULATED USES.~~

~~THE SPECIAL REGULATED USES ITEMIZED IN THIS ARTICLE SHALL BE LIMITED TO THE FOLLOWING ZONING DISTRICTS:~~

~~GROUP "A" SPECIAL REGULATED USES SHALL
BE ALLOWED IN D-6, E, F, AND G DISTRICTS.~~

~~GROUP "B" SPECIAL REGULATED USES SHALL
BE ALLOWED IN D-5, D-6, E, AND F DISTRICTS.~~

~~GROUP "C" SPECIAL REGULATED USES SHALL
BE ALLOWED IN D-4, D-5, D-6, E AND F
DISTRICTS.~~

~~ALSO, EACH SPECIAL REGULATED USE
SHALL BE SUBJECT TO THE SPECIFIC
REQUIREMENTS OF EACH ZONING DISTRICT
AND ALL OTHER APPLICABLE REGULATIONS.~~

~~(ORD. 2599, PASSED 4-25-77; AM. ORD. 3160,
PASSED 2-25-91; AM. ORD. 3669, PASSED 11-28-
05)~~

~~ARTICLE XXX FLOOD HAZARD
MANAGEMENT~~

~~§ 50-170 SHORT TITLE:~~

~~THIS ARTICLE MAY BE CITED AS THE “FLOOD
HAZARD MANAGEMENT ORDINANCE OF THE
CITY OF FLINT.” (ORD. 2787, PASSED 12-22-80)~~

~~§ 50-171 DEFINITIONS:~~

~~FOR THE PURPOSE OF THIS ARTICLE, THE
FOLLOWING DEFINITIONS SHALL APPLY
UNLESS THE CONTEXT CLEARLY INDICATES
OR REQUIRES A DIFFERENT MEANING:~~

~~*APPEAL.* A REQUEST FOR A REVIEW OF THE
DIRECTOR OF BUILDING AND SAFETY
INSPECTIONS INTERPRETATION OF ANY
PROVISIONS OF THIS ARTICLE OR A REQUEST
FOR A VARIANCE.~~

~~*AREA OF SHALLOW FLOODING.* A DESIGNATED
V-ZONE ON THE FLOOD INSURANCE RATE
MAP (FIRM). THE BASE FLOOD DEPTHS RANGE
FROM ONE TO THREE FEET; A CLEARLY
DEFINED CHANNEL DOES NOT EXIST; THE
PATH OF FLOODING IS UNPREDICTABLE AND
INDETERMINATE; AND VELOCITY FLOW MAY
BE EVIDENT.~~

~~*AREA OF SPECIAL FLOOD HAZARD.* THE LAND
IN THE FLOOD PLAIN WITHIN A COMMUNITY
SUBJECT TO 1% OR GREATER CHANCE OF
FLOODING IN ANY GIVEN YEAR.~~

~~*BASE FLOOD.* THE FLOOD HAVING A 1%
CHANCE OF BEING EQUALED OR EXCEEDED
IN ANY GIVEN YEAR.~~

~~*DEVELOPMENT.* ANY MANMADE CHANGE TO
IMPROVED OR UNIMPROVED REAL ESTATE,
MINING, DREDGING, FILLING, GRADING,~~

~~PAVING, EXCAVATION, OR DRILLING
OPERATIONS LOCATED WITHIN THE AREA OF
SPECIAL FLOOD HAZARD.~~

~~EXISTING MOBILE HOME PARK OR MOBILE
HOME SUBDIVISION. A PARCEL OF~~

~~LAND (OR CONTIGUOUS PARCELS OF LAND)
DIVIDED INTO TWO OR MORE MOBILE HOME
LOTS FOR RENT OR SALE FOR WHICH THE
CONSTRUCTION OF FACILITIES FOR
SERVICING THE LOT ON WHICH THE MOBILE
HOME IS TO BE AFFIXED (INCLUDING, AT A
MINIMUM, THE INSTALLATION OF UTILITIES,
EITHER FINAL SITE GRADING OR THE
POURING OF CONCRETE PADS, AND THE
CONSTRUCTION OF STREETS) IS COMPLETED
BEFORE THE EFFECTIVE DATE OF THIS
ARTICLE.~~

~~EXPANSION TO EXISTING MOBILE HOME
PARK OR MOBILE HOME~~

~~*SUBDIVISION.* THE PREPARATION OF
ADDITIONAL SITES BY THE CONSTRUCTION
OF FACILITIES FOR SERVICING THE LOTS ON
WHICH THE MOBILE HOMES ARE TO BE
AFFIXED (INCLUDING THE INSTALLATION OF
UTILITIES, EITHER FINAL SITE GRADING OR
POURING OF CONCRETE OR THE
CONSTRUCTION OF STREETS).~~

~~*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.~~

~~FLOOD INSURANCE STUDY. THE OFFICIAL REPORT PROVIDED IN WHICH THE FEDERAL INSURANCE ADMINISTRATION HAS PROVIDED FLOOD PROFILES, AS WELL AS THE FLOOD INSURANCE RATE MAPS AND THE WATER SURFACE ELEVATION OF THE BASE FLOOD.~~

~~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".~~

~~NEW CONSTRUCTION. STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.~~

~~NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. A PARCEL (OR CONTIGUOUS PARCELS) OF LAND DIVIDED INTO TWO OR MORE MOBILE HOME LOTS FOR RENT OR SALE FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOT (INCLUDING, AT A MINIMUM, THE INSTALLATION OF UTILITIES, EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS, AND THE CONSTRUCTION OF STREETS) IS COMPLETED ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.~~

~~MOBILE HOME. A STRUCTURE THAT IS TRANSPORTABLE IN ONE OR MORE SECTIONS, BUILT ON A PERMANENT CHASSIS, AND~~

~~DESIGNED TO BE USED WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES. IT DOES NOT INCLUDE RECREATIONAL OR TRAVEL TRAILERS.~~

~~START OF CONSTRUCTION. THE FIRST PLACEMENT OF PERMANENT CONSTRUCTION OF A STRUCTURE (OTHER THAN A MOBILE HOME) ON A SITE, SUCH AS THE POURING OF SLABS OR FOOTINGS OR ANY WORK BEYOND THE STAGE OF EXCAVATION. PERMANENT CONSTRUCTION DOES NOT INCLUDE LAND PREPARATION, SUCH AS CLEARING, GRADING AND FILLING, NOR DOES IT INCLUDE THE INSTALLATION OF STREETS AND/OR WALKWAYS; NOR DOES IT INCLUDE EXCAVATION FOR A BASEMENT, FOOTINGS, PIERS OR FOUNDATIONS OR THE ERECTION OF TEMPORARY FORMS, NOR DOES IT INCLUDE THE INSTALLATION OF PROPERTY OF ACCESSORY BUILDINGS, SUCH AS GARAGES, OR SHEDS NOT OCCUPIED AS DWELLING UNITS OR NOT AS PART OF THE MAIN STRUCTURE. FOR A STRUCTURE WITHOUT A BASEMENT OR POURED FOOTINGS, THE "START OF CONSTRUCTION" INCLUDES THE FIRST PERMANENT FRAMING OR ASSEMBLY OF THE STRUCTURE OR ANY PART THEREOF ON ITS PILING OR FOUNDATION. FOR MOBILE HOMES NOT WITHIN A MOBILE HOME PARK OR MOBILE HOME SUBDIVISION, "START OF CONSTRUCTION" MEANS THE AFFIXING OF THE MOBILE HOME TO ITS PERMANENT SITE. FOR MOBILE HOMES WITHIN MOBILE HOME PARKS OR MOBILE HOME SUBDIVISIONS, "START OF CONSTRUCTION" IS THE DATE ON WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE SITE ON WHICH THE MOBILE HOME IS TO BE AFFIXED (INCLUDING,~~

~~AT A MINIMUM, THE CONSTRUCTION OF STREETS, EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS, AND INSTALLATION OF UTILITIES) IS COMPLETE.~~

~~STRUCTURE. A WALLED AND ROOFED BUILDING, A MOBILE HOME OR A GAS OR LIQUID STORAGE TANK, THAT IS PRINCIPALLY ABOVE GROUND.~~

~~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.~~

~~VARIANCES. A GRANT OF RELIEF FROM THE REQUIREMENTS OF THIS ARTICLE WHICH~~

~~PERMITS CONSTRUCTION IN A MANNER THAT WOULD OTHERWISE BE PROHIBITED BY THIS ARTICLE.~~

~~(ORD. 2787, PASSED 12 22 80; AM. ORD. 2789, PASSED 2 23 81)~~

~~§ 50-172 FLOOD INSURANCE STUDY ADOPTED:~~

~~THE AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION IN A SCIENTIFIC AND ENGINEERING REPORT ENTITLED *THE FLOOD INSURANCE STUDY FOR THE CITY OF FLINT, 1980* WITH ACCOMPANYING FLOOD INSURANCE RATE MAPS IS HEREBY ADOPTED BY REFERENCE AND DECLARED TO BE A PART OF THIS ARTICLE. THE FLOOD INSURANCE STUDY IS ON FILE IN THE CITY CLERK'S OFFICE OF THE CITY.~~

~~(ORD. 2787, PASSED 12 22 80)~~

~~§ 50-173 ESTABLISHMENT OF DEVELOPMENT PERMIT.~~

~~A DEVELOPMENT PERMIT SHALL BE OBTAINED BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS WITHIN ANY AREA OF SPECIAL FLOOD HAZARD ESTABLISHED IN § 50-171 HEREOF. APPLICATION FOR A DEVELOPMENT PERMIT SHALL BE MADE ON FORMS FURNISHED BY THE CITY AND MAY INCLUDE, BUT NOT BE LIMITED TO, PLANS IN DUPLICATE DRAWN TO SCALE SHOWING THE NATURE, LOCATION, DIMENSIONS AND ELEVATIONS OF THE AREA IN QUESTION; EXISTING OR PROPOSED STRUCTURES, FILL, STORAGE OF MATERIALS, DRAINAGE FACILITIES; AND THE LOCATION OF THE~~

~~FOREGOING.~~

~~SPECIFICALLY, THE FOLLOWING INFORMATION IS REQUIRED:~~

~~ELEVATION IN RELATION TO MEAN SEA LEVEL, OF THE LOWEST FLOOR (INCLUDING BASEMENT) OF ALL STRUCTURES.~~

~~ELEVATION IN RELATION TO MEAN SEA LEVEL TO WHICH ANY STRUCTURE HAS BEEN FLOODPROOFED.~~

~~CERTIFICATION BY A REGISTERED PROFESSIONAL CIVIL ENGINEER OR ARCHITECT THAT THE FLOODPROOFING METHODS FOR ANY NONRESIDENTIAL STRUCTURE MEET THE FLOODPROOFING CRITERIA IN § 50-177 HEREOF.~~

~~DESCRIPTION OF THE EXTENT TO WHICH ANY WATERCOURSE WILL BE ALTERED OR RELOCATED AS A RESULT OF PROPOSED DEVELOPMENT.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-174 DESIGNATION OF LOCAL ADMINISTRATOR.~~

~~THE DIRECTOR OF BUILDING AND SAFETY INSPECTIONS FOR THE CITY IS APPOINTED TO ADMINISTRATOR AND HE OR SHE SHALL IMPLEMENT THIS ARTICLE BY GRANTING OR DENYING DEVELOPMENT PERMIT APPLICATIONS IN ACCORDANCE WITH ITS PROVISIONS.~~

~~DUTIES OF THE DIRECTOR OF BUILDING AND SAFETY INSPECTIONS SHALL INCLUDE, BUT NOT BE LIMITED TO: REVIEW OF ALL DEVELOPMENT PERMITS TO DETERMINE THAT THE PERMIT REQUIREMENTS OF THIS ARTICLE HAVE BEEN SATISFIED.~~

~~REVIEW ALL DEVELOPMENT PERMITS TO DETERMINE THAT ALL NECESSARY PERMITS HAVE BEEN OBTAINED FROM THOSE FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCIES FROM WHICH PRIOR APPROVAL IS REQUIRED.~~

~~REVIEW ALL DEVELOPMENT PERMITS FOR COMPLIANCE WITH THE PROVISIONS OF § 50-177 HEREOF.~~

~~WHEN BASE FLOOD ELEVATION DATA HAS NOT BEEN PROVIDED IN ACCORDANCE WITH § 50-173 HEREOF, THE DIRECTOR OF BUILDING AND SAFETY INSPECTIONS SHALL OBTAIN, REVIEW AND REASONABLY UTILIZE ANY BASE FLOOD ELEVATION DATA AVAILABLE FROM A FEDERAL, STATE OR OTHER SOURCE, IN ORDER TO ADMINISTER §50-177(D)(1) "RESIDENTIAL CONSTRUCTION" AND §50-177(D)(2) "NONRESIDENTIAL CONSTRUCTION."~~

~~THE DIRECTOR OF BUILDING AND SAFETY INSPECTIONS SHALL PERFORM THE FOLLOWING DUTIES:~~

~~OBTAIN AND RECORD THE ACTUAL ELEVATION (IN RELATION TO MEAN SEA LEVEL) OF THE LOWEST HABITABLE FLOOR (INCLUDING BASEMENT) OF ALL NEW OR SUBSTANTIALLY IMPROVED STRUCTURES, AND WHETHER OR NOT THE STRUCTURE CONTAINS A BASEMENT.~~

~~FOR ALL NEW SUBSTANTIALLY IMPROVED FLOODPROOFED STRUCTURES:~~

~~VERIFY AND RECORD THE ACTUAL ELEVATION (IN RELATION TO THE MEAN SEA LEVEL); AND~~

~~MAINTAIN THE FLOODPROOFING CERTIFICATION REQUIRED IN § 50-177 HEREOF.~~

~~MAINTAIN FOR PUBLIC INSPECTION ALL RECORDS PERTAINING TO THE PROVISIONS OF THIS ARTICLE.~~

~~NOTIFY ADJACENT COMMUNITIES AND THE STATE COORDINATING AGENCY PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE, AND SUBMIT EVIDENCE OF SUCH NOTIFICATION TO THE FEDERAL INSURANCE ADMINISTRATION.~~

~~REQUIRE THAT MAINTENANCE IS PROVIDED WITHIN THE ALTERED OR RELOCATED PORTION OF SAID WATERCOURSE SO THAT THE FLOOD-CARRYING CAPACITY IS NOT DIMINISHED.~~

~~MAKE INTERPRETATIONS, WHERE NEEDED, AS TO THE EXACT LOCATION OF THE BOUNDARIES OF THE AREAS OF SPECIAL FLOOD HAZARDS (FOR EXAMPLE, WHERE THERE APPEARS TO BE A CONFLICT BETWEEN THE MAPPED BOUNDARY AND ACTUAL FIELD CONDITIONS). THE PERSONS CONTESTING THE LOCATIONS OF THE BOUNDARY SHALL BE GIVEN REASONABLE OPPORTUNITY TO APPEAL THE INTERPRETATION AS PROVIDED IN THIS SECTION.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-175 VARIANCE PROCEDURE.~~

~~THE ZONING BOARD OF APPEALS AS ESTABLISHED BY THE CITY SHALL HEAR AND DECIDE APPEALS AND REQUESTS FOR VARIANCES FROM THE REQUIREMENTS OF THIS ARTICLE.~~

~~THE ZONING BOARD OF APPEALS SHALL HEAR AND DECIDE APPEALS WHEN IT IS ALLEGED THAT THERE IS AN ERROR IN ANY REQUIREMENT, _____ DECISION _____ OR~~

~~DETERMINATION MADE BY THE DIRECTOR OF BUILDING AND SAFETY INSPECTIONS IN THE ENFORCEMENT OR ADMINISTRATION OF THIS ARTICLE. THOSE AGGRIEVED BY THE DECISION OF THE ZONING BOARD OF APPEALS MAY APPEAL SUCH DECISION TO THE CIRCUIT COURT FOR GENESEE COUNTY, AS PROVIDED BY CONSTRUCTION, CASE LAW AND STATUTES OF THE STATE OF MICHIGAN.~~

~~IN PASSING UPON SUCH APPLICATIONS, THE ZONING BOARD OF APPEALS SHALL CONSIDER ALL TECHNICAL EVALUATIONS, ALL RELEVANT FACTORS, STANDARDS SPECIFIED IN OTHER SECTIONS OF THIS ARTICLE, AND:~~

~~THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO THE INJURY OF OTHERS;~~

~~THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION DAMAGE;~~

~~THE SUSCEPTIBILITY OF THE PROPOSED FACILITY AND ITS CONTENTS TO FLOOD DAMAGE AND THE EFFECTS OF SUCH DAMAGE ON THE INDIVIDUAL OWNER;~~

~~THE IMPORTANCE OF SERVICES PROVIDED BY THE PROPOSED FACILITY TO THE COMMUNITY;~~

~~THE NECESSITY TO THE FACILITY OF A WATERFRONT _____ LOCATION, _____ WHERE APPLICABLE;~~

~~THE AVAILABILITY OF ALTERNATIVE LOCATIONS FOR THE PROPOSED USE WHICH IS NOT SUBJECT TO FLOODING OR EROSION DAMAGE;~~

~~THE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING AND ANTICIPATED DEVELOPMENT;~~

~~THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN AND FLOODPLAIN MANAGEMENT PROGRAM OF THAT AREA;~~

~~THE SAFETY OF ACCESS TO THE PROPERTY IN TIMES OF FLOOD FOR ORDINARY AND EMERGENCY VEHICLES;~~

~~THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE AND SEDIMENT TRANSPORT OF THE FLOOD WATERS AND THE EFFECTS OF WAVE ACTION, IF APPLICABLE, EXPECTED AT THE SITE; AND~~

~~THE COSTS OF PROVIDING GOVERNMENTAL SERVICES DURING AND AFTER FLOOD CONDITIONS, INCLUDING MAINTENANCE AND REPAIR OF PUBLIC UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL AND WATER SYSTEM, AND STREETS AND BRIDGES.~~

~~UPON CONSIDERATION OF THE FACTORS ENUMERATED IN § 50-178, AND THE PURPOSE OF THIS ARTICLE, THE ZONING BOARD OF APPEALS MAY ATTACK SUCH CONDITIONS TO THE GRANTING OF VARIANCES AS IT DEEMS NECESSARY TO FURTHER THE PURPOSE OF THIS ARTICLE.~~

~~THE ZONING ADMINISTRATOR SHALL MAINTAIN THE RECORDS OF ALL APPEAL ACTIONS INCLUDING TECHNICAL INFORMATION AND REPORT ANY VARIANCES TO THE FEDERAL INSURANCE ADMINISTRATION UPON REQUEST.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-176 CONDITIONS FOR VARIANCES.~~

~~GENERALLY VARIANCES MAY BE ISSUED FOR NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO BE ERECTED ON A LOT OF~~

~~ONE HALF ACRE OR LESS IN SIZE CONTIGUOUS TO AND SURROUNDED BY LOTS WITH EXISTING STRUCTURES CONSTRUCTED BELOW THE BASE FLOOD LEVEL, PROVIDED § 50-174(D)(1) THROUGH (D)(11) HAVE BEEN FULLY CONSIDERED. AS THE LOT SIZE INCREASES BEYOND THE ONE HALF ACRE, THE TECHNICAL JUSTIFICATION REQUIRED FOR ISSUING THE VARIANCE INCREASES.~~

~~VARIANCES MAY BE ISSUED FOR THE RECONSTRUCTION, REHABILITATION OR RESTORATION OF STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR THE STATE INVENTORY OF HISTORIC PLACES, WITHOUT REGARD TO THE PROCEDURES SET FORTH IN THE REMAINDER OF THIS SECTION.~~

~~VARIANCES SHALL NOT BE ISSUED WITHIN ANY DESIGNATED FLOODWAY IF ANY INCREASE IN FLOOD LEVELS DURING THE BASE FLOOD DISCHARGE WOULD RESULT.~~

~~VARIANCES SHALL ONLY BE ISSUED UPON A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY, CONSIDERING THE FLOOD HAZARD, TO AFFORD THE RELIEF.~~

~~VARIANCES SHALL ONLY BE ISSUED UPON:~~

~~A SHOWING OF GOOD AND SUFFICIENT CAUSE;~~

~~A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE IS THE MINIMUM NECESSARY, CONSIDERING FLOOD HAZARD, TO AFFORD THE RELIEF;~~

~~A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD NOT RESULT IN THE INCREASED FLOOD HEIGHT, ADDITIONAL THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, CREATE NUISANCES, CAUSE FRAUD ON OR VICTIMIZATION OF THE PUBLIC AS IDENTIFIED IN § 50-173 HEREOF, OR CONFLICT WITH EXISTING LAWS OR ORDINANCES.~~

~~ANY APPLICANT TO WHOM A VARIANCE IS GRANTED SHALL BE GIVEN WRITTEN NOTICE THAT THE STRUCTURE WILL BE PERMITTED TO BE BUILT WITH A LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION AND THAT THE COST OF FLOOD INSURANCE WILL BE COMMENSURATE WITH THE INCREASED RISK RESULTING FROM THE REDUCED LOWEST FLOOR ELEVATION.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-177 PROVISIONS FOR FLOOD HAZARD REDUCTION.~~

~~GENERAL STANDARDS. IN ALL AREAS OF SPECIAL FLOOD HAZARDS THE FOLLOWING STANDARDS ARE REQUIRED:~~

~~ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE ANCHORED TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT OF THE STRUCTURE.~~

~~CONSTRUCTION MATERIALS AND METHODS.~~

~~ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE CONSTRUCTED WITH MATERIALS AND UTILITY EQUIPMENT RESISTANT TO FLOOD DAMAGE.~~

~~ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE CONSTRUCTED USING METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE.~~

~~ALL MOBILE HOMES SHALL BE ANCHORED TO RESIST FLOTATION, COLLAPSE, OR LATERAL MOVEMENT BY PROVIDING OVER THE TOP AND FRAME TIES TO GROUND ANCHORS. SPECIAL REQUIREMENTS SHALL BE THAT:~~

~~OVER THE TOP TIES BE PROVIDED AT EACH OF THE FOUR CORNERS OF THE MOBILE HOME, WITH TWO ADDITIONAL TIES PER SIDE AT INTERMEDIATE LOCATIONS, WITH MOBILE HOMES LESS THAN 50 FEET LONG REQUIRING ONE ADDITIONAL TIE PER SIDE.~~

~~FRAME TIES BE PROVIDED AT EACH CORNER OF THE HOME WITH FIVE ADDITIONAL TIES PER SIDE AT INTERMEDIATE POINTS, WITH MOBILE HOMES LESS THAN 50 FEET LONG REQUIRING FOUR ADDITIONAL TIES PER SIDE.~~

~~ALL COMPONENTS OF THE ANCHORING SYSTEM BE CAPABLE OF CARRYING A FORCE OF 4,800 POUNDS.~~

~~ANY ADDITIONS TO THE MOBILE HOME BE~~

~~SIMILARLY ANCHORED.~~

~~UTILITIES.~~

~~ALL NEW AND REPLACEMENT WATER SUPPLY SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO THE SYSTEM.~~

~~NEW AND REPLACEMENT SANITARY SEWAGE SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE FLOOD WATERS INTO THE SYSTEM AND DISCHARGE FROM THE SYSTEMS INTO FLOOD WATERS.~~

~~ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED TO AVOID IMPAIRMENT TO THEM OR CONTAMINATION FROM THEM DURING FLOODING.~~

~~SUBDIVISION PROPOSALS.~~

~~ALL SUBDIVISION PROPOSALS SHALL BE CONSISTENT WITH THE NEED TO MINIMIZE FLOOD WATERS.~~

~~ALL SUBDIVISION PROPOSALS SHALL HAVE PUBLIC UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL AND WATER SYSTEMS, LOCATED AND CONSTRUCTED TO MINIMIZE FLOOD DAMAGE.~~

~~ALL SUBDIVISION PROPOSALS SHALL HAVE ADEQUATE DRAINAGE PROVIDED TO REDUCE EXPOSURE TO FLOOD DAMAGE.~~

~~BASE FLOOD ELEVATION DATA SHALL BE PROVIDED, THE CUMULATIVE EFFECT OF ANY PROPOSED DEVELOPMENT, WHEN COMBINED WITH ALL OTHER EXISTING AND ANTICIPATED DEVELOPMENT, SHALL NOT INCREASE THE WATER SURFACE ELEVATION OF THE BASE FLOOD MORE THAN ONE TENTH OF A FOOT AT ANY POINT.~~

~~SPECIFIC STANDARDS. IN ALL AREAS OF SPECIAL FLOOD HAZARD WHERE BASE~~

~~FLOOD ELEVATION DATA HAS BEEN PROVIDED AS SET FORTH IN § 50-172 HEREOF, OR IN § 50-178, THE FOLLOWING STANDARDS ARE REQUIRED:~~

~~RESIDENTIAL CONSTRUCTION. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT OF ANY RESIDENTIAL STRUCTURE SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED TO OR ABOVE BASE FLOOD ELEVATION.~~

~~NONRESIDENTIAL CONSTRUCTION. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT OF ANY COMMERCIAL, INDUSTRIAL OR OTHER NONRESIDENTIAL STRUCTURE SHALL EITHER HAVE THE LOWEST FLOOR, INCLUDING THE BASEMENT, ELEVATED TO THE LEVEL OF THE BASE FLOOD ELEVATION; OR TOGETHER WITH THE ATTENDANT UTILITY AND SANITARY FACILITIES SHALL:~~

~~BE FLOODPROOFED SO THAT BELOW THE BASE FLOOD LEVEL THE STRUCTURE IS WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER.~~

~~HAVE STRUCTURAL COMPONENTS CAPABLE OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF BUOYANCY.~~

~~BE CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT THAT THE STANDARDS OF THIS SUBSECTION ARE SATISFIED. SUCH CERTIFICATION SHALL BE PROVIDED TO THE OFFICIALS AS SET FORTH IN § 50-173(A)(3).~~

~~MOBILE HOMES.~~

~~MOBILE HOMES SHALL BE ANCHORED IN ACCORDANCE WITH § 50-177(A)(3).~~

~~FOR THE NEW MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS; FOR EXPANSIONS TO EXISTING MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS; FOR EXISTING MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS WHERE REPAIR, RECONSTRUCTION OR IMPROVEMENT OF THE STREETS, UTILITIES AND PADS EQUALS OR EXCEEDS 50% OF THE VALUE OF THE STREETS, UTILITIES AND PADS BEFORE THE REPAIR, RECONSTRUCTION OR IMPROVEMENT HAS COMMENCED; AND FOR MOBILE HOMES NOT PLACED IN MOBILE HOME PARKS OR MOBILE HOME SUBDIVISIONS, REQUIRE THAT:~~

~~STANDS OR LOTS ARE ELEVATED ON COMPACTED FILL OR ON PILINGS SO THAT THE LOWEST FLOOR OF THE MOBILE HOME WILL BE AT OR ABOVE THE BASE FLOOD LEVEL;~~

~~ADEQUATE SURFACE DRAINAGE ACCESS FOR A HAULER ARE PROVIDED; AND~~

~~IN THE INSTANCE OF ELEVATION ON PILINGS THAT:~~

~~LOTS ARE LARGE ENOUGH TO PERMIT STEPS;~~

~~PILING FOUNDATIONS ARE PLACED IN STABLE SOIL NO MORE THAN TEN FEET APART; AND~~

~~REINFORCEMENT IS PROVIDED FOR PILINGS MORE THAN SIX FEET ABOVE THE GROUND LEVEL.~~

~~(ORD. 2787, PASSED 12-22-80; AM. ORD. 2789, PASSED 2-23-81)~~

~~§ 50-178 FLOODWAY.~~

~~LOCATED WITHIN AREAS OF SPECIAL FLOOD HAZARD AS ESTABLISHED IN § 50-172 HEREOF~~

~~ARE AREAS DESIGNATED AS FLOODWAY. SINCE THE FLOODWAY IS AN EXTREMELY HAZARDOUS AREA DUE TO THE VELOCITY OF FLOOD WATERS WHICH CARRY DEBRIS, POTENTIAL PROJECTILES AND EROSION POTENTIAL, THE FOLLOWING PROVISIONS APPLY:~~

~~PROHIBITED ENCROACHMENTS, INCLUDING FILL, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS AND OTHER DEVELOPMENT UNLESS A TECHNICAL EVALUATION DEMONSTRATES THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASE IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.~~

~~IF § 50-177 IS SATISFIED, ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL COMPLY WITH ALL APPLICABLE FLOOD HAZARD REDUCTION PROVISIONS OF § 50-178.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-179 PENALTIES FOR NONCOMPLIANCE.~~

~~NO STRUCTURE OR LAND SHALL HEREAFTER BE CONSTRUCTED, LOCATED, EXTENDED, CONVERTED OR ALTERED WITHOUT FULL COMPLIANCE WITH THE TERMS OF THIS ARTICLE AND OTHER APPLICABLE REGULATIONS. VIOLATION OF THE PROVISIONS OF THIS ARTICLE, OR FAILURE TO COMPLY WITH ANY OF ITS REQUIREMENTS (INCLUDING VIOLATIONS OF THE CONDITIONS AND SAFEGUARDS ESTABLISHED IN CONNECTION WITH CONDITIONS) SHALL CONSTITUTE A MISDEMEANOR. ANY PERSON WHO VIOLATES THIS ARTICLE OR FAILS TO COMPLY WITH ANY OF ITS REQUIREMENTS SHALL UPON~~

~~CONVICTION THEREOF BE FINED NOT MORE THAN \$500.00 OR IMPRISONED NOT MORE THAN 90 DAYS, OR BOTH, FOR EACH VIOLATION, AND IN ADDITION SHALL PAY THE COSTS AND THE EXPENSES INVOLVED IN THE CASE. NOTHING HEREIN CONTAINED SHALL PREVENT THE CITY FROM TAKING SUCH OTHER LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-180 ABROGATION AND GREATER RESTRICTIONS.~~

~~THIS ARTICLE IS NOT INTENDED TO REPEAL, ABROGATE OR IMPAIR ANY EXISTING EASEMENTS, COVENANTS OR DEED RESTRICTIONS. HOWEVER, WHERE THIS ARTICLE AND ANOTHER ORDINANCE, EASEMENT, COVENANT OR DEED RESTRICTION CONFLICT OR OVERLAP, WHICHEVER IMPOSES THE MORE STRINGENT RESTRICTIONS SHALL PREVAIL.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~§ 50-181 WARNING AND DISCLAIMER OF LIABILITY.~~

~~THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS ARTICLE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. LATER FLOODS CAN AND WILL OCCUR ON RARE OCCASIONS. FLOOD HEIGHTS MAY BE INCREASED BY MANMADE OR NATURAL CAUSES. THIS ARTICLE DOES NOT IMPLY THAT THE LAND OUTSIDE THE AREAS OF~~

~~SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. THIS ARTICLE SHALL NOT CREATE LIABILITY ON THE PART OF THE CITY, ANY OFFICER OR EMPLOYEE THEREOF, OR THE FEDERAL INSURANCE ADMINISTRATION FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THIS ARTICLE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER.~~

~~(ORD. 2787, PASSED 12-22-80)~~

~~ARTICLE XXXI ENFORCEMENT~~

~~§ 50-182 PENALTIES.~~

~~A VIOLATION OF ANY PROVISION OF THIS CHAPTER, EXCLUDING ARTICLE XXI; ARTICLE XXII; ARTICLE XXIII; ARTICLE XXIX, §165.5; OR ARTICLE XXX, SHALL BE A MUNICIPAL CIVIL INFRACTION PURSUANT TO § 1-10 THROUGH § 1-21 OF THIS CODE, UNLESS ANOTHER PENALTY IS EXCLUSIVELY PRESCRIBED BY STATE LAW.~~

~~ANY BUILDING, STRUCTURE, OR USE NOT IN CONFORMITY WITH THE PROVISIONS OF THIS CHAPTER, EXCEPT A LAWFUL NON-CONFORMING USE UNDER ARTICLE XXVI OF THIS CHAPTER, IS HEREBY DECLARED TO BE A PUBLIC NUISANCE PER SE AND SUBJECT TO ABATEMENT AS PROVIDED BY LAW.~~

~~(ORD. 3667, PASSED 8-8-05)~~

APPENDIX: COMPILED ILLUSTRATIONS

~~§ 50-1 TYPICAL LOT DEFINITIONS.~~

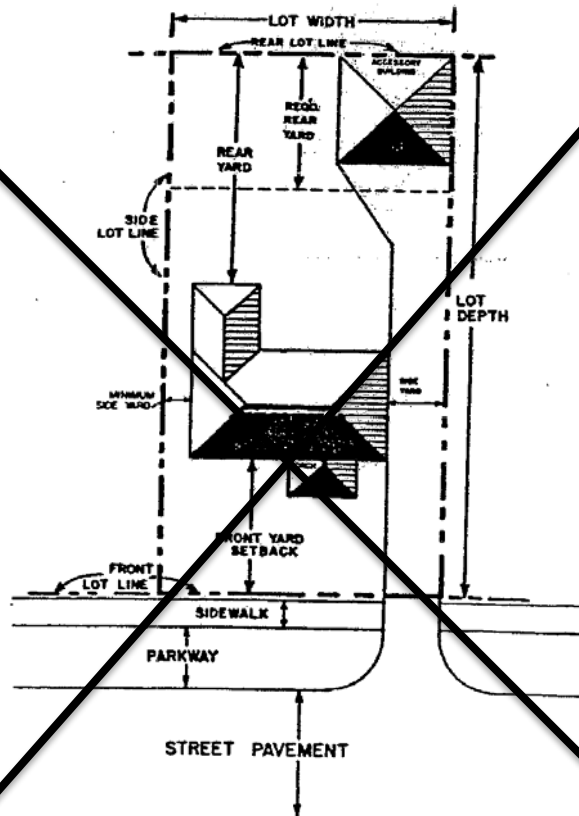
~~§ 50-94(a) TYPICAL LOCATIONS OF
ACCESSORY BUILDINGS.~~

~~§ 50-94(b) TYPICAL LOCATIONS OF
ACCESSORY BUILDINGS ON CORNER LOTS.~~

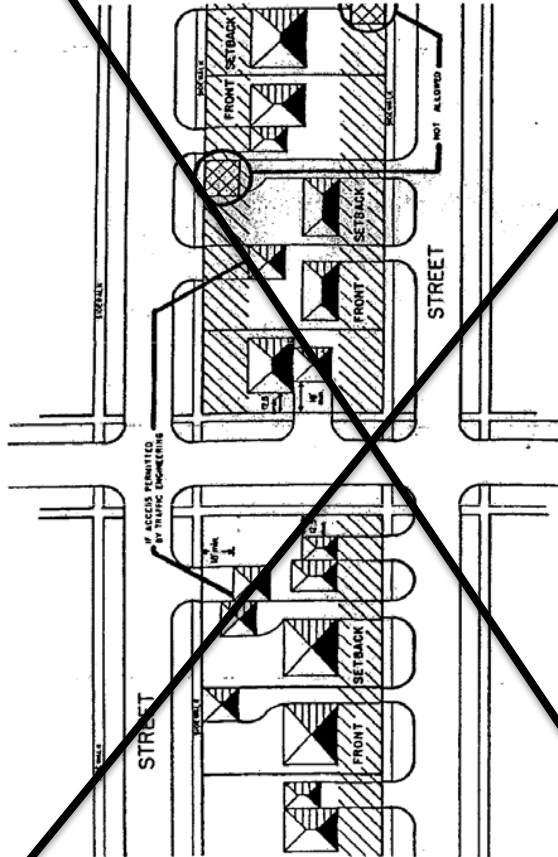
~~§ 50-96(b) TYPICAL LOCATIONS OF
ACCESSORY BUILDINGS ON DOUBLE
FRONTAGE LOTS.~~

~~§ 50-133 50-142 TYPICAL PARKING
REGULATIONS ABUTTING RESIDENCES.~~

~~§ 50-1 TYPICAL LOT DEFINITIONS.~~



§ 50-36(b) TYPICAL LOCATIONS OF ACCESSORY BUILDINGS ON DOUBLE FRONTAGE LOTS.



Zoning

~~§ 50-133 - 50-142 TYPICAL PARKING REGULATIONS ABUTTING RESIDENCES.~~

