

Draft Text Amendment to the Zoning Ordinance

Article 11. Nonconforming**Section 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 site conditions shall determine the degree to which the site must conform with Article 13 of this Chapter as follows:

- i. 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.
- ii. A change in use request is eligible for a waiver from landscaping requirements, granted by the Planning Commission. See Section 50-150 D.

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 2,000 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.
4. The Zoning Coordinator may grant an Administrative Departure of no more than 20 percent of the required improvements in this provision upon demonstration by the applicant that the property is physically constrained and the applicant is complying to the maximum extent practicable.

Article 13. Landscaping Standards

Section 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 50-139 in Article 11 of this Chapter.

B. The City of Flint is home to a large number of buildings and uses that do not conform to the standards in this Article. To ensure that the purpose and intent of the article is addressed, while providing for necessary flexibility to support infill development and reuse, there are a several options for flexibility included within this Chapter. The table below summarizes the various options for flexibility of implementation of landscaping standards.

Landscaping Waivers and Departures

Issue	Development Review Type	Section Reference
Change in Use	Zoning Permit	50-139.B.
Expansion of Existing Structure or Use	Zoning Coordinator Review or Planning Commission Review	50-139.C.
Setback Area of Less than 10 Feet for Building Foundation Zone Landscaping	All	50-155.A
Parking Lot Landscaping not Visible from Right of Way	All	50-156.B.2.
Transition Yards	Zoning Permit or Zoning Coordinator Review	50-175.E.
Zoning Coordinator Review in NC or DC Zoning District	Zoning Coordinator Review	50-150.C
All other Site Development Issues; Planning Commission Waiver.	All	50-150.D

C. The requirements of this chapter may be reduced in the Neighborhood Center (NC) and Downtown Core (DC) zoning districts by up to 50% during a Zoning Coordinator Review by granting an Administrative Departure. The applicant must clearly demonstrate the site is physically constrained, that the applicant is complying with landscaping standards to the maximum extent practicable, and that the proposed development complies with the purpose and intent of this Article.

D. Planning Commission Waiver. If an applicant is not able to comply with the requirements of this Article due to limitations on a site, the Planning Commission may grant a waiver of some or all requirements of this Article upon finding that the proposed development complies with the purpose and intent of this

Article. The Planning Commission may grant a waiver for any type of development review, including Planning Commission review, Zoning Coordinator review, and zoning permits.

Section 50-153 Plant Material Requirements

L. Planting Beds.

Bark used as mulch shall be maintained at a minimum depth of two (2) inches. Planting beds shall be edges with plastic, metal, brick or stone in residential Zoned Districts and with permanent durable materials like brick, concrete, or finished metal edging to match the exterior finish of the principal structure to match the exterior finish of the principal structure in all other Zone Districts. Section 50-158 Additional Landscape and Screening Requirements

7. Alternative Landscaping Options. If an applicant cannot comply with the strict requirements of this chapter due to site conditions, including but not limited to existing pavement, the presence of underground utilities, or limited area on a site, alternative methods to meeting landscaping requirements may be employed. These alternatives may include but are not limited to the use of planter boxes or raised beds rather than planting vegetation directly into the ground. Any such alternative structure must be reviewed and approved by the city's department of public works and engineering department. Any structure utilized as a landscaping alternative shall be constructed of permanent, durable materials like brick, concrete, or finished metal and match the exterior finish of other buildings and structures on the site.

If an alternative option is utilized, the total amount of vegetation required by this chapter must still be provided, unless a waiver or administrative departure has been granted (see Section 50-150).

Article 17. Applications and Review Procedures

Section 50.186 Decision-Making Bodies

D. Zoning Permit Review

1. Designation

Certain activities require review by the Department of Planning and Development for compliance with this Chapter, but are not complicated enough to warrant formal Site Plan Review or a higher level of review. In these instances, a department staff member who has been designated by the Director of Planning and Development or the Zoning Coordinator may undertake the review. These staff reviews can often be handled in a walk-in visit, but may take longer than two (2) business days depending on the individual project or case load.

2. Activities eligible for Zoning Permit Review:

i. On Single-Family Detached and Two-Family lots and Dwellings:

- a. Construction of a new dwelling (Unless a Special Land Use).
- b. Addition to an existing dwelling.
- c. Construction or alteration to an accessory building or structure.
- d. Installation or alteration of a swimming pool, spa, hot tub or similar use.
- e. Construction or alteration of a deck.
- f. Installation or alteration of a fence.

ii. On Attached Single Family, Multiple-Family, Mixed-Use and Non-Residential Lots, Buildings or Structures when the proposed activity is permitted by right in the underlying district and when not involving a Special Land Use or an Additionally Regulated Use:

- a. Change in use of existing development to a permitted use (not a Special Land Use or an Additionally Regulated Use)
- b. Construction or alteration to an accessory building or structure.
- c. Installation or alteration of a swimming pool, spa, hot tub or similar use.
- d. Construction or alteration of a deck.
- e. Installation or alteration of a fence.
- f. Limited uses as identified in Article 9 specifically calling for Zoning Permit