



City of Fraser

Building & Code Enforcement Department

AGENDA

CITY OF FRASER ZONING BOARD OF APPEALS – (VIRTUAL MEETING)

MUNICIPAL BUILDING ~ 33000 GARFIELD ~ PHONE: 586-293-3100

THURSDAY, JULY 16, 2020 at 6:00pm

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda**
5. **ELECTION OF OFFICERS**
6. **Approval of Minutes –**
 - a. **January 16, 2020**
7. **Formal Statement**
8. **Old Business**
9. **Public Hearings**
10. **New Business**
 - a. **City of Fraser Zoning Code Technical Review**
 - b. **2019 Annual Planning and Zoning Report**
11. **Unfinished Business**
12. **Planning Commission Liaison**
13. **Public to be Heard**
14. **Adjournment**

Governor Gretchen Whitmer's Executive Order 2020-59 prohibits all public gatherings of any number of people until after May 15, 2020. Therefore, the City of Fraser Zoning Board of Appeals will meet electronically, in accordance with Executive Order 2020-48. This notice is required to ensure that those wishing to observe and/or participate in the meeting have the opportunity to do so. The Zoning Board of Appeals' regular meeting will take place on July 16, 2020, at 6:00 p.m., using Zoom for video conferencing and public access. The public may attend and address the Commission via the Zoom application, the Zoom website, and/or telephone. The public will be able to listen to all discussion by Commission members and will be permitted to address the Commission during each agenda item and during Public Communications on Non-Agenda Items. All members of the public wishing to attend or participate by telephone will be placed on hold in a virtual "waiting room" until the meeting starts and will be muted during the business portion of the meeting. The Chairperson will unmute and recognize each member of the public, in no particular order, until all have had an opportunity to be heard. As always, residents are also encouraged to email any comments or questions they may have on any agenda item to the City by 4:30 p.m. on the day of the meeting at: cmoffice@micityoffraser.com. Please include your name, address, e-mail address, and the agenda item in the "subject" line of your e-mail (if your comments or questions pertain to a specific agenda item).

The City of Fraser thanks everyone for their understanding and support as we all attempt to navigate these challenging times together.



City of Fraser

Building & Code Enforcement Department

ZOOM MEETING

Topic: Zoning Board of Appeals

Time: July 16, 2020 06:00 PM Eastern Time (US and Canada)

Topic: Zoning Board of Appeals Meeting

Time: Jul 16, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86133720918>

Meeting ID: 861 3372 0918

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CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 16, 2020 – 7:00PM
MINUTES

DRAFT

Present: Chairman Stimac, Members: Burley, Chimenti, Menendez, Hunt, Logan, Farina

Excused Absence: NONE

Also, Present: Don Denault, City Attorney
Doug Plachcinski, Principal Planner
Wendy Caldwell, Associate Planner
Candace Schuver, Recording Secretary

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:03 PM

2. Pledge of Allegiance

3. Roll Call	Chairman	Stimac	Present
	Members:	Burley	Present
		Chimenti	Present
		Farina	Present
		Hunt	Present
		Logan	Present
		Menendez	Present

4. Approval of Agenda - Regular Meeting of Thursday, January 16, 2019

Motion by Member: FARINA (TO APPROVE) **Support by Member:** CHIMENTI

Further Discussion on the Motion by Member: **FARINA (TO AMEND)**

Member FARINA requested to amend item number 8.a. on the agenda to correct the number of parking spaces that the site will be reduced to from 1,179 to 1,149.

Motion by Member: FARINA (TO AMEND) this evening's agenda with a correction on item 8.a.

Support by Member: MENENDEZ

To: Amend the Agenda of January 16, 2020 to update item #8.a. to read as follows:

#19-07 ZBA/ Verus Development Group, LLC on behalf of Meijer Corporation

TO ALLOW 1,149 PARKING SPACES WHERE 1,608 SPACES ARE REQUIRED (SECTION 32-93 (6) j.)
(Reduced to 1,149 required by 2019 variance)

AYES 7 NAYS 0 MOTION CARRIED.

To: Approve the agenda of January 16, 2020 as amended.

AYES 7 NAYS 0 MOTION CARRIED.

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 16, 2020 – 7:00PM
MINUTES**

DRAFT

5. Approval of Minutes – November 7, 2019

Motion by Member: MENENDEZ (APPROVE) **Support by Member:** LOGAN

Further Discussion on the Motion by Member: HUNT (TO AMEND)

Member HUNT requested that item number 4 be corrected to reflect a motion from member HUNT to approve the November 7, 2020 agenda.

Motion by Member: LOGAN (APPROVE) **Support by Member:** HUNT

To: Approve the November 7, 2019 minutes as amended

AYES 7 NAYS 0 MOTION CARRIED.

6. Formal Statement:

Chairman Stimac gave a formal statement relative to the powers of the Zoning Board of Appeals and the facts and conditions for granting appeals.

7. Old Business: None.

8. Public Hearings:

a. #19-07 ZBA / Verus Development Group, LLC on behalf of Meijer Corporation

TO ALLOW 1,149 PARKING SPACES WHERE 1,608 SPACES ARE REQUIRED (SECTION 32-93 (6) j.) **(Reduced to 1,149 required by 2019 variance)**

Applicants Present: Reid Cooksey, Stonefield Engineering & Design, 607 Shelby Street, Detroit, MI

PLACHCINSKI explained the variance request.

QUESTIONS FOR THE ADMINISTRATION: FARINA inquired about the status of the revised zoning ordinance parking requirements and the impact that the updated requirements would have, if any, for this variance. STIMAC inquired about the purpose and nature of the grassy areas located at the south end of the parent site with regard to whether or not these are open space, retention, required green space, or unpaved areas at the very southwest corner of the Meijer site. STIMAC requested confirmation about whether the Meijer site would be able to utilize these open spaces for additional parking in the event that there is a change in shopping habits and the need for more parking spaces increases significantly. PLACHCINSKI confirmed that Meijer site would be able to utilize this space and that the site could accommodate additional parking.

PETITIONER STATEMENT: COOKSEY noted that this variance is only affecting the Meijer parcel. COOKSEY provided a letter in member's packets which details the actual parking requirements that the Meijer store needs. COOKSEY stated that the Meijer store only need about 600 parking spaces – not the 1,600 that is required by the City. COOKSEY further added that the granting of this variance will allow Meijer to ease maintenance requirements and provide positive economic benefits to the City of Fraser.

BOARD QUESTIONS FOR THE PETITIONER: MENENDEZ inquired about how the 1,337 figures for parking spaces came about. COOKSEY explained that this was in Meijer's original plan and was changed.

STIMAC inquired about whether this was an actual sale of land. COOKSEY responded affirmatively. STIMAC asked if there is an agreement in place. COOKEY indicated that there is an agreement between Meijer and the owner of parcel B however the owner owns both of these parcels.

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 16, 2020 – 7:00PM
MINUTES**

DRAFT

STIMAC asked if the applicant obtained site plan approval for this portion of the project. COOKSEY responded affirmatively. STIMAC inquired about whether or not site plan approval is contingent on ZBA approval. COOKSEY responded affirmatively to this question.

Public Hearing OPENED: 7:24 pm

PUBLIC COMMENT: None

WRITTEN CORRESPONDENCE FROM PUBLIC HEARING NOTICES: None

Public Hearing CLOSED: 7:25 pm

Motion by Member: FARINA (TO APPROVE) **Support by Member:** MENENDEZ

To: To approve variance #19-07 ZBA / Verus Development Group, LLC on behalf of Meijer Corporation to obtain a variance to zoning ordinance parking standards to allow 1,149 parking spaces where 1,608 are required by ordinance.

Further Discussion on the Motion: MENENDEZ noted that Meijer successfully applied for and was granted a similar request in 2019 and suffers no adverse impacts due to the small dimensions on the parcel

AYES 7 NAYS 0 MOTION CARRIED.

9. New Business:

a. Recommend Zoning Board of Appeals Appointments for Council Approval

FARINA recommended the reappointment of BURLEY to the ZBA

Motion by Member: FARINA (TO RECOMMEND REAPPOINTMENT) **Support by Member:** BURLEY

Further Discussion on the Motion by Member: MENENDEZ? noted that the ZBA members could take all of the reappointments at the same time, in one motion, rather than separately.

MENENDEZ recommended the reappointment of members STIMAC, BURLEY, and FARINA to the ZBA

Motion by Member: STIMAC **Support by Member:** MENENDEZ

AYES 7 NAYS 0 MOTION CARRIED.

b. Approve 2020 Zoning Board of Appeals Calendar

Motion by Member: HUNT (TO APPROVE) **Support by Member:** LOGAN

To: To approve the 2020 ZBA Calendar as stated

Further Discussion on the Motion: DENAULT noted that the first Thursday of December typically creates a companywide conflict for his staff and requested that the ZBA consider an alternate date for this ZBA. STIMAC responded that this meeting date could be reconsidered closer to that time.

AYES 7 NAYS 0 MOTION CARRIED.

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 16, 2020 – 7:00PM
MINUTES**

DRAFT

c. Election of Officers

Motion by Member: STIMAC (TO POSTPONE) **Support by Member:** LOGAN

To: To postpone action on election of officers until council takes action on reappointments.

Further Discussion on the Motion: STIMAC noted that it may be premature to elect someone to office if they don't get reappointed by Council. STIMAC inquired about when ZBA appointments will be on the Council agenda. PLACHCINSKI responded that this will happen at the February council meeting. STIMAC added that this item should be postponed until February - after the first meeting where Council acts on reappointment to the ZBA

AYES 7 NAYS 0 MOTION CARRIED.

10. Unfinished Business: None

11. Planning Commission Liaison

FARINA reported on the Master Plan process the Planning Commission began, focusing on the community survey.

12. Public to be Heard: None

13. Adjournment

Motion by Member: MENENDEZ (TO ADJOURN) **Support by Member:** CHIMENTI

To: Adjourn the meeting on January 16, 2020

AYES 7 NAYS 0 MOTION CARRIED.

ZBA Secretary, Rosanne Menendez

Recording Secretary, Wendy Caldwell, Associate Planner



Memorandum

TO: Planning Commission & Zoning Board of Appeals
City of Fraser, Michigan

FROM: Doug Plachcinski, Principal Planner

SUBJECT: Zoning Ordinance Technical Review - 2020

DATE: July 10, 2020

INTRODUCTION

A Zoning Ordinance is a living document, which means that it must evolve to changes within the community as well as changes outside of the community, such as amendments in the law or court decisions that create new precedents. While many of these changes are outside the control of a community, Fraser can be proactive and amend its Zoning Ordinance when it is necessary to comply with the law, protect community character, or promote its desired form of development.

We relied on the following resources to analyze the Zoning Ordinance and prepare the report:

- City of Fraser Zoning Ordinance;
- Minutes of the City Zoning Board of Appeals;
- Michigan statutory provisions affecting zoning and land use planning;
- Zoning case law;
- Reference materials from the McKenna's library;
- Topical planning journals and magazines;
- Ordinance provisions from other Michigan communities; and
- Professional expertise, including expert witness experience in circuit and federal court.

This document organizes our comments in the current ordinance format. For brevity, if a section is not included in this report, then we did not find an alteration necessary for the existing language from a technical perspective. We recommend reorganizing the ordinance when the City devises a program addressing this technical review. This report concludes with a summary of our comments and findings.

Should you have any questions, please do not hesitate to contact us. Thank you.



Fraser, Michigan

Zoning Ordinance Technical Review - 2020

ARTICLE I – IN GENERAL

Sec. 32-1 – Short Title

Sec. 32-2 – Construction of Language

Sec. 32-3 – Definitions

- All “Adult” definitions (e.g. Adult Arcade, Adult Bookstore, Adult cabaret-non-liquor establishment, Adult cabaret liquor-establishment, adult motel, adult motion picture theater, adult theater) should be removed from the Definitions section and added to the Special Land Use Section (Article XII).
- Remove “Alarm Fence” as it does not appear anywhere else in the Zoning Ordinance.
- Remove “Automobile Wash” as it is clearly defined as Car Wash, and redundant.
- Remove “Automobile Wrecking Yard” as it is clearly defined as Junkyard, and redundant.
- Expand the definition of “Bedroom.” The definition should read “*Bedroom*. A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door, and includes a closet.”
- Remove “Building Group” as it does not appear anywhere else in the Zoning Ordinance.
- Remove “Building Line” and change references to Front Setback, as they are interchangeable terms.
- Amend “Building, Temporary” to clarify meaning of a “limited period of time.”
- Amend “Car Wash” to exclude the text “In no instance shall a commercial car wash so defined be considered an accessory use.” This is regulatory text and should not be included within definitions.
- Remove “Carry-out restaurant.” This is clarified as a “Fast-Food Restaurant” and redundant.
- Amend “Commercial Establishment” as the current definition does not relate to the way it is used in further chapters. Consider a re-word such as: “An establishment, business, or enterprise dealing with the public, that is carried on for profit by the owner, lessee or licensee.”
- Remove “Community Center” as it is not used elsewhere in the Zoning Ordinance.
- Remove “Conservation Easement” as it is not used elsewhere in the Zoning Ordinance.
- Remove “Court” as it is not used elsewhere in the Zoning Ordinance, only in reference to judicial purposes.
- Remove “Drilling Pad” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Drive-In Establishment” as it does not appear elsewhere in the Zoning Ordinance.
- Amend “Dwelling Unit” for definition clarity. Consider a definition such as “A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.”
- Remove “Efficiency Unit” as the term is defined elsewhere in the Ordinance (Sec. 32-123).
- Remove “Electrified Fence” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Escort” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Escort Agency” as the term does not appear elsewhere in the Zoning Ordinance.



- Amend “Establishment” as the term appears throughout the Ordinance in various ways. Consider redefining language such as “A business organization, public institution, or household.”
- Remove “Fast-food Restaurant” as it is defined in the Ordinance as “Restaurant, Fast-Food.”
- Amend “Filling” to “Fill” given that Zoning Ordinance utilizes the term “Fill” in regulatory context.
- Remove “First Floor Area” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Floor Area, Livable” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Garage, Automobile Repair” as the term is defined as “Automobile Repair.”
- Remove “Garage, Commercial” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Grade, Building” as it is defined in “Grade.”
- Remove “Gross Floor Area” as it is already defined in “Floor Area, Gross.”
- Remove “Heliport-Limited Use” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Heliport-Unlimited Use” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Horizontal Drilling” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “House, Rooming” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “House, Trailer” as it is defined as “Mobile Home.”
- Amend “Household Pet” to read: “Animals that are customarily kept for personal use or enjoyment within the home.”
- Remove “Hydraulic Fracturing, or Fracking” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Lake, Private” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Lot, Substandard” as it does not appear elsewhere in the Zoning Ordinance.
- Consider clarifying the definition of “Lot Width.” A new definition may include language such as “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.”
- Remove “Mezzanine” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Mean Grade” as it does not appear elsewhere in the Zoning Ordinance.
- Expand the definition of a “Mobile Home” to mirror a dwelling unit. For example, “A structure transportable in one or more sections which is built on a chassis and is designed to be used as a dwelling, with or without permanent foundation, when connected to the required facilities; and includes permanent provisions for plumbing, heating, sleeping, eating, cooking, sanitation, air conditioning, as well as electrical systems contained in the structure. Mobile home does not include a recreational vehicle.”
- Remove “Natural Gas Compressor Station” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Nude Motel Studio” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Nudity, or State of Nudity” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Oil and gas Development” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Oil or Gas Well” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Oil or Gas Well Site” as it does not appear elsewhere in the Zoning Ordinance.
- Amend or re-locate “Open Air Business Uses” as the definition contains regulatory language (suggested re-location to Chapter 19).
- Consider the re-location or removal of “Open Front Store” as could be considered as a “Transient Business” (Chapter 19), or removed as it is not included elsewhere in the Zoning Ordinance.
- Remove “Outlot” as it is not included elsewhere in the Zoning Ordinance.
- Amend “Permittee and/or Licensee” to omit language referring to sexually-oriented businesses.



- Remove “Planned Shopping Center” as the definition is included as “Shopping Center.”
- Remove “Putrescible” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Recycling Center” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Recycling Plant” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Roadside Stands” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Scenic Easement” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Sexual Encounter Center” as it does not appear elsewhere in the Zoning Ordinance.
- Utilize the definition listed for “Planned Shopping Center.” The definition reads: “A business development of three (3) or more outlets characterized by a unified grouping of such retail outlets served by a common circulation and parking system.”
- Consider a simplification of “Sign Area.” Example text may include: “The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.”
- Remove “Sign, Construction” as the term is not found elsewhere in the Zoning Ordinance.
- Remove “Sign, Political” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Sign, Portable” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Sign, Projecting” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Vehicle Business Sign” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Specific Anatomical Areas” as the term does not appear elsewhere in the Zoning Ordinance.
- Remove “Specified Sexual Activity” as it does not appear elsewhere in the Zoning Ordinance.
- Remove “Storage Well” as it does not appear elsewhere in the Zoning Ordinance.
- Consider defining a “limited period of time” in reference to the “Temporary Use or Building” definition.
- Remove “Townhouse” as it is defined as “Building, Townhouse” in this Section.
- Remove “Veterinarian Clinic” as it does not appear elsewhere in the Zoning Ordinance.
- Consider combining or condensing the definitions for “Yard,” “Non-Required Yard,” and “Required Yard.”

ARTICLE II – APPLICATION AND INTERPRETATION

No content modifications necessary. Edit for ordinance style consistency only.

ARTICLE III – GENERAL PROVISIONS

Sec. 32-31 – Access across residential property

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-32 – Accessory buildings in other than one-family districts

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-33 – Animals

This section should tie into kennel standards. Are backyard poultry like chickens desirable in the City? If so, we can develop standards for allowing non-commercial poultry in certain areas of the City.

**Sec. 32-34 – Annexed territory**

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-35 – Approval of plats

Approval of plats and site condominiums should follow the same process and this section should incorporate both.

Sec. 32-36 – Average lot size

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-37 – Brick requirement and alteration limitations

The Planning Commission should determine acceptable façade materials. Edit for ordinance style consistency.

Sec. 32-38 – Building grades

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-39 – Buildings to be moved

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-40 – Corner clearance

Clarify this corner clearance standard and reference it in the driveway and parking lot layout standards.

Sec. 32-41 – Dwellings in nonresidential districts

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-42 – Engineering code

No content modifications necessary. Edit for ordinance style consistency only. Reference City Code engineering chapters.

Sec. 32-43 – Excavations or holes

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-44 – Fences in other than single-family zoning districts

- Move this Section to Chapter 9, Section 9-2. – Construction.

Sec. 32-45 – Frontage

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-46 – Garage sales, rummage sales, and the like

Verify standards with City Council and Planning Commission. Edit for ordinance style consistency only.

Sec. 32-47 – Locations of improvements in a public easement

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-48 – Lot computing requirements

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-49 – Measuring setback requirements

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-50 – Nonresidential driveways



Move to off-street parking and loading requirements. Edit for ordinance style consistency only.

Sec. 32-51 – Outdoor merchandising

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-52 – Outdoor storage and/or display lots

Reference appropriate fence/screening sections of the ordinance and edit for ordinance style consistency.

Sec. 32-53 – Portable toilets

Remove, unnecessary.

Sec. 32-54 – Project entranceways

Remove, unnecessary.

Sec. 32-55 – Prohibited occupancy

Verify mobile home v. modular home. Edit for ordinance style consistency.

Sec. 32-56 – Public utility electronic equipment enclosures

This section references buildings but uses the confusing terms structures and enclosures. The code should be specific. Also, cross reference w/cell tower equipment structures.

Sec. 32-57 – Residential structure conversion

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-58 – Restoring unsafe buildings

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-59 – Side yard setbacks

This section should be re-titled “street side yard setbacks” and clarified

Sec. 32-60 – Temporary dwellings

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-61 – Two-street frontage (double frontage)

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-62 – Utility approval

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-63 – Vacated right-of-way

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-64 – Well systems

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-65 – Yard use

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-66 – Zero lot line

Remove fire language and defer/reference to fire code. Permanent easement language should be revised to include City review, execution, and recording at the Macomb County Registrar of Deeds.



ARTICLE IV – GENERAL EXCEPTIONS

Sec. 32-71 – Access through yards

Clarify difference between building and structure.

Sec. 32-72 – Essential services

Reference essential service definition and include all City uses and activities.

Sec. 32-73 – Height limitations and exceptions

The Planning Commission should make this decision, not the ZBA. Include customary and incidental to the accessory structure/building language.

Sec. 32-74 – Lot area

This section is redundant and addressed in section 32-212, non-conforming lots.

Sec. 32-75 – Porches/terraces at-grade patios, steps/stairs, and decks

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-76 – Projections into yards

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-77 – Railroad lines, sidings, and spurs

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-78 – Voting place

Voting place should be specified and included in essential services.

Sec. 32-79 - Reserved

ARTICLE V - ENVIRONMENTAL PROVISIONS

Sec. 32-81 – Intent

Sec. 32-82 – Screening requirements

- Include an example image of the masonry screening wall as described in Section 32-82.1 – Rules for the REC, IR, and IC Districts.
- Consider reducing and simplifying language for screening requirements. Such as, combining requirements that are applicable to all districts, rather than separate requirements for REC, IR, and IC, and include text that allows for Planning Commission discretion when reviewing landscaping plans to best suit specific sites and development types.
- Determine if a masonry/decorative wall, or a greenbelt is preferred for REC, IR, and IC districts. Current text states preference to a masonry wall screening option for all districts other than REC, IR, and IC.
- Use consistent language to refer to screening walls (ex. masonry wall or decorative wall).
- Amend Section 32-82.4.A.6 to exclude text referring to industrial uses. The subsection title is called “Rules for all zoning districts, except REC, IR, and IC.” The current text in 32-82.A.6 includes rules for industrial uses.
- Include an image of an ideal example of a decorative masonry wall, showing dimensional requirements.
- Consider consolidating requirements between for “Rules for the REC, IR, and IC districts only” and “Rules for all zoning districts except REC, IR, and IC.” Many of the provisions are similar, and a consistent



screening design standard should be encouraged throughout the City. Keep all current provisions on height, additional screening requirements, building material requirements, etc.

- Include an image example of berm requirements.

Sec. 32-83 – Preservation of wooded and shrubbed areas

- Consider adding text allowing all native species in Section 32-83.3.A.

Sec. 32-84 – Landscaping requirements

- Include a provision that requires irrigation details in the landscape plan as described in Section 32-84.A.
- Include a photograph of the exemplary landscape design in this Section.
- Consider including text following Section 32-84.B.1 that describes specific tree, shrub, and plating requirements in the City's CBD District to provide tree canopies that do not impair visibility of storefronts and visually appealing plantings.
- Move Section 9-5.5 – Landscape Treatments to Section 32-84 – Landscaping Requirements.
- Move Section 32-88 – Parking Lot and Landscaping Requirements to Section 38-84 – Landscaping Requirements to ensure that all landscaping requirements in the Ordinance are found within the same section.

Sec. 32-85 – Sign regulations

- Remove the Sign Regulations Section from Environmental Provisions. This Section should be easily found and in a standalone Article.
- Amend Section 32-85.1.i, "One (1) off-site real estate sign directing the public to such real estate may be permitted by the building official during the construction of a building or buildings or the offering for sale of real estate, provided such sign is not larger than nine (9) square feet and observes the setback requirements of the district in which it is to be located." This regulatory language is not content neutral. This text can be amended to be categorized as a "Temporary Sign" and therefore can be regulated as such.
- Eliminate the text "...provided further, that there are buildings or home sales continuing in the subdivision being advertised," from Section 32-85.1. j.
- The updated text for Section 32-85.1.j should read "A limited number of project signs of temporary duration, not exceeding sixty-four (64) square feet in area, may also be permitted, subject to their approval by the zoning board of appeals, which approval shall be for a six (6) month period, subject to renewal, provided such signs conform to the conditions established by the zoning board of appeals to secure harmony with this chapter. Each permit for such a sign shall require an issuance fee and any extension beyond the original time stated in the permit shall require an additional extension fee, as determined by resolution of the city council."
- Amend Section 32-85.1.m to eliminate text "Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold." Include the remaining provision as a temporary sign.
- Amend Section 32-85.1. q to eliminate text "Permitted shall be one (1) gasoline price sign, no larger than twenty (20) square feet, for each establishment selling gasoline or diesel fuel as part of its principal permitted use." This regulatory text is not content neutral. The amended text should read "Temporary window signs, not occupying more than twenty-five (25%) percent of the window space, are exempt from the restrictions of this section."



- Amend Section 32-85.1. s. to eliminate text "...while the freestanding sign shall only state the name of the business, a brief description of state licensed products, services or activities offered by the business (such as liquor, notary public, lottery, etc.), and a one- or two-word description of the principal permitted activity conducted on the site." This regulatory language is not content neutral.
- Reword Section 32-85.1. u. from "noncommercial signs" to "Signs located in a non-commercial district."
- Amend Section 32-85.2.c.2 to eliminate text "...with the name of the shop or proprietor and a very brief description of the proposed business activity."
- Full amended text for 32-85.2.c.2 should include "A projecting sign may be used in place of the permitted wall sign and may overhang the public right-of-way. Such sign shall not be greater in overall area than twenty (20) square feet on each side. Projecting signs shall be hung at a uniform height and project no further than five (5) feet from the building wall."
- Amend Section 35-85.2.e.2 to remove the following text "A permitted principal wholesale or industrial site shall have not more than one (1) freestanding or wall sign, ~~containing only the name of the establishments or firms and the name of the principal permitted activity.~~ A directory of tenants for multiple buildings or tenants on a site may be permitted as provided in section 32-85. The wall sign may not be larger in area than twenty (20) percent of the building's front wall signable area, but in no case larger than one hundred (100) square feet. The freestanding sign shall be constructed to the standards of the Schedule of Ground and Pylon Sign Regulations, Part I. In addition to the freestanding or wall sign, the use may have one (1) bulletin board no greater than sixteen (16) square feet, with ~~the company name in~~ no larger than six (6) inch letters and sub text ~~with jobs available listed below~~ in letters no greater in size than four (4) inches. This bulletin board may be placed no closer than ten (10) feet to any property line."
- Remove Section 35-85.2.e.4.c, "The information or advertising communicated by the changeable copy sign shall be limited to events, goods and/or services provided or sold on the site." The regulatory text is not content neutral.
- Consider pulling out and relocating provisions for temporary signs and designating that as a separate subsection of Sign Regulations, to enhance clarity. This subsection should include text such as:
 1. Section 32-85.1.i (with suggested amended text).
 2. Section 32-85.1.j (with suggested amended text).
 3. Section 32-85.1. q (with suggested amended text).
 4. Section 32-85.1.m (with suggested amended text).
- Include text and a corresponding graphic in Section 32-85.1 for how sign square footage is measured. For example, if a sign has a frame or border, determine if that is included as part of the total square foot calculations. Include a graphic to show these details.
- Consider additional provisions for free-standing pylons. Such as if the height of the entire structure, including the sign itself, is included in the maximum height requirements.
- Move Section 18-41.3 to Sign Regulations.
- Remove signs from Section 32-230 and temporary sign text in the Sign Regulations Section (as suggested above).
- Move Section 26-101 to Sign Regulations in residential districts (Section 32-85.2).
- Remove sign regulation text from Section 32-177 - Group Day Care (7-12 Children) and Section 32-178 – Housing for the elderly and senior citizen housing.
- Clarify the allowable height for pylon signs. Consider if pylon signs should be permitted in the future in general or targeted at specific corridors.



Sec. 32-86 – Lighting

Reference required photometric plan in Site Plan review submission requirements. Verify levels suggested for ambient light levels at property lines are valid. Edit for ordinance style consistency.

Sec. 32-87 – Performance standards

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-88 – Parking lot landscaping requirements

These should be moved/combined with landscaping requirements

Sec. 32-89 – Reserved

ARTICLE VI – OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 32-91 – Intent

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-92 – General parking requirements

The Commission should adjust all parking requirements as appropriate. They may wish to add required parking amenities like charging stations, motorcycle, and bicycle parking as appropriate. Allow the Commission to determine what information they need to support a shared parking arrangement in any non-residential district.

Sec. 32-93 – Minimum number of off-street parking spaces

The Commission should adjust all minimum number of off-street parking spaces as appropriate.

Sec. 32-94 – Off-street parking space layout standards, construction, and maintenance

The Commission should adjust all parking requirements as appropriate.

Sec. 32-95 – Off-street waiting area for drive-thru facilities

Include screening/landscaping to break up glare from waiting vehicles.

Sec. 32-96 – Parking structure development standards

Likely unnecessary in the City.

Sec. 32-97 – Off-street loading and unloading

No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-98 – Modification of commercial parking requirements by planning commission

No content modifications necessary. Edit for ordinance style consistency only.

ARTICLE VII – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

Sec. 32-102 – Planning standards

The Planning standards are subjective and present a legal risk to the community if a site plan is denied based on the 4 standards listed here. These standards should be restated with objective measures in the General Provisions of this ordinance.

Sec. 32-103 – Submission requirements

The City's submission requirements are a model example for other communities.

Sec. 32-104 – Review procedures

No content modifications necessary. Edit for ordinance style consistency only.



ARTICLE VIII – ZONING DISTRICTS AND ZONING MAP

No content modifications necessary. Edit for ordinance style consistency only.

ARTICLE IX – RESIDENTIAL AND RECREATION DISTRICTS

Sec. 32-121 – Provisions applicable to residential districts

- Pull-out provisions for accessory buildings into its own chapter. The new chapter will include regulations for accessory buildings located in single family, multi-family, and non-residential districts.
- Pull-out provisions for site condominiums from Section 32-121 to a standalone chapter that details regulations for residential, commercial, and industrial site condo projects.

Sec. 32-122 – One-family residential districts

- Remove Twenty-four operations from the special land use section, as the provisions for twenty-four operations are prohibited in all residential districts.
- Consider if lot depth provisions are needed.
- Amend third footnote below the Minimum Yard Requirements table to “Front and street-side setbacks shall be measured (in feet) from the Centerline of each road right-of-way (ROW) in accordance with the City’s Zoning Map...” (change Master Plan to Zoning Map).
- Relocate accessory structure side yard setback requirements (located under Minimum Yard Requirements Table) to new recommended Accessory Structure Chapter. Text includes “An accessory structure, such as a shed, shall be located within five (5) feet of any side or rear property line.”
- Amend Road Classification setbacks table to include title and column titles. New table should include the following information:

Road Classification	District	Front Yard Setback (feet)
Major	RL/RM	90/85
Secondary	RL/RM	90/85
Collector	RL/RM	73/68
Local	RL/RM	60/55
Cul-de-sac Radius	RL/RM	90/85
Existing Private Roads (in the case of private roads, the front yard setback shall be measured from the road easement of common usage line abutting the subject lot)	RL/RM	30/25
Rear yards that abut rear yards minimum measurement from the road right-of-way shall not be less than:	RL/RM	20/15

- Remove provision for tri-level structures noted under Table 4. Tri-level and quad-level structures are not permitted in the RL and RM Districts.



Sec. 32-123 – Multiple-Family Residential District, RH

- Remove Twenty-four-hour operations from the permitted special land use list. Section 32-190 notes that twenty-four-hour operations are not permitted in residential districts.
- Consider if there should be a maximum of 2.5 stories (and 35 feet) for a multi-family residential building. Many multi-family developments have more than 2 stories. Expanding allowable height to 3 stories helps to accomplish the purpose of the RH District in that it would allow for more “intensive residential use of land with various types of multiple dwellings and related uses.”
- Consider removal of Buildings Relationships schedule (Section 32-123.3.f).
- Expand the maximum height requirement to 3 stories (Section 32-123.4).
- Amend text for Section 32-123.4. b.2 to “Yards abutting an existing or proposed major, secondary or collector thoroughfare(s), as shown on the city's ~~master plan~~ Zoning Map, shall have a minimum setback depth of one hundred twenty (120) feet from the roadway centerline.”
- Remove “(washer, dryer, and work space)” examples from 32-123.4. c.4.
- Include a table for Section 32-123.C for minimum floor areas:

Dwelling Unit Type	Minimum Floor Area (square feet)
Efficiency Unit	320
One-Bedroom Unit	600
Two-Bedroom Unit	800
Three-Bedroom Unit	200

- Remove definitions of the dwelling unit types from Section 32-123.C and relocate into the Definitions Chapter of this Ordinance (Section 32.3).

Sec. 32-124 – Recreation District, REC

- Remove “Signs and nameplates” as a permitted use (Section 32.124.1.C).
- Align City Public/Quasi-Public land uses with appropriate REC zoning, such as Steffens Park.

ARTICLE X – OFFICE AND COMMERCIAL DISTRICTS

Sec. 32-131 – Provisions applicable to office and commercial districts

Sec. 32-132 – Office Service District, O-S

- Reduce the list of permitted uses (Section 32.132.1.A) to “Office Building for professional, administrative, and other similar occupations as determined by the Zoning Administrator requiring no outside storage of vehicles or equipment on the premises.”
- Reduce the list of permitted uses (Section 32.132.1.B) to “Retail businesses associated with and complementary to office districts.”
- Amend Section 32.132.3.B.2 “...where the wall of a structure faces interior side lot lines and contains ~~windows~~ doors or other openings, a side yard of not less than twenty (20) feet shall be provided.”



Sec. 32-133 – Commercial Neighborhood District, CN

- See Site Development Standards for new format and layout and redlined recommendations. article xi – industrial districts

Sec. 32-141 – Provisions applicable to industrial districts

- Amend this Section to include general regulations and limitations on use (numbers 2-12) pertaining to the IR and IC Districts to reduce duplicate text.

Sec. 32-142 – Office Research District, OR

- Amend the minimum yard setbacks per lot requirements (Section 32-142.3.b.1.) to be measured from the right-of-ways in accordance with the City's Zoning Map, not Master Plan. Amended text is as follows:
 - Front and street-side building setbacks shall be measured from the centerline of each road right-of-way (R.O.W.) in accordance with the city's ~~master plan~~ Zoning Map, as follows:

Sec. 32-143 – Industrial Restricted District, IR

- Reduce the permitted uses list for simplicity and flexibility. Permitted uses text should include:
 - Any one or more permitted uses in the OR district and uses permitted in the CG district, as regulated in section 32-135, except those listed in subsections 10.40.A.1, 2, 5, 6, 7 and 9 [subsections 32-135(1)a., b., e., f., g., and i.].
 - Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini warehouses.
 - The manufacturing, improvement, compounding, processing, packaging, or treatment of products.
 - Utility service buildings, water supply and water and gas tanks.
 - Wireless communication towers meeting the requirements of section 32-193.
 - Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage shall be limited to currently licensed and operable cars, trucks, and recreation vehicles, finished and semi-finished manufactured materials produced on the premises and equipment necessary as an accessory to the principal use, provided the following conditions are complied with:
 - 1.All storage will be located not less than one hundred (100) feet from any street line or adjacent residential district.
 - 2.A chainlink fence or masonry wall, not less than four (4) feet high nor more than eight (8) feet high, shall enclose the storage area. The height and choice of fence or wall and the requirements of decorative slats to be used with the fence to most appropriately screen the stored materials from view shall be determined by the planning commission.
 - 3.The area located between the street property line and the fence or wall shall be sodded and landscaped and maintained in a neat and orderly manner.
 - 4.It is mutually understood by the property owner and the planning commission that whenever a different material is to be stored than that agreed upon in the original request, a new approval shall be required from the planning commission.
 - 5.The planning commission shall also find, before granting this approval, it will not tend to further:
 - (a)Impair the adequate supply of light and air to adjacent property.
 - (b)Increase the hazard from fire, flood and other dangers.
 - (c)Diminish the market value of adjacent land and buildings.



- (d) Increase the congestion on the public streets.
- (e) Otherwise impair the public health, safety, comfort, and general welfare.
- Remove provision to prohibit outdoor storage (Section 32-143.1.m.). Outdoor storage is permitted, given certain circumstances as noted in Section 32-143.1.l.).
- Amend the numbering for Section 32-143.5. Provisions should be numbered 1-12.
- Remove Outdoor Storage as a special land use, as it is listed as a permitted use in Section 32-143.1.l.).
- Amend the minimum yard setbacks per lot (Section 32-143.3.b.1.) so right-of-ways are measured in accordance with the Zoning Map, rather than the Master Plan.

Sec. 32-144 – Industrial Controlled District, IC

- Amend the minimum yard setbacks per lot (Section 32-144.3.b.1.) so right-of-ways are measured in accordance with the Zoning Map, rather than the Master Plan.
- Combine provisions 2-12 in Section 32-144.5.b. with provisions 32-143.5 (IR District general regulations) to reduce duplicate text. Include these provisions in Section 32-141, Provisions applicable to all industrial districts. Include text that notes the general regulations pertain to IR and IC Districts only.

Sec. 32-145 – Uses with locational restrictions to avoid secondary effects

- Relocate this text to the permitted uses of the IC District, and amend this Section by the following:
 - ~~It is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this section, council has received information, including information associating blight and increased crime with sexually-oriented businesses, including studies in the City of Detroit, Michigan, in the early 1970s, the City of St. Paul, Minnesota in 1978, the City of Phoenix, Arizona in 1979, the City of Minneapolis, Minnesota in 1980, the City of Austin, Texas in the early 1980s, the City of Indianapolis, Indiana in 1987, Oklahoma City, 1986, 1992, the City of Los Angeles, California in 1984, Adams County, Colorado in 1988, the report of the Minnesota Attorney General issued in 1989, Times Square, New York 1974, Dallas, Texas 1994, 1997, and Newport News, Virginia 1996. In connection with the adoption of this section, council has received further information that certain types of skid-row businesses, including tattoo parlors, pawnbrokers, and used goods businesses have through studies in the City of Detroit been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.~~
 - (1) Sexually-oriented business. ~~It has been demonstrated that the establishment of sexually-oriented businesses in business districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both businesses and residential segments of the neighborhood, causing blight, down-grading property values, and in some instances crime increasing in the vicinity. Such prohibition fails to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of sexually-oriented businesses in a business district which is adjacent to and which serves residential neighborhoods and uses.~~ The orderly planning, development and preservation of neighborhoods residential uses should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.



- Sexually-oriented businesses defined herein shall only be permitted in the IC zoning district, subject to the following requirements and conditions:
 - a. Such uses shall be permitted only in the IC district provided no portion of the property upon which such business is situated is within one thousand one hundred (1,100) feet of any of the following:
 - 1. A residentially-zoned district;
 - 2. Property upon which a residential use exists;
 - 3. A church;
 - 4. A school;
 - 5. Pool or billiard hall;
 - ~~6. Coin-operated amusement centers;~~
 - 7. Roller skating rinks or ice rinks;
 - 8. Night clubs or dance halls permitting the congregation of persons under twenty-one (21); or
 - 9. Any public park.

Sec. 32-146 – Reserved

ARTICLE XII – PLANNED UNIT DEVELOPMENT AND SPECIAL LAND USE APPROVAL

Sec. 32-151 – Statement of intent and purpose

- The PUD provisions should be in their own section under an administrative process article.

Sec. 32-152 – Planned unit development requirements

- The PUD purpose statements should be affirmed. There may be additional goals from the 2020 Master Plan process that PUD's can promote.
- Verify that PUD requirements and process are consistent with the Michigan Zoning Enabling Act.

Sec. 32-153 – Special land use review requirements

- The PUD provisions should be in their own section under an administrative process article.

Sec. 32-154 – Amusement and recreation

- Reference for Major Thoroughfare designation.
- Affirm use separation requirements – no places of worship?
- Cross reference licensing ordinances in (7).

Sec. 32-155 – Amusement device centers

- Affirm use separation requirements – correct church place of worship.
- Re-word sound requirements to reference noise standards.
- Remove (c).

Sec. 32-156 – Auto wash

- Carwash
- Reference for Major Thoroughfare designation.
- Reference appropriate stacking space requirements in (2).



Sec. 32-157 – Reserved

- No need to reserve sections

Sec. 32-158 – Automobile repair and service centers

- Verify no neighborhood commercial zoning.
- Describe waste disposal?
- Remove (c).

Sec. 32-159 – Reserved

- No need to reserve sections

Sec. 32-160 – Business of a drive-in nature, not including outdoor theatres

- Not sure this is a relevant use

Sec. 32-161 – Carry-out restaurants (excluding drive-thru facilities)

- Remove as special land use. Make principal permitted use in all commercial districts.

Sec. 32-162 – Cemeteries

- (2) Clarify residential site.
- (5) and (6) City stormwater management standards apply.
- Verify Michigan law requirements.
- Remove (c).

Sec. 32-163 – Churches

- Places of Worship
- Evaluate storefront places of worship.
- Verify same requirements for any other assembly use. Federal law requires churches are treated similarly.
- Remove (d).

Sec. 32-164 – Reserved

- No need to reserve sections

Sec. 32-165 – Colleges, universities, and similar institutions

- No longer applicable. Similar uses are available in other districts.

Sec. 32- 166 – Convalescent and nursing homes or hospices

- Consolidate Elderly Housing Standards.
- Remove (c).

Sec. 32-167 – Day care centers, nursery schools, and similar uses

- Remove poured wall requirement.
- Match outdoor play area to Michigan standards.
- Verify zoning districts where centers and allowable.



Sec. 32-168 – Drive-thru facilities

- This section should reference drive-thru standards in off-street parking and loading requirements.

Sec. 32-169 – Dry cleaning and laundry establishments

- Dry-cleaning establishments should only be pick-up/drop-off. Laundry operations should be restricted to industrial districts.

Sec. 32-170 – Fast-food restaurants

- Remove (c).
- No content modifications necessary. Edit for ordinance style consistency only.
- Reference standards in off-street parking and loading.

Sec. 32-171 – Funeral homes and mortuaries

Consider where crematoriums belong. Currently, the zoning ordinance illegally excludes them from the City.

Sec. 32-172 – Gasoline self-service stations

- No content modifications necessary. Edit for ordinance style consistency only.
- Remove (c).

Sec. 32-173 – Gasoline self-service stations (only on sites where a gasoline service station has existed as a lawful nonconforming use)

- No content modifications necessary. Edit for ordinance style consistency only.
- Remove (c).

Sec. 32-174 – General education schools (public and private)

- Public schools are not subject to site plan review.
- No content modifications necessary. Edit for ordinance style consistency only.
- Remove (c).

Sec. 32-175 – General hospitals

- No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-177 – Group day care (7-12 children)

- No content modifications necessary. Edit for ordinance style consistency only.
- Remove (c).
- Coordinate with current Michigan Laws.

Sec. 32-178 – Housing for the elderly and senior citizen housing

- Consolidate Elderly Housing Standards.
- Remove (c).

Sec. 32-179 – Music or amplified noise venues

- Noise should reference performance standards, not subjective determinations.

Sec. 32-180 – Nurseries and greenhouses



- Consolidate Elderly Housing Standards.
- Remove (d).
- Reference for road designation requirements.

Sec. 32-181 – Location, installation, drilling, and operation of any well for the commercial extraction of oil, gas, or other hydrocarbons

- Check this language against updates within Michigan Zoning Enabling Act for natural resource extraction.

Sec. 32-181.1 – Outdoor sales lots for the sale of second-hand automobiles, new or second-hand recreational vehicles, boats, or mobile homes

- Edit for ordinance style consistency only.
- Reference for road right of way designation.
- Reference fencing and screening standards.

Sec. 32-182 – Outdoor beverage or food service

- No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-183 – Planned unit developments (PUDs)

- PUD's should be moved under a separate process that references special land use provisions.
- Remove (d).

Sec. 32-184 – Private clubs, fraternal organizations, lodge halls, cultural centers, and union halls

- No content modifications necessary. Edit for ordinance style consistency only.
- Remove (c).

Sec. 32-185 – Private noncommercial recreation

- This is an outdated use, recommend removal.

Sec. 32-186 – Public buildings and recreation

Public buildings and recreation are essential services and should be allowed accordingly.

Sec. 32-187 – Public utility buildings without storage

- Reconsider site standards. The existing standards seem excessive.
- Remove (d)
- Reference for road right of way designation.

Sec. 32-188 – Smoking lounges

- No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-189 – Transitional uses

- This section, while well intended, is not used because of the awkward location requirements. Recommend removal.

Sec. 32-190 – Twenty-four-hour operations

- Reference for road right of way designation.
- Remove (c).



Sec. 32-191 – Two-family residential dwellings

- Reference for road right of way designation.
- No content modifications necessary. Edit for ordinance style consistency only.

Sec. 32-192 – Various retail uses

Recommend removing section. Industrial land is at a premium and should not be debased with uses that can fit in other zoning districts.

Sec. 32-193 – Regulation wireless communication towers

- Review against current state of practice.
- Edit for ordinance style consistency.
- Remove performance guarantee requirement.

Sec. 32-194 – Reserved

- No need to reserve sections

ARTICLE XIII – NONCONFORMING LOTS, USES, AND STRUCTURES

- The City's non-conforming standards are a model practice. We recommend editing for ordinance style consistency.

ARTICLE XIV – BOARD OF APPEALS

- The City's non-conforming standards are a model practice. We recommend editing for ordinance style consistency.

ARTICLE XIV – ADMINISTRATION

Sec. 32-241 – Administration officer

- The City Manager should delegate the authority to the building official or designees.

Sec. 32-242 – Zoning permits

- Zoning permits should relate to the certificate of occupancy process. This section should be updated to the City's state of practice.

Sec. 32-243 – Application for permits

- Zoning permits should relate to the certificate of occupancy process. This section should be updated to the City's state of practice.

Sec. 32-244 – Schedule of fees for zoning permit

- Consolidate sections that establish fees into one location.

Sec. 32-245 – Zoning inspection for building and land use

- Zoning permits should relate to the certificate of occupancy process. This section should be updated to the City's state of practice.

Sec. 32-246 – Certificate of occupancy

Sec. 32-247 – Application for certificates of occupancy



Sec. 32-248 – Temporary certificate of occupancy

Sec. 32-249 – Existing uses

- Clarify if the certificates should automatically be issues for old developments or if they should be brought into code compliance.

Sec. 32-250 – Temporary uses approvable by the City Manager

- This temporary use section is a model practice. We recommend editing for ordinance style consistency.

Sec. 32-251 – Planning Commission

- Edit for ordinance style consistency, update Michigan Law references, and provide suitable cross references.

Sec. 32-252 – Reserved

ARTICLE XVI – CHANGES AND AMENDMENTS

Sec. 32-261 – Changes and amendments

- Edit for ordinance style consistency, update Michigan Law references, and provide suitable cross references.

Sec. 32-262 – Reserved

ARTICLE XVII – VIOLATIONS AND PENALTIES

Sec. 32-271 – Violations and penalties

- Edit for ordinance style consistency, update Michigan Law references, and provide suitable cross references.

CONCLUSIONS

The following list outlines general areas of improvement opportunities for the current Zoning Ordinance. This list is not all-inclusive but, rather, identifies fundamental improvement opportunities. We did not identify any critical and urgent problems within the Ordinance, however, that means there is ample time to thoroughly complete a zoning ordinance update.

Our conclusions are as follows:

1. The Zoning Ordinance contains some poorly organized and confusing parts.
2. The Zoning Ordinance contains some model practices that we recommend other client communities consider state-of-the art zoning tools.
3. District regulations are occasionally unclear.
4. The Supplementary Regulations divided across multiple sections is haphazard and confusing.
5. All measurements must be presented consistently. No abbreviations.
6. Regulations are hidden within other requirements, such as landscaping.



7. Planning Commission modifications are hidden within requirements and they should be prominent.
8. Regulations are duplicated in two or more places and sometimes conflict, such as landscaping and screening.
9. The ZBA has responsibilities not enabled by Michigan Statute. These should be assigned to a more appropriate body.
10. In several instances the Ordinance falls short of meeting legal tests established by statute or by courts interpreting statutory and constitutional language. In our litigious world, this deficiency can be costly, with monetary damages awarded to persons harmed by the failure to maintain contemporary regulations. Additionally, the Ordinance does not recognize federal or state preemption of local control for some land use matters.
11. The Zoning Ordinance does not adequately identify criteria by which discretionary decisions are made. There are few specific development standards for special uses that the City might wish to control. The lack of decision-making criteria and development standards can quash the best-intentioned regulations.
12. The Ordinance omits some uses which, although objectionable, must be addressed. Omissions leave decision-making in the hands of judges, who are less interested in the community character than City officials. The City should maintain local control whenever possible.
13. The definitions need to be revised. Regulatory provisions are difficult to enforce when contained within definitions. Some definitions are confusing. The definitions must be clarified, and the regulatory provisions relocated into the regulatory sections.
14. The Zoning Ordinance lacks development standards for many uses which could be considered objectionable by neighbors. The Ordinance should contain standards to mitigate the impacts of such uses.
15. Notice and public hearing requirements are different for each public hearing. The requirements should be revised to be consistent with State statute. Create a distinct provision which establishes requirements and criteria for all public hearings.
16. Some parking and loading requirements need to be updated.
17. Requirements for landscaping, tree preservation during development, and other amenity issues should be clearly identified and consolidated in one section.
18. Sign regulations should be content-neutral and placed in a standalone Article.
19. The Zoning Map should include planned right of way designations used for front yard setbacks.
20. The Zoning Ordinance includes requirements included in other regulations. Cross-references with links are a simple but powerful tool that reduces confusion.



2019 Annual Planning + Zoning Activity Report

TO: Fraser City Council

FROM: City of Fraser Planning Commission
City of Fraser Zoning Board of Appeals
Doug Plachcinski, Principal Planner

SUBJECT: **2019 ANNUAL PLANNING + ZONING ACTIVITY REPORT**

DATE: July 10, 2020

Dear Fraser City Council Members:

McKenna, in accordance with Michigan Compiled Laws §125.3819(2.) also known as the Michigan Planning Enabling Act PA 33 of 2008 , as amended, prepared an annual written report to the City Council concerning Planning Commission operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development. This report includes meeting summaries for all Planning Commission meetings in 2019 with specific cases. This report also contains recommendations for 2020-2021 planning and development efforts beyond general ordinance administration.

PLANNING COMMISSION MEETINGS

The Planning Commission meets regularly on the first Wednesday of each month. The Planning Commission alternate meeting day is the third Monday of each month. In 2019 they considered plans and planning-related topics at their meetings on the following dates:

- January 21, 2019 – The Commission held a public hearing and conditionally approved a special land use and site plan amendment for a generator in an existing cell tower compound for General Dynamics IT on behalf of AT&T Mobility at 32775 Groesbeck Highway. The Commission held a public hearing and approved a special land use for a fast food restaurant for Versus Development Group on behalf of Meijer Inc. at 34835 Utica Road. The Commission conditionally approved a multi-tenant building for Versus Development Group at 34835 Utica Road. The Commission postponed acting on a site plan amendment for 16775 13 Mile Road. The Commission postponed acting on a site plan amendment for the Garfield Park development. The Commission interviewed and recommended Kenneth Perry for a Commission seat and postponed electing officers. The Commission discussed an ordinance to amend parking standards for come industrial and commercial uses and requested a public hearing at their March meeting.
- February 6, 2019 – The Commission postponed acting on a site plan amendment for the Garfield Park development. The Commission elected officers. The Commission authorized holding a public hearing for an ordinance to amend parking standards for come industrial and commercial uses to their April meeting.
- March 6, 2019 – The Commission held a public hearing and recommended rezoning 31437 Kendall Rd from RM residential medium one-family to IR Industrial Restricted. The Commissioners also discussed commercial and industrial parking rates and welcomed new Commissioner Perry to the Board.
- April 3, 2019 – The Commission held a public hearing and postponed action on a special land use for a fast food restaurant and a site plan approval for two multi-tenant buildings for A&A Management at 34400

HEADQUARTERS

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Utica Road. The Commission interviewed and recommended Randy Warunek for a Commission seat. The Commission continued discussing their bylaws. The Commission moved holding a public hearing for an ordinance to amend parking standards for some industrial and commercial uses to their May meeting.

- May 1, 2019 – The Commission held a public hearing for an ordinance to amend parking standards for some industrial and commercial uses and recommended City Council adopt the changes. The Commission postponed acting on a site plan amendment for 16775 13 Mile Road. The Commission continued discussing their Bylaws and the Master Plan.
- June 5, 2019 – The Commission reviewed and discussed their bylaws. The Commission discussed outreach efforts for the Master Plan process and how to approach the 14 Mile Road- Utica Road – Garfield Road downtown area.
- July 15, 2019 – The Commission held a public hearing and postponed action on a special land use for a fast food restaurant and a site plan approval for two multi-tenant buildings for A&A Management at 34400 Utica Road. The Commission denied a site plan amendment regarding a dumpster at 31240 Groesbeck Highway for Stucky Vitale Architects.
- August 7, 2019 – The Commission held a public hearing and conditionally approved a special land use for a fast food restaurant and a site plan approval for two multi-tenant buildings for A&A Management at 34400 Utica Road. The Commission held a public hearing and conditionally approved a special land use and a site plan approval for a place of worship at 15215 13 Mile Road. The Commission adopted revised Bylaws.
- September 4, 2019 – The Commission conditionally approved a site plan amendment for 16775 13 Mile Road.
- October 2, 2019 – The Commission held a public hearing and conditionally approved a special land use for a pinball arcade amusement device center and a site plan amendment for the Freeplay Pinball Arcade at 34830 Utica Road. The Commission conditionally approved a site plan amendment for the Fraser Eyecare Parking lot at 33080 Utica Road. The Commission conditionally approved a site plan amendment for the Hanover Grove Co-op Splashpad at 15750 Sabre Lane.
- November 6, 2019 – The Commission held a public hearing and approved a special land use and site plan amendment for a fast food restaurant for Versus Development Group on behalf of Meijer Inc. at 34835 Utica Road and a site plan amendment for the previously approved multi-tenant building at the same address. The Commission heard a report about Master Plan public input collection at the Fire Department Fall Open House.
- December 16, 2019 – The Commission approved the 2020 meeting calendar and discussed the master plan update.

ZONING BOARD OF APPEALS MEETINGS

The Zoning Board of Appeals meets regularly on the first Thursday of each month. The Zoning Board of Appeals alternate meeting day is the third Thursday of each month. In 2019 they considered variance applications at their meetings on the following dates:

- January 3, 2019 – The Board approved front yard, building height, and parking space variances for 34200 James J. Pompo Drive. The Board approved a parking reduction variance for the Meijer outlot on Utica Road.
- February 7, 2019 – The Board postponed a variance application for a 24-hour gym operation at 32860 Hayes Road.
- April 4, 2019 – The Board postponed a variance request to allow an additional wall sign at 33080 Utica Road. The Board approved a second wall sign variance, with conditions, at 31290 Utica Road.



- May 2, 2019 – The Board approved a variance for a second wall sign at 33080 Utica Road. The Board also elected officers.
- August 15, 2019 – The Board conditionally approved setback variances from special land use standards for a place of worship at 15215 13 Mile Road.
- September 5, 2019 – The Board postponed action of a variance request to allow parking on an unpaved lot and to reduce the required parking spaces at 34400 Utica Road.
- October 3, 2019 – The Board partially approved monument sign variances for 18600 Malyn Boulevard. The Board conditionally granted parking space reduction and allowed parking on unpaved surfaces variances for 34400 Utica Road. The Board also reviewed draft Rules of Procedure.
- November 7, 2019- the Board granted additional monument sign variances for 18600 Malyn Boulevard. The Board conditionally approved a variance to reduce a required greenbelt at 33080 Utica Road.

OTHER 2019 PLANNING AND DEVELOPMENT ACTIVITIES

A. Master Plan Review and Update

The City is in the process of reviewing and updating its Master Plan. We anticipate continuing the public outreach efforts once the governor's emergency orders allow activity, beginning in June 2020.

PROPOSED 2020 PLANNING AND DEVELOPMENT TASKS

A. City Zoning Administrator and Planner Office Hours

McKenna completes the City's Zoning Administrator functions including, but not limited to, permit review, answering questions, and application coordination between the City's Building, Public Safety, Engineering, and Planning departments. We complete these tasks during regularly scheduled Monday office hours in Fraser City Hall, with additional time in City Hall as needed, and by remote computer access. McKenna planners provide professional recommendations to the City's Boards and Commissions for pertinent applications and as requested. McKenna staff also keeps the BSA permit and process system information up to date with each application. This upcoming year we will enhance the City's online experience and update forms.

- Ongoing throughout 2020-2021 Fiscal Year

B. Ongoing Planning Commission Staffing

McKenna completes the City's Planning Commission administrative functions including, but not limited to, compiling meeting material packets, staffing the meeting itself, preparing agendas and notices, writing meeting minutes, and conducting post-meeting follow up for the Commission and with applicants.

- Ongoing throughout 2020-2021 Fiscal Year

C. Ongoing Zoning Board of Appeals Staffing

McKenna completes the City's Zoning Board of appeals packets, staffing the meeting itself, preparing agendas and notices, writing meeting minutes, and conducting post-meeting follow up for the Board and with applicants.

- Ongoing throughout 2020-2021 Fiscal Year

D. Proposed Zoning Ordinance Technical Evaluation

McKenna will examine the current Zoning Ordinance considering modern regulatory methods, the City's Master Plan (in process), and McKenna's day-to-day experience administering the City's and other



communities' planning and zoning. Our review, presented in a memorandum that for each Article, will provide a substantive analysis of the following:

- a. General zoning including processes and formatting;
 - b. Definitions for updates and relevancy;
 - c. Removing inconsistencies and conflicts;
 - d. Making the Ordinance easier to use;
 - e. Coordinating zoning with the Master Plan.
 - f. Incorporating Zoning Board Appeals (ZBA) decisions;
 - g. Address current legal issues like signs and local marijuana regulation;
 - h. Cross reference to other City Codes and standards; and
 - i. Miscellaneous items.
- Ongoing through July 2020

E. Proposed Zoning Ordinance Update

McKenna will execute the recommendations in the Zoning Ordinance technical review after presenting the results to the Planning Commission and City Council. The update will remove inconsistencies, poor practices, and redundancies while incorporating enhanced techniques for Master Plan implementation and user friendliness.

- Date of completion of work-in-progress: 3-6 months from authorization.

We look forward to working with the City to complete these exciting initiative over the next year. We look forward to discussing them at your convenience.

Respectfully submitted,

McKENNA

A handwritten signature in blue ink that reads "Doug Plachcinski".

Doug Plachcinski
Principal Planner