AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, APRIL 4, 2016, 7:00 P.M.

1) **Call to Order**
2) **Invocation –** Pastor Wayne Ondersma, The Pier Church
3) **Pledge of Allegiance**
4) **Roll Call**
5) **Student Recognition**
6) **Approval of Minutes**
   From the Regular Meeting of March 21, 2016
7) **Approval of Agenda**
8) **Public Hearings**
   7:01 p.m. To Consider the Proposed 2016/2017 Wyoming Consolidated Housing and Community Development One-Year Action Plan
9) **Public Comment on Agenda Items** (3 minute limit per person)
10) **Presentations and Proclamations**
    a) Presentations
    b) Proclamations
11) **Petitions and Communications**
    a) Petitions
    b) Communications
12) **Reports from City Officers**
    a) From City Council
    b) From City Manager
13) **Budget Amendments**
14) **Consent Agenda**
    (All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Councilmember, that member may request removal from the Consent Agenda.)
    a) To Set a Time and Place for a Public Hearing to Determine the Necessity of Providing an Aerial Insecticide Spray for a Gypsy Moth Suppression Program, Special Assessment Roll 16-796 (April 18, 2016 at 7:01 p.m.)
    b) To Set a Time and Place for a Public Hearing to Determine the Necessity of Providing an Aerial Insecticide Spray for a Gypsy Moth Suppression Program, Special Assessment Roll 16-797 (April 18, 2016 at 7:02 p.m.)
15) **Resolutions**
    c) To Set a Public Hearing for the Proposed 2016-2017 Budget for the City of Wyoming (May 2, 2016 at 7:01 p.m.)
    d) To Approve the Conditional Transfer of Property Agreement with Byron Township
    e) To Amend the By-Laws of the Community Enrichment Commission
    f) To Adopt the Wyoming Consolidated Housing and Community Development 2016/2017 One-Year Action Plan

g) To Appoint a Committee of Council to Conduct a Business License Revocation Hearing for Cocktailz Bar & Grill

16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts

h) To Award the Bid for Curbside Leaf and Brush Collection and Disposal to Waste Management of Michigan, Inc.

i) To Award a Bid for Grinding and Disposal of Brush, 2016-2019 to Renewed Earth, Inc.

j) To Award a Bid for Bulk Pick-Up and Disposal of Leaves, 2016-2019 to Renewed Earth, Inc.

k) To Award a Bid for Bulk Pick-Up and Disposal of Spoils and Inert Material to Cordes, Inc. (Budget Amendment No. 44)

l) To Accept a Proposal for Electronic Capture of Online Bill Payments and to Authorize the Mayor and City Clerk to Execute the Agreement

m) To Extend the Bid for Work Uniforms and Carhartt Clothing Items

n) To Accept a Proposal to Upgrade the Clean Water Plant Operator Interface Computers and Stationary Computers and to Authorize the Mayor and City Clerk to Execute the Agreement

o) To Authorize the Purchase of Liquid Sodium Hypochlorite

p) To Authorize the Purchase of Aluminum Sulfate (Alum) and Hydrofluorosilicic Acid (Fluoride)

q) To Authorize the Purchase of Fire Gear Lockers (Budget Amendment No. 43)

r) For Award of Bids

1. LED Road Light Fixtures and LED Industrial Fixtures
2. Material Storage Building Modification

17) Ordinances

6-16 To Amend Chapter 90 of the Code of the City of Wyoming (Zoning) (Final Reading)

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

04/04/2016
Clerk/KV

RESOLUTION NO. _____

RESOLUTION TO SET A TIME AND PLACE FOR A PUBLIC HEARING TO DETERMINE THE NECESSITY OF PROVIDING AN AERIAL INSECTICIDE SPRAY FOR A GYPSY MOTH SUPPRESSION PROGRAM, SPECIAL ASSESSMENT ROLL 16-796

WHEREAS:

1. The City Council has directed the City Manager to prepare plans and specifications and an estimate of cost for a public improvement as described below.
2. The City Manager has prepared the same, and has filed the same with the City Clerk, together with certain recommendations as required by the City Code of the City of Wyoming.

NOW, THEREFORE, BE IT RESOLVED:

1. The plans and specifications and estimate of cost and the report for this public improvement, shall be filed in the office of the City Clerk, and shall be available for public examination.
2. The City Council shall meet at Wyoming City Hall, 1155-28th Street SW, Wyoming, Michigan, on **April 18, 2016, at 7:01 p.m.**, for the purpose of hearing all persons to be affected by the proposed public improvement.
3. The City Clerk is directed to provide notice of the time and place of the hearing as follows:
    a. Published once in the Grand Rapids Press, an official newspaper of the City of Wyoming, not less than five (5) days prior to the date of the hearing; and
    b. Sent by first class mail to each owner of property subject to assessment, as shown on the general tax rolls of the City, at least ten (10) days before the time of the hearing.
4. The notice of the hearing to be published and mailed, shall be in substantially the following form:

    NOTICE OF SPECIAL ASSESSMENT HEARING TO THE OWNERS OF THE LOTS AND PARCELS OF LAND INCLUDED FOR AERIAL INSECTICIDE SPRAY FOR A GYPSY MOTH SUPPRESSION PROGRAM, SPECIAL ASSESSMENT ROLL 16-796.

5. The City Council intends to provide Aerial Insecticide Spray for a Gypsy Moth Suppression Program Special Assessment 16-796. The City Council intends to defray all of the costs of the above described public improvement by special assessment against the described property.
6. The City Council has caused plans and specifications and an estimate of the cost of the above described public improvement, together with certain recommendations, to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.
7. The City Council will meet at Wyoming City Hall, 1155-28th Street SW, Wyoming, Michigan, on **April 18, 2016, at 7:01 p.m.**, for the purpose of hearing all persons to be affected by the proposed public improvement.

8. Property owners may appeal the assessment to the Michigan Tax Tribunal within 30 days after confirmation of the assessment roll. Appearance and protest at the local hearing is required in order to appeal the amount of the special assessment to the Michigan Tax Tribunal. An owner or party in interest, or his agent, may appear in person at the hearing, or may file his appearance or protest by letter and his personal appearance shall not be required.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Aerial Spray Map

Resolution No. _____

City of Wyoming Gypsy Moth Spray Survey Report for 2016 Season

Shaded Areas are Recommended for Aerial Spray in Spring 2016

N W E S

City Boundary

2015 Aquatic Consulting Services

04/04/2016
Clerk/KV

RESOLUTION NO. _____

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Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

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Kelli A. VandenBerg, Wyoming City Clerk

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N W E S

City Boundary

2015 Aquatic Consulting Services

04/04/16
KMB

RESOLUTION NO. _____

RESOLUTION TO SET A PUBLIC HEARING FOR THE
PROPOSED 2016-2017 BUDGET FOR THE CITY OF WYOMING

WHEREAS:

1. State law and the City Charter require that a public hearing be held concerning the proposed 2016-2017 budget for the City of Wyoming.
2. Said budget has been presented to the City Council.
3. It is deemed advisable to establish a date for a public hearing on the budget.
4. The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize a public hearing on the proposed annual budget for the City of Wyoming to be held May 2, 2016 at 7:01 p.m. in the Wyoming City Hall Council Chambers, 1155 – 28th Street SW, Wyoming, Michigan.
2. Notice of this hearing shall be published in a newspaper of the general circulation in the City and posted in City Hall in the form as attached.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:
Notice of Public Hearing on the proposed budget for 2016-2017

CITY OF WYOMING
Notice of Public Hearing
On the proposed budget for 2016-2017

Pursuant to Section 8.3 of the Charter of the City of Wyoming, notice is hereby given that a public hearing on the following proposed budget will be held at the Wyoming City Council Chambers, 1155 28th Street SW, on May 2, 2016, at 7:01 p.m.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

July 1, 2016 – June 30, 2017

General Fund *	$ 31,884,192
Major Streets	5,239,437
Local Streets	1,622,960
Parks and Recreation	3,597,202
Sidewalk Snow Removal and Repair	360,164
Solid Waste Disposal	841,969
Building Inspections	1,494,493
Community Development Block Grant	589,588
Drug Law Enforcement	20,000
Library	707,576
Debt Service	613,250
Capital Improvement Fund	4,587,418
Sewer	17,419,191
Water	24,341,376
Motor Pool	5,652,311
GRAND TOTAL ALL BUDGETS	$98,971,127

** Includes all police and fire expenditures*

A summary of the proposed budget is on file in the office of the City Clerk and is available for public inspection during regular office hours.

Kelli A. VandenBerg, Wyoming City Clerk

04/04/16
HAI

CITY COUNCIL
CITY OF WYOMING, MICHIGAN

RESOLUTION NO. _____

RESOLUTION TO APPROVE THE CONDITIONAL TRANSFER
OF PROPERTY AGREEMENT WITH BYRON TOWNSHIP

WHEREAS:

1. Act 425 of the Public Acts of Michigan of 1984, as amended ("Act 425") authorizes "local governmental units," to enter into agreements to provide for the conditional transfer of property from the jurisdiction of one local governmental unit to that of another local governmental unit, to provide for the sharing of taxes and other revenues, and to address other issues.
2. Byron Township and the City of Wyoming ("Wyoming") are local governmental units as defined in Act 425.
3. Representatives of Wyoming and Byron Township have prepared a proposed Conditional Transfer of Property Agreement for consideration by the Byron Township Board and the Wyoming City Council, a copy of which is attached as Exhibit A (the "Agreement") in response to a request by Gable Holdings II, LLC.
4. As required by Act 425, the Byron Township Board held a public hearing on the Agreement on February 8, 2016 and the Wyoming City Council held a public hearing on March 7, 2016, and as of this date, no petitions were received by the Clerk of either jurisdiction requesting a referendum.
5. The City Council, after considering all of the factors and issues as recited in the Agreement, has determined to enter into the Agreement in the form attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement in the form attached as Exhibit A is approved in all respects.
2. That the Mayor and City Clerk are authorized and directed to sign the Agreement on behalf of the City, on April 8, 2016, provided no petition requesting a referendum is filed with the City Clerk by April 7, 2016, thirty days after the date of the hearing.
3. That all resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Moved by Councilmember:
Seconded by Councilmember:
Motion carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

CONDITIONAL TRANSFER OF PROPERTY AGREEMENT

This Conditional Transfer of Property Agreement is made as of April 8, 2016, between the City of Wyoming**,** a Michigan home rule city with a principal office address of 1155-28th Street SW, Wyoming, MI 49509 (the "City") and Byron Township, a Michigan general law township with a principal office address of 8085 Byron Center Avenue, Byron Center, MI 49315 (the "Township").

RECITALS

A. 1984 PA 425, as amended, MCL 124.21 *et seq*. ("Act 425"), authorizes two or more "local units" of government to enter into an agreement providing for (i) the conditional transfer of property for the purpose of providing for and enhancing one or more economic development projects, (ii) the jurisdiction over the transferred property, (iii) the sharing of taxes and other specific revenues, and (iv) certain related matters as provided in Act 425.

B. The City and the Township are both "local units" as defined by Act 425.

C. Gable Holdings II, LLC ("Gable") has an interest as purchaser in following described Parcels 1, 2 and 3 in the Township, and Consumers Energy is the owner of the following described Parcel 4 in the Township (collectively the "Gable Property").

The land is in Byron Township, Kent County, Michigan and is described as follows:

Parcel 1: The North 280.5 feet of Northwest fractional 1/4, EXCEPT East 500 feet, Section 2, Town 5 North, Range 12 West. ALSO EXCEPTING THEREFROM that part deeded to the Michigan Department of Transportation as disclosed by Warranty Deed recorded in Liber 5145, page 142, Kent County Records. Tax Identification No. 41-21-02-100-054.

and

Parcel 2: The North fractional 1/4 of the Northwest fractional 1/4, Section 2, Town 5 North, Range 12 West, EXCEPT North 412.5 feet; also part of Southwest 1/4 of the Northwest fractional 1/4, commencing 1166.3 feet South 0 degrees 00 minutes along West section line from Northwest corner of said Section; thence South 89 degrees 22 minutes East 1323 feet more or less to the West 1/8 line; thence North 0 degrees 10 minutes West 14 feet, more or less along the West 1/8 line to North 1/8 line; thence North 89 degrees 23 minutes West along North 1/8 line 1322.95 feet to the West section line; thence South 0 degrees 00 minutes 33.62 feet to place of beginning. ALSO EXCEPTING THEREFROM that part deeded to the Michigan Department of Transportation as disclosed by Warranty Deed recorded in Liber 5145, page 142, Kent County Records. Tax Identification No. 41-21-02-100-056.

and

PARCEL 3: The North 280.5 feet of East 300 feet of Northwest fractional 1/4, Section 2, Town 5 North, Range 12 West. Tax Identification No. 41-21-02-100-003.

and

PARCEL 4: A strip of land 132 feet in width across the NW 1/4 of Section 2, T5N, R12W, being more particularly described as follows: To find the place of beginning of this description commence at the Northwest corner of said section; run thence S 00°21'20" W along the West line of said section 280.5 feet to the place of beginning of this description; thence continuing S 00°21'20" W along the West line of said section 132 feet; thence S 89°23'00" E parallel with the North line of said section 2641 feet to the North and South 1/4 line of said section; thence N 00°02'00" E along said North and South 1/4 line of said section 132.01 feet to a point 280.5 feet distant Southerly from the N 1/4 post of said section, as measured along said North and South 1/4 line of said section; thence N 89°23'00" W parallel with the North line of said section 2639.3 feet to the place of beginning. Part of Tax Identification No. 41-21-02-200-037.

D. The following described approximately .129 acres of property, commonly known as 1270 60th Street SW, is nearly surrounded by the Gable Property and is owned by other persons for whom it is their principal residence ("Parcel B").

> The North 280.5 feet of the West 200 feet of the East 500 feet of the Northwest fractional ¼, Section 2, Town 5 North, Range 12 West. Tax Identification No. 41-21-02-100-002.

E. Gable wishes to construct an industrial park on the Gable Property (the "Project"), which is an "economic development project" as defined in Act 425.

F. In order to construct the Project, Gable will need public water and sanitary sewer service to serve the Gable Property and City water and sanitary sewer services are significantly closer to the Gable Property than are Township water and sanitary sewer service.

G. While Parcel B has no immediate need for public water or sanitary sewer service, when public water and sanitary sewer service is available to the Gable Property it will also be available to Parcel B, and when well or septic system on Parcel B fails or when the property is sold to others public water or sanitary sewer service may then be necessary or desirable.

H. Accordingly, the City and the Township propose that the Gable Property be immediately conditionally transferred from the Township to the City pursuant to Act 425 and the terms and conditions of this Agreement but that Parcel B will be conditionally transferred to the City only when certain conditions as provided in this Agreement are met.

I. Pursuant to Act 425, the City Council held a public hearing on March 7, 2016, and the Township Board held on a public hearing on February 8, 2016 regarding this Agreement and the conditional transfer of the Gable Property and, when the conditions are met, Parcel B (the property that is conditionally transferred, initially the Gable Property and, subsequently, together with Parcel B, are referred after the effective date(s) of their respective conditional transfers as the "Conditionally Transferred Area").

J. The City Council and the Township Board have each determined, by the majority of the members elected and serving on each body, to enter into this Agreement.

K. Neither the City Council nor the Township Board adopted a resolution calling for a referendum on the conditional transfer of the Conditionally Transferred Area pursuant to this Agreement and more than 30 days have elapsed since public hearings were held regarding this Agreement and the conditional transfer of the Conditionally Transferred Area and neither the City Clerk nor the Township City Clerk has received a petition calling for a referendum on such transfer.

L. The City and the Township both find that the conditional transfer of the Conditionally Transferred Area from the City to the Township will encourage, promote and assist economic development in the Conditionally Transferred Area for the general benefit of residents of both the City and the Township.

TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

ARTICLE I
PURPOSE, AUTHORITY, CONSIDERED FACTORS, AND REPRESENTATIONS

1.1 Purpose. This Agreement is intended to fully effect and fully address all matters concerning the conditional transfer of the Conditionally Transferred Area from the jurisdiction of the Township to the jurisdiction of the City.

1.2 Authority. This Agreement is made pursuant to Act 425, as well as the general authority of each of the parties under the statutes authorizing their organization and existence, as well as the City Charter of the City of Wyoming.

1.3 Considered Factors. The City and the Township have, as required by Act 425, considered the following factors prior to entering into this Agreement:

> A. The composition of the population; population density; land area and land uses; assessed valuation; topography, natural boundaries and drainage basins; past and probable future growth, including population increase and business, commercial and industrial development within the

Conditionally Transferred Area and comparative data for the Township and the City and that portion of the Township remaining after the transfer of the Conditionally Transferred Area.

B. The need for organized community services; the present costs and adequacy of governmental services in the Conditionally Transferred Area; the probable future need for services in such area; the practicability of supplying such services in such area; the probable effect of the transfer and of alternative courses of action on the cost and adequacy of services in such area and the remaining portions of the City and the Township, the probable change in taxes and tax rates in such area in relation to the benefits expected to accrue from the transfer; and the financial ability of the City to provide and maintain services in the Conditionally Transferred Area.

C. The general effect of the conditional transfer upon the City and the Township and the relationship of the conditional transfer to any established land use plans.

1.4 Representations. The Township represents and covenants that it has not represented to any obligees, lenders, bondholders or creditors that it is dependent upon any revenue from the Conditionally Transferred Area to meet any obligations of the Township or any entity created or controlled by the Township. The Township further represents and covenants that it knows of no special assessments which have been levied and are outstanding against any of the Conditionally Transferred Area.

ARTICLE II
TRANSFER AND EFFECTS

2.1 Transfer of Property. The Gable Property is conditionally transferred from the jurisdiction of the Township to the jurisdiction of the City as provided in and subject to all the terms and conditions of this Agreement as of the effective date of this Agreement. As provided in section 2.9 of this Agreement, Parcel B shall be conditionally transferred from the jurisdiction of the Township to the jurisdiction of the City as provided in and subject to all the terms and conditions of this Agreement.

2.2 Effects of Transfer. Except as otherwise specifically provided in this Agreement, the Conditionally Transferred Area shall, for all purposes, be within the jurisdiction of the City and the Township shall have no jurisdiction over such Conditionally Transferred Area. The following shall specifically apply:

A. Upon transfer of the Conditionally Transferred Area, the City shall have jurisdiction over the zoning of and the City's zoning ordinance shall apply to the zoning of the Conditionally Transferred Area. Unless and until any rezoning of the Conditionally Transferred Area occurs, the Property will retain its existing zoning under the Township zoning ordinance. The City shall be responsible for enforcement of the zoning requirements for the Conditional Transferred Property.

B. In order to assure continuity and due to the proximity of municipal services and consequent efficiency in providing such services, governmental services shall be provided to the Conditionally Transferred Area as follows:

1. Unless the City and the Township otherwise agree in writing, the Conditionally Transferred Area shall be served and the users thereof shall be customers of the City’s water and sanitary sewer systems.

2. The City shall provide all governmental services, including without limitation, police and fire protection; building permits; building, property maintenance, mechanical, electrical, plumbing and fire code enforcement; real and personal property assessment and collection services; and street and road maintenance and repair. Such services shall be provided by the City to the Conditionally Transferred Area and its occupants on the same basis as it provides such governmental services within its jurisdictional limits. The Township shall have no obligation to provide such governmental services to the Conditionally Transferred Area or its occupants. This Agreement shall not affect any mutual aid agreements involving the parties.

3. The City and the Township shall jointly cooperate on the economic development of the Conditionally Transferred Area.

2.3 Applicability and Enforcement of Ordinances. Except as provided elsewhere in this Agreement, the Conditionally Transferred Area will be treated as being within the City’s legal limits for the purpose of applying and enforcing all ordinances, rules and regulations.

2.4 Property Taxes. For the purposes of all taxation of real and personal property within the Conditionally Transferred Area, the Conditionally Transferred Area shall be considered as being within the City's legal limits and jurisdiction. However, any real or personal property taxes levied against such property comprising the Conditionally Transferred Area on the Township's tax roll for 2016 and prior years shall remain a lien on the affected property in the Conditionally Transferred Area and, when collected, such taxes, including any applicable penalties, interest and administration fees shall belong to the Township.

2.5 Special Assessments. The Conditionally Transferred Area shall be treated as being within the City's legal limits and jurisdiction for purposes of the levy of any special assessments.

2.6 Rates, Charges and Fees. Except as provided elsewhere in this Agreement, all rates, charges, fees and other costs for governmental services provided by the City within the Conditionally Transferred Area shall be calculated, levied and collected on the same basis as if such Conditionally Transferred Area was within the City's legal limits and jurisdiction.

2.7 Voting. Any person residing within the Conditionally Transferred Area shall be entitled to vote on the same basis as if such Conditionally Transferred Area were located within the City's legal limits.

2.8 Property Tax Abatements.

A. The City may, without the Township's approval or consent, approve property tax abatements for eligible property located within the Conditionally Transferred Area pursuant to 1974 PA 198, as amended, MCL 207.551 *et seq*. ("Act 198"). The City shall apply the Township's policy for determining whether to approve any such tax abatement and for how long that tax abatement will remain in effect.

B. However, the City may not approve a property tax abatement for real or personal property located within the Conditionally Transferred Area pursuant any law other than Act 198 without the Township's prior written approval.

2.9 Parcel B Transfer.

A. The conditional transfer of Parcel B from the jurisdiction of the Township to the jurisdiction of the City shall occur as provided in this Section 2.9.

1. If the then owner of Parcel B seeks public water or sanitary sewer service for Parcel B and that request is approved by a resolution of the City Council that also refers to this provision of this Agreement, the conditional transfer of Parcel B from the jurisdiction of the Township to the jurisdiction of the City shall take effect when a certified copy of that resolution is filed with the Kent County Clerk and the Secretary of State. Parcel B will then be treated as part of the Conditionally Transferred Area.

2. If Parcel B is conveyed by the then owner of Parcel B to non-residential use or Parcel B is no longer used as a single family residence and the Township Supervisor and City Manager have jointly signed a statement that one of those two conditions have occurred that also refers to this provision of this Agreement, the conditional transfer of Parcel B from the jurisdiction of the Township to the jurisdiction of the City shall take effect when that statement is filed with the Kent County Clerk and the Secretary of State. Parcel B will then be treated as part of the Conditionally Transferred Area.

B. Until the actions required by subsections 2.9.A.1 or 2.9.A.2 have occurred, Parcel B shall, for all purposes, remain within the jurisdiction of the Township and Parcel B shall not be part of or treated as part of the Conditionally Transferred Area.

C. Until the actions required by subsections 2.9.A.1 or 2.9.A.2 have occurred, neither the City nor the Township shall provide public water or sanitary sewer service to Parcel B and the Township shall not consent to any other person or entity providing water or sanitary sewer service to Parcel B.

ARTICLE III
SHARING OF TAXES AND OTHER REVENUES

3.1 Sharing of Property Taxes.

A. The City shall pay the Township from the City's levy of *ad valorem* property taxes upon all taxable property comprising or within the Conditionally Transferred Area each statutory tax year beginning with the statutory tax year ending December 31, 2017 (*i.e*., beginning with the July 1, 2017, tax levy), and continuing for each statutory year thereafter during the term of this Agreement an amount equal to the levy of 2.5 mills on that year's taxable value of that taxable property. That amount shall be paid by March 15 of the year following the year in which the City levies those taxes (e.g., on March 15, 2018 for the taxes billed on July 1, 2017). The taxable value of the taxable property comprising or within the Conditionally Transferred Area shall be adjusted each year in accordance with state law.

B. If a tax abatement is granted by the City pursuant to section 2.8 that fixes or reduces the taxable value of the taxable property comprising or within the Conditionally Transferred Area, the amount of shared revenues shall be reduced in accordance with that fixed or reduced taxable value. If a tax abatement is granted by the City pursuant to section 2.8 that reduces the rate at which the taxable property comprising or within the Conditionally Transferred Area is taxed (*e.g*., by reducing the rate of *ad valorem* taxes levied by the City against the taxable property comprising or within Conditionally Transferred Area or by providing for an industrial facilities tax levied at one-half the rate of the City's millage rate), the amount paid by the City to the Township pursuant to this section shall be proportionately reduced.

C. If a change in state law results in either reductions or increases in the property tax (or industrial facilities tax) revenues collected from taxation of the taxable property comprising or within the Conditionally Transferred Area from what would be collected if the state property tax law and Act 198 as in effect on December 31, 2015, were applied, then the City and the Township share proportionally share in that decrease or increase based on their current ad valorem property tax rates (2.2 mills for the Township and 4.6995 mills for the City).

3.2 Other Revenues. The City shall be entitled to apply for, receive, and retain all gas and weight taxes or other revenues received pursuant to 1951 PA 51, as amended, MCL 247.651 *et seq*., sales tax revenues, local community stabilization share of use taxes, revenue sharing revenue and all other applicable revenue that may be available during the term of this Agreement related to the Conditionally Transferred Area as if the Conditionally Transferred Area was within the City's legal limits.

3.3 Gifts, Grants, Etc. All gifts, grants, assistance funds, bequests or other funds from any public or private source given, awarded or obtained as a result of the Conditionally Transferred Area or any activity performed upon or within the Conditionally Transferred Area, the occupancy of the Conditionally Transferred Area, or for any reason arising from the existence or jurisdiction of the Conditionally Transferred Area shall belong to the City.

ARTICLE IV
TERM AND TERMINATION

4.1 Term. The term of this Agreement shall be 50 years expiring at 11:59 p.m. local time on the date 50 years from the date of execution of this Agreement in 2066.

4.2 Effect of Expiration. Upon the expiration of this Agreement at the end of its term, the Conditionally Transferred Area shall for all purposes be within the City's legal limits and jurisdiction.

4.3 No Early Termination. Neither the City nor the Township may unilaterally terminate this Agreement before the end of its term for any reason, including any breach of this Agreement by the other party, except as set forth in this Agreement. The City and the Township agree that specific performance is the only appropriate remedy for enforcing the terms of this Agreement. The parties agree that if a party is ordered to specifically perform an obligation under this Agreement, such party shall reimburse the prevailing party for its costs and expenses of litigation including, without limitation, attorney fees.

4.4 Termination for Failure to Rezone. This Agreement shall automatically terminate without penalty to any party if Parcels 1, 2 and 3 of the Gable Property have not been rezoned by the City to an industrial zoning district by December 31, 2017. If the City rezones Parcels 1, 2 and 3 of the Gable Property to an industrial zoning district on or before December 31, 2017, this Section 4.4 shall have no further force or effect.

ARTICLE V
MISCELLANEOUS

5.1 Notices. Any notice, demand, communication required, permitted or desired to be given under this Agreement shall be deemed effectively given when personally delivered or mailed by first-class mail addressed to those addresses first provided above. Either party may, by written notice designate any further or different address to which subsequent notices, demands or communications may be given.

5.2 Defense of Agreement. Each party will in good faith defend the validity of this Agreement.

5.3 Assignment. No assignment of this Agreement or any of the rights and obligations thereunder shall be valid without the written consent of both parties.

5.4 Interpretation. The headings in this Agreement are for reference purposes only and shall not affect its meaning or interpretation. This Agreement is the entire agreement between the parties with respect to its subject matter. It supersedes and replaces all previous or contemporaneous, expressed or implied, written or oral statements, covenants, representations or agreements. No oral statements or prior or contemporaneous written material not specifically incorporated in this Agreement shall be of any effect, and both parties specifically acknowledge, in entering into and executing this Agreement, they are relying solely upon the representations and agreements in this Agreement and no others. This Agreement may not be amended except in writing by the parties following public hearings before and resolutions adopted by the City Council and the Township Board. This Agreement may be executed in any number of counterparts and each counterpart shall be considered a valid original. Both parties have consulted legal counsel and had input into the drafting of this Agreement. It shall therefore be construed as if it were mutually drafted.

5.5 Severability. If any provision of this Agreement is held to be invalid or unenforceable by judgment of a court of competent jurisdiction, its unenforceability shall not affect the remainder of this Agreement which shall remain in effect and enforceable in accordance with its terms, unless such severance would materially destroy the intent of the parties in entering into this Agreement, in which case the parties shall immediately commence negotiations to achieve a revised fully valid and enforceable Agreement. However, if the City and the Township have not both executed such a revised fully valid and enforceable Agreement within 60 days after entry of a judgment by the court, then either party may terminate this Agreement by written notice to the other party.

5.6 Binding Effect. This Agreement shall bind the parties and any permitted successors and assigns.

5.7 Parties. This Agreement shall be enforceable only by the parties and their successors in interest by virtue of an assignment which is not prohibited under the terms of this Agreement and no other person shall have the right to enforce any provision in this Agreement.

5.8 Filing and Effective Date. In accordance with Act 425, following the execution of this Agreement by Wyoming and Byron Township, a duplicate original of this Agreement shall be filed with the Kent County Clerk and the Michigan Secretary of State. This Agreement certified by the County Clerk and Secretary of State shall be *prima facie* evidence of the conditional transfer of the Conditionally Transferred Area. This Agreement shall be effective at 12:01 a.m. local time on April 8, 2016, provided it has been filed with the County Clerk and Secretary of State. The parties agree to the filing of additional documents such as notices, forms and reports that may be required or requested by county, state or other agencies to give full effect to and to fully implement this Agreement.

The parties have signed this Agreement as of the date first written above.

CITY OF WYOMING

By:_____
Jack A. Poll, Mayor

Attest:_____
Kelli A. VandenBerg, Clerk

Approved by City Council Resolution No. _____, adopted on _____, 2016.

BYRON TOWNSHIP

By:_____
Audrey Nevins Weiss, Supervisor

Attest:_____
Joel H. Hondorp, Clerk

Approved by Township Board Resolution No. _____, adopted on _____, 2016.

Acknowledged and consented to by:

GABLE HOLDINGS II, LLC

By:_____
Ned Quinn, Member

Date signed: _____, 2016

04/04/16
HAI

RESOLUTION NO. _____

RESOLUTION TO AMEND THE BY-LAWS OF
THE COMMUNITY ENRICHMENT COMMISSION

WHEREAS:

1. On a meeting on November 17, 2015, the Community Enrichment Commission passed a motion to ask the City Council to approve amendments to its by-laws: increasing the maximum number of members to eleven (11); changing the fiscal year to January 1; changing the three-year term of appointment to September 1; and allowing appointed members of the commission to receive compensation for certain services not related to the performance of their duties as members.
2. On February 8, 2016, the City Council considered the requested by-law amendments, and asked the City Attorney to draft revised by-laws and an ordinance to increase the maximum number of members to eleven (11), and to allow appointed members of the commission to receive compensation for certain services not related to the performance of their duties as members, subject to relevant requirements of the Ordinances and Charter.
3. Ordinance 2-16 and Ordinance 3-16 were adopted in Final Reading on March 21, 2016, affecting the changes to membership number and contracts for services.
4. A further ordinance will be considered to change the three-year term of appointment to January 1, but the fiscal year shall remain unchanged at July 1 to June 30.
5. The City Attorney provided the attached revised by-laws for consideration by the City Council.

NOW, THEREFORE, BE IT RESOLVED:

1. The By-Laws of the Community Enrichment Commission as attached are adopted, are effective immediately, and until such time as further amendments are appropriate.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
By-Laws of Community Enrichment
Commission

Resolution No. _____

BY-LAWS
OF THE
COMMUNITY ENRICHMENT COMMISSION
OF THE
CITY OF WYOMING, MICHIGAN

ARTICLE I - NAME

The name of the organization is the Community Enrichment Commission.

ARTICLE II - PURPOSE

The purpose of the Community Enrichment Commission is to promote and present cultural events for the enrichment and enjoyment of the residents of the City of Wyoming.

ARTICLE III – POWERS AND DUTIES

Section 1. The Commission may request information and reports from City staff, through the City Manager, which may be deemed necessary to carry out the purposes of the organization.

Section 2. The Commission may make recommendations to City Council to further the purposes of the organization.

Section 3. The Commission may incorporate as a non-profit corporation in order to receive and expend donated monies to further the purposes of the organization.

Section 4. Subject to the provisions of Article VIII, Section 7, the Commission may enter into contracts, within the constraints of its approved budget and available funding, to further the purposes of the organization.

ARTICLE IV – FISCAL YEAR

Section 1. The fiscal year of the Community Enrichment Commission shall begin on July 1 each year and end on June 30 of the following calendar year.

Section 2. The Chairman of the Community Enrichment Commission shall submit an annual report of organization's activities to the City Council for the prior fiscal year no later than September 30 each year.

Section 3. A budget for the following fiscal year shall be submitted to the Wyoming City Manager by March 31 of each year.

ARTICLE V- MEMBERSHIP

Section 1. The member of the Commission shall consist of registered electors of the City of Wyoming appointed by the City Council.

Section 2. The members of the Commission shall constitute the Board of Directors of the Community Enrichment Commission.

Section 3. The number of members shall be as described in the Code of Ordinances.

Section 4. Members shall take an Oath of Office, administered by the City Clerk.

Section 5. A designated member of the City Council shall be invited to attend all meetings and shall act as a liaison between the Board and the Council.

Section 6. The Library Director of the Wyoming Branch of the Kent District Library may be a member, ex officio.

ARTICLE VI- COMMITTEES

Section 1. The Commission may form committees to operate consistent with the purposes of and under the authority of the Commission.

Section 2. The Commission may appoint the chairperson for each committee by majority vote of those present at any regular meeting.

Section 3. The chairperson of each committee is responsible for all communications necessary to perform their specific task.

Section 4. All monies requested by such committees must be reviewed and approved by the Commission prior to allocation and accounted for within a pre-designated period of time.

ARTICLE VII – OFFICERS

Section 1. Election of officers shall be held by members of the Commission at the first regular meeting of each fiscal year by a majority of those members present.

Section 2. The officers of the Commission shall consist of a Chairman, Vice-Chairman, Secretary, Treasurer and such other officers as needed. The officers shall hold office for one (1) year or until their successors are appointed and qualified.

Section 3. The Chairman shall preside over all meetings of the Commission. The Chairman shall develop and present the agenda for all meetings. The Chairman shall sign all contracts which have been approved by the Commission.

Section 4. The Vice-Chairman shall perform those duties and exercise those powers of the Chairman during the absence or disability of the Chairman.

Section 5. The Secretary shall be responsible for all official communications of the Commission, shall give all notices as required in the By-Laws of the Commission and shall perform such other duties as may be designated by the Commission. The secretary shall be responsible for recording all proceedings of the meetings of the Commission and of the Executive Committee, if one is created, and shall provide minutes of meetings to all members.

Section 6. Subject to any agreement with the City of Wyoming or any other Board or Commission of the City of Wyoming, the Treasurer shall have custody of all Commission funds and securities and shall keep the accounts of the Commission. A full and accurate account of all receipts, disbursements, and deposits of all monies, securities and other valuable effects shall be kept by the Treasurer. The Treasurer shall prepare and present to the Commission an account of all financial transactions and the financial condition of the Commission. An income statement and balance sheet shall be submitted to the Chairman at least one week prior to the Commission's submission of the annual report to the Wyoming City Council. If required by the Commission, the Treasurer shall deliver to the Chairman and keep in force a bond in an amount satisfactory to the Commission and approved by the City Manager. In case of the Treasurer's death, resignation or removal from office, all books, papers, vouchers, money and property of whatever kind belonging to the Commission that is in his/her possession, or under his/her control shall be returned to the Commission. The books and records of the Treasurer

shall be audited by a qualified person appointed by the Finance Director/Comptroller of the City of Wyoming annually at the close of the fiscal year, June 30, or at any time the office of the Treasurer changes hands, or the Finance Director of the City of Wyoming deems necessary.

Section 7. Any officer of the Commission may be removed by a majority of the members of the Commission.

ARTICLE VIII – MEETINGS AND MEMBERS

Section 1. Regular meetings of the Commission shall be held monthly, at a date and time established by resolution of the City Council, and in compliance with the Open Meetings Act. Meetings shall be held at the Wyoming City Hal, 1155 28th Street SW, Wyoming, Michigan.

Section 2. Any member who is not able to attend a regular or special meeting shall notify the Chair or Secretary. The absence may be excused by vote of the members present, and such excuse shall be placed in the minutes. If any member misses four (4) consecutive monthly meetings or 25% of such meetings in any fiscal year without such absences being excused by the members, that member's office shall be deemed as vacated. Any member being terminated shall be advised of their termination by letter.

Section 3. The Commission may adopt rules of procedure for the conduct of its meetings.

Section 4. The Commission may appoint an executive committee which shall consist of the officers of the commission. The Executive Committee shall have and exercise authority of the Commission between meetings.

Section 5. A quorum shall consist of a majority of the members of the Commission.

Section 6. Members of the Commission shall receive no compensation, other than the reimbursement of reasonable expenses as approved by the Commission.

Section 7. The Commission may enter into a contract for specific services with a member, subject to the approval of the City Council as provided in the applicable provisions of the City Charter and City Code.

ARTICLE IX – EXECUTION OF INSTRUMENTS

Section 1. All checks, drafts and orders for payment of monies on accounts of the Commission shall be countersigned by any two officers of those designated by the Commission from time to time. A financial institution holding any Commission funds or assets shall maintain a record bearing the signatures of those authorized to sign checks.

Section 2. When the execution of any contract, conveyance, or other instrument has been authorized without specifying which officer is responsible the Chairman, Vice-Chairman or Secretary may execute the same in the name and on behalf of the Commission.

ARTICLE X - AMENDMENT OF THE BY-LAWS

The By-laws of the Commission may be amended by the City Council of the City of Wyoming. The Commission may make recommendations to the City Council concerning any amendments.

Adopted by the Community Enrichment Commission on _____
Date

_____
Chairman

_____
Secretary

Adopted by the City Council of the City of Wyoming on _____
Date

_____
Kelli A. VandenBerg, City Clerk

04/04/16
RLR:ksl

RESOLUTION NO. _____

A RESOLUTION TO ADOPT
THE WYOMING CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT
2016/2017 ONE-YEAR ACTION PLAN

WHEREAS:

1. The City of Wyoming has applied for and obtained 40 years of Community Development Block Grant (C.D.B.G.) funds from the Department of Housing and Urban Development.

2. It is necessary to submit a One-Year Action Plan application for the 41st year program covering the period of July 1, 2016, through June 30, 2017.

3. The Wyoming Community Development Committee has recommended a proposed 2016/2017 One-Year Action Plan.

4. Two Public Hearings were held on February 3, 2016 by the Wyoming Community Development Committee and on April 4, 2016 by the Wyoming City Council on this matter.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby adopt the 2016-2017 Wyoming Consolidated Housing and Community Development One-Year Action Plan.

Moved by Councilmember:
Seconded by Councilmember:
Motion carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Wyoming, Michigan, at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

First Program Year
Action Plan

Community Development Block Grant
2016-2017
Action Plan
Wyoming, Michigan

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Wyoming, along with the City of Grand Rapids and Kent County, recently adopted the 2016-2020 Kent County and Cities of Grand Rapids and Wyoming Regional Consolidated Plan. The City of Wyoming's 2016-2017 First Program Year Action Plan is part of the adopted Regional Consolidated Plan and based upon its goals, objectives and priority needs.

The City of Wyoming expects to have $589,587.00 available for the Community Development Program during the period beginning July 1, 2016 through June 30, 2017. This amount consists of $470,878.00 in an annual entitlement grant from the U.S. Department of Housing and Urban Development, $5,349.00 in carryover funds from fiscal year 2014-15, $13,360.00 in carryover funds from fiscal year 2015-16 and $100,000.00 from anticipated program income. The 2016 budget plans for 100% of the funds to benefit low and moderate-income persons.

2. Summarize the objectives and outcomes identified in the Plan

The City of Wyoming plans to use CDBG funds to accomplish projects in the areas of Housing Rehabilitation, Code Enforcement, Clearance/Demolition and Public Services. Affordable housing needs will be addressed primarily through Housing Rehabilitation and Clearance/Demolition. Homelessness needs will be addressed by funding HUD Continuum of Care administration and Subsistence Payments for rental assistance administered through The Salvation Army Social Services. Non-Housing Community Development needs will be primarily accomplished through Fair Housing Services, Public Services and Code Enforcement.

The following is a summary of the proposed use of funds for fiscal year 2016/2017:

- **Clearance/Demolition**: 2 home owners, with low/moderate-income families, would have free needed dilapidated structure demolition grants, including, but not limited to, garages, porches and fencing, for the purpose of providing a suitable living environment ($5,000).

- **Public Services – The Potter's House Literacy Program**: 5 low/moderate-income, at-risk children have the benefit of participating in a Literacy Program, administered by The Potter's House, for the purpose of providing a suitable living environment ($16,718).

- **Public Services – Subsistence Payments:** 8 low/moderate-income persons pending eviction have the benefit of short-term rental assistance, administered by The Salvation Army Social Services, for the purpose of preventing homelessness and providing decent affordable housing ($16,000).

- **Rehabilitation - Single Unit Residential**: 12 housing units, with low/moderate-income families, have affordable needed housing repair loans and deferred loans for the purpose of providing decent affordable housing ($248,999).

- **Rehabilitation - Home Repair Services**: 60 low/moderate-income households have affordable services such as minor home repairs and accessibility modifications, for the purpose of providing decent affordable housing ($60,000).

- **Rehabilitation - Administration**: 12 housing units, with low/moderate-income families, have affordable administration of housing rehabilitation funding, for the purpose of providing decent affordable housing. ($74,340).

- **Code Enforcement**: 12,379 households, in low and moderate income areas throughout the City, have the benefit of CDBG monies to fund code enforcement activities for the purpose of providing a suitable living environment. ($55,000).

- **General Administration**: All (72,125) Wyoming residents have affordable administration of HUD programs for the purpose of providing a suitable living environment ($98,530).

- **Fair Housing Services**: All (72,125) Wyoming residents have access to fair housing complaint investigation services and fair housing training for the purpose of providing decent affordable housing ($5,000).

-**HUD Continuum of Care - Administration**: All (72,125) Wyoming residents have access to affordable administration through the Heart of West Michigan United Way to support the Coalition to End Homelessness goals for the purpose of preventing homelessness and providing decent affordable housing. ($10,000)

3. Evaluation of past performance

The City of Wyoming recognizes that the evaluation of past performance plays a critical role in ensuring that effective programs are implemented that align with its long range goals. The following includes past spending performance of activities from July 1, 2014 through June 30, 2015 (A total of $502,291.59 was spent):

Public Facility Improvements Pinery Park - $7,835.00

Clearance/Demolition - $1,750.00

Public Services-Community Liaison & Crime Prevention - $17,251.03

Public Services-Taft Neighborhood Rental - $7,708.21

Public Services-Taft Neighborhood Programs - $5,498.47

Rehabilitation-Single Unit Residential - $170,950.00

Home Repair Services - $60,000.00

Rehabilitation Administration - $62,660.20

Code Enforcement - $55,000

General Administration - $79,390.78

Fair Housing Services - $15,000.00

HUD Continuum of Care-Administration - $4,247.90

4. Summary of Citizen Participation Process and consultation process

The citizen participation process for the Annual Action Plan was completed according to the adopted City of Wyoming Citizen Participation Plan, and consisted of the following:

A public hearing notice was published in the Grand Rapids Press newspaper on January 19, 2016, announcing the upcoming meeting and public hearing of the Wyoming Community Development Committee (W.C.D.C.) on February 3, 2016.

The W.C.D.C. met on February 3, 2016 and discussed needs, funding and possible activities. A public hearing was held, and there was no public comment. The Committee recommended approval of the Annual Plan to the Wyoming City Council.

On February 15, 2016, the Wyoming City Council met and set the date of April 4, 2016 to hold a public hearing for the Annual Plan.

On March 1, 2016 the Availability for Public Review of the One Year Action Plan notice was published in the Grand Rapids Press. This notice was also posted at the Wyoming Public Library and sent to 131 interested parties, representing public officials, media (including Spanish speaking radio and newspapers), public service agencies, school districts, subrecipients, minority organizations and other stakeholders, requesting comment and announcing the upcoming public hearing on April 4, 2016 concerning the Annual Plan.

A public hearing notice was published in the Grand Rapids Press newspaper on March 1, 2016, which announced that the Annual Plan would be discussed by the Wyoming City Council at the public hearing on April 4, 2016.

On April 4, 2016 a public hearing was held, with no public comments, but ___ letters were received in response to the public hearing. _____. Also on April 4, 2016 the City Council approved the 2016-2017 Annual Action Plan.

On April 5, 2016, a notice was published in the Grand Rapids Press newspaper, which announced approval of the plan by the City Council and that the plan would be submitted to HUD on or about May 1, 2015.

As of the submittal date of May 1, 2016, ___ public comment and ___ letters were received.

5. Summary of public comments

As of the submittal date of May 1, 2016, ____ public comment and ___ letters were received. The citizen participation process for the Annual Action Plan was completed according to the adopted City of Wyoming Citizen Participation Plan. A detailed explanation is found in (4) above.

6. Summary of comments or views not accepted and the reasons for not accepting them

See Summary of public comments above.

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

This is the first Action Plan Year of our 2016-2020 Kent County and Cities of Grand Rapids and Wyoming Regional Consolidated Plan. The City of Wyoming expects to have $589,587.00 available for the Community Development Program during the period beginning July 1, 2016 through June 30, 2017. This amount consists of $470,878.00 in an annual entitlement grant from the U.S. Department of Housing and Urban Development, $5,349.00 in carryover funds from fiscal year 2014-15, $13,360.00 in carryover funds from fiscal year 2015-16 and $100,000.00 from anticipated program income. This 2016-2017 budget plans for 100% of the funds to benefit low and moderate income persons.

Funding for total administrative activities (General Administration, Fair Housing Services and HUD Continuum of Care Administration) shall not exceed the federal restrictions of 20% of the total grant award plus program income (of grant year). The City of Wyoming projects the total available to be expensed for administrative activities at $114,175.00, and has budgeted to expend $113,530.00, allowing for more funds to be used for direct program activities.

The City will continue to apply for Section 8 funds as they are made available.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	Public - federal	Admin, Housing Rehab, Public Services	470,878	100,000	18,709	589,587	2,296,804	Block grant from U.S. Department of Housing and Urban Development to address housing, community development and economic development needs.

Table 1 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Each Community's funding is administrated by its respective Community Development Department for a variety of purposes that meet the intent of the funding for each specific program. Federal funds are leveraged against numerous other sources of federal, state, local and private funding.

The jurisdictions partner, in varying degrees, with a number of housing developers, public service agencies and homeless shelter/housing providers to maximize CDBG and HOME resources and other public and private resources. The costs to address the broad housing and community needs of the region cannot be covered through a single source, but must be supported through a number of layered and pooled funding streams.

The City of Wyoming has a consortium agreement with the County of Kent allowing them to receive and administer Wyoming's federal entitlement of HOME dollars. The City of Wyoming has input on its share of the funds and its related applications from area developers. All data related to City of Wyoming HOME funds will be reported by the County of Kent and is not included in this Action Plan in order to avoid duplicate reporting of data to HUD.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

N/A

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
	Improve the Condition of Existing Housing	2016	2017	Affordable Housing	City-Wide Low/Mod Income Families	Maintenance of Owner-Occupied Housing Minor and Emergency Housing Repairs	CDBG: $383,339	Homeowner Housing Rehabilitated: 72 Household Housing Unit
	Improve Access/Stability of Affordable Housing	2016	2017	Affordable Housing Homeless	City-Wide Low/Mod Income Families City-Wide	Fair Housing and Consumer Legal Services Prevention of Homelessness Regional Response - Addressing Housing Instability	CDBG: $31,000	Public service activities for Low/Moderate Income Housing Benefit: 8 Households Assisted Homelessness Prevention: 72125 Persons Assisted Other: 72125 Other
	Reduce Blight and Code Violations	2016	2017	Affordable Housing Non-Housing Community Development	All Low/Moderate-Income Areas City-Wide Low/Mod Income Families	Housing and Other Code Violations Clearance of Blighted Structures	CDBG: $60,000	Buildings Demolished: 2 Buildings Housing Code Enforcement/Foreclosed Property Care: 12379 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
	Increase Access to Jobs, Education & Other Service	2016	2017	Non-Homeless Special Needs Non-Housing Community Development	The Potters House Schools	Access to Public Services Multicultural Supportive Services Emergency and Outreach Services for Youth	CDBG: $16,718	Public service activities other than Low/Moderate Income Housing Benefit: 5 Persons Assisted

Table 2 – Goals Summary

Goal Descriptions

Goal Name	Improve the Condition of Existing Housing
Goal Description	The City of Wyoming plans to accomplish this goal through Rehabilitation-Single Unit Residential, Rehabilitation-Home Repair Services and Rehabilitation-Administration activities. Rehabilitation and preservation of owner-occupied housing will bring housing units to code standard, or provide safety improvements, energy efficiency improvements, access modifications, or treatment of lead or other home hazards.
Goal Name	Improve Access/Stability of Affordable Housing
Goal Description	The City of Wyoming plans to accomplish this goal through Public Services-Subsistence Payments, Fair Housing Services, and HUD Continuum of Care-Administration activities. There will be increased opportunities for housing stability through tenant based rental assistance and fair housing complaint investigation and education. There will also be funding for the administration of activities to assist homeless individuals and families to stabilize in permanent housing after experiencing a housing crisis by providing client-appropriate housing and supportive service solutions, and provide homeless households with financial and other assistance to move them as quickly as possible into permanent housing.

	Goal Name	Reduce Blight and Code Violations
	Goal Description	The City of Wyoming plans to accomplish this goal through Code Enforcement and Clearance/Demolition activities. There will be improved public health and safety, reduced blighting influences, and improved property values through code enforcement and clearance of blighted structures.
	Goal Name	Increase Access to Jobs, Education & Other Service
	Goal Description	The City of Wyoming plans to accomplish this goal through The Potter's House Literacy Program activity. There will be an increase in access to educational opportunities for low/moderate-income, at-risk children, some from diverse cultures. Supportive services appropriate for persons for whom English is a second language will also be provided.

AP-35 Projects - 91.420, 91.220(d)

Introduction

The City of Wyoming plans to use CDBG funds to accomplish projects in the areas of Housing Rehabilitation, Code Enforcement, Clearance/Demolition and Public Services. Affordable housing and homeless needs have been given high priority.

#	Project Name
1	Clearance/Demolition
2	Public Services-The Potter's House Literacy Program
3	Public Services-Subsistence Payments
4	Rehabilitation-Single Unit Residential
5	Rehabilitation-Home Repair Services
6	Rehabilitation-Administration
7	Code Enforcement
8	General Administration
9	Fair Housing Services
10	HUD Continuum of Care-Administration

Table 3 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Funding priorities have been outlined in the 2016-2020 Kent County, Cities of Grand Rapids and Wyoming Regional Consolidated Plan. All projects to be funded in this Action Plan are ranked as high priority need for the City of Wyoming in the Regional Consolidated Plan.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	Clearance/Demolition
	Target Area	City-Wide Low/Mod Income Families
	Goals Supported	Reduce Blight and Code Violations
	Needs Addressed	Housing and Other Code Violations Clearance of Blighted Structures
	Funding	CDBG: $5,000
	Description	Homeowners with low/moderate-income families, would have free dilapidated structure demolition grants, including, but not limited to, garages, porches and fencing, for the purpose of providing a suitable living environment.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	2 home owners, with low/moderate-income families, would have free dilapidated structure demolition grants.
	Location Description	City-Wide Low/Mod Income Families.
	Planned Activities	2 home owners, with low/moderate-income families, would have free dilapidated structure demolition grants, including, but not limited to, garages, porches, and fencing, for the purpose of providing a suitable living environment. Effective response to housing and other code violations in neighborhoods will be provided.
2	**Project Name**	Public Services-The Potter's House Literacy Program
	Target Area	The Potters House Schools
	Goals Supported	Increase Access to Jobs, Education & Other Service

	Needs Addressed	Access to Public Services
	Funding	CDBG: $16,718
	Description	Low/moderate-income, at-risk children have the benefit of participating in a Literacy Program, administered by The Potter's House, for the purpose of providing a suitable living environment.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	5 low/moderate-income, at-risk children have the benefit of participating in a Literacy Program, administered by The Potter's House.
	Location Description	The Potter's House Literacy Program will be conducted at their schools located at 2500 Newport Ave SW, 811 Chicago Dr SW and 810 VanRaalte Dr SW.
	Planned Activities	5 low/moderate-income, at-risk children have the benefit of participating in a Literacy Program, administered by The Potter's House, for the purpose of providing a suitable living environment. Supportive educational services appropriate for persons for whom English is a second language and for persons from diverse cultures will be provided.
3	**Project Name**	Public Services-Subsistence Payments
	Target Area	City-Wide Low/Mod Income Families
	Goals Supported	Improve Access/Stability of Affordable Housing
	Needs Addressed	Prevention of Homelessness Regional Response - Addressing Housing Instability
	Funding	CDBG: $16,000
	Description	Low/moderate-income persons pending eviction have the benefit of short-term rental assistance, administered by The Salvation Army Social Services, for the purpose of preventing homelessness and providing decent affordable housing.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	8 low/moderate-income persons pending eviction have the benefit of short-term rental assistance, administered by The Salvation Army Social Services.
	Location Description	City-wide low/moderate-income families
	Planned Activities	8 low/moderate-income persons pending eviction have the benefit of short-term rental assistance, administered by The Salvation Army Social Services, for the purpose of preventing homelessness and providing decent affordable housing.
4	**Project Name**	Rehabilitation-Single Unit Residential
	Target Area	City-Wide Low/Mod Income Families
	Goals Supported	Improve the Condition of Existing Housing
	Needs Addressed	Maintenance of Owner-Occupied Housing Minor and Emergency Housing Repairs
	Funding	CDBG: $248,999
	Description	12 housing units, with low/moderate-income families, have affordable needed housing repair loans and deferred loans for the purpose of providing decent affordable housing.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	12 housing units, with low/moderate-income families, have affordable needed housing repair loans and deferred loans.
	Location Description	City-wide low/moderate-income families

	Planned Activities	12 housing units, with low/moderate-income families, have affordable needed housing repair loans and deferred loans for the purpose of providing decent affordable housing. Health, safety and property maintenance of owner-occupied housing, including lead hazard reduction will be provided. Minor and emergency repairs, including accessibility modifications, will also be addressed.
5	**Project Name**	Rehabilitation-Home Repair Services
	Target Area	City-Wide Low/Mod Income Families
	Goals Supported	Improve the Condition of Existing Housing
	Needs Addressed	Maintenance of Owner-Occupied Housing Minor and Emergency Housing Repairs
	Funding	CDBG: $60,000
	Description	Low/moderate-income households have affordable services such as minor home repairs and accessibility modifications, for the purpose of providing decent affordable housing.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	60 low/moderate-income households have affordable services such as minor home repairs and accessibility modifications.
	Location Description	City-wide low/moderate-income families.
	Planned Activities	60 low/moderate-income households have affordable services such as minor home repairs and accessibility modifications, for the purpose of providing decent affordable housing.
6	**Project Name**	Rehabilitation-Administration
	Target Area	City-Wide Low/Mod Income Families
	Goals Supported	Improve the Condition of Existing Housing

	Needs Addressed	Maintenance of Owner-Occupied Housing Minor and Emergency Housing Repairs
	Funding	CDBG: $74,340
	Description	Housing units, with low/moderate-income families, have affordable administration of housing rehabilitation funding, for the purpose of providing decent affordable housing.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	12 housing units, with low/moderate-income families, have affordable administration of housing rehabilitation funding.
	Location Description	City-wide low/moderate-income families.
	Planned Activities	12 housing units, with low/moderate-income families, have affordable administration of housing rehabilitation funding, for the purpose of providing decent affordable housing.
7	**Project Name**	Code Enforcement
	Target Area	All Low/Moderate-Income Areas
	Goals Supported	Reduce Blight and Code Violations
	Needs Addressed	Housing and Other Code Violations
	Funding	CDBG: $55,000
	Description	Households, in low and moderate-income areas throughout the City, have the benefit of CDBG monies to fund code enforcement activities for the purpose of providing a suitable living environment.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	12,379 households, in low and moderate-income areas throughout the City, have the benefit of CDBG monies to fund code enforcement activities.
	Location Description	All low/moderate-income areas throughout the City.
	Planned Activities	12,379 households, in low and moderate-income areas throughout the City, have the benefit of CDBG monies to fund code enforcement activities for the purpose of providing a suitable living environment. Effective response to housing and other code violations in neighborhoods will be provided.
8	**Project Name**	General Administration
	Target Area	City-Wide
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: $98,530
	Description	All Wyoming residents have affordable administration of HUD programs for the purpose of providing a suitable living environment.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	All (72,125) Wyoming residents have affordable administration of HUD programs.
	Location Description	City-Wide.
	Planned Activities	All (72,125) Wyoming residents have affordable administration of HUD programs for the purpose of providing a suitable living environment.
9	**Project Name**	Fair Housing Services

	Target Area	City-Wide
	Goals Supported	Improve Access/Stability of Affordable Housing
	Needs Addressed	Fair Housing and Consumer Legal Services
	Funding	CDBG: $5,000
	Description	All Wyoming residents have access to fair housing complaint investigation services and fair housing training for the purpose of providing decent affordable housing.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	All (72,125) Wyoming residents have access to fair housing complaint investigation services and fair housing training.
	Location Description	City-Wide.
	Planned Activities	All (72,125) Wyoming residents have access to fair housing complaint investigation services and fair housing training for the purpose of providing decent affordable housing.
10	**Project Name**	HUD Continuum of Care-Administration
	Target Area	City-Wide
	Goals Supported	Improve Access/Stability of Affordable Housing
	Needs Addressed	Prevention of Homelessness Regional Response - Addressing Housing Instability
	Funding	CDBG: $10,000
	Description	All Wyoming residents have access to affordable administration through the Heart of West Michigan United Way to support the Coalition to End Homelessness goals for the purpose of preventing homelessness and providing decent affordable housing.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	All (72,125) Wyoming residents have access to affordable administration through the Heart of West Michigan United Way to support the Coalition to End Homelessness goals.
	Location Description	City-Wide
	Planned Activities	All (72,125) Wyoming residents have access to affordable administration through the Heart of West Michigan United Way to support the Coalition to End Homelessness goals for the purpose of preventing homelessness and providing decent affordable housing.

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Refer to the City of Wyoming CDBG Activities map which locates projects proposed for 2016-2017 in the SP-10 Geographic Priorities section. Also refer to the City's Low/Moderate Income Areas map in this same section which indicates all of the City's low/moderate-income areas. As stated in the Regional Consolidated Plan, the City of Wyoming has a lower median income than the balance of Kent County. Nearly 65% of all Wyoming households have incomes between 0-80% AMI. Of these households, 22% are extremely low-income, 20% are low-income, and 23% are moderate-income.

In reference to minority concentration, the Regional Consolidated Plan also states that the concentration of Non-White population is in the downtown and northern areas of the city. Eighteen percent of Wyoming's population is Hispanic/Latino, more than double the 2000 level.

The northern and eastern areas of the city contain the oldest housing units, and housing rehabilitation does regularly occur in both areas based on need and demand. Refer to the CDBG Loan History map in the SP-10 Geographic Priorities section which shows these high-need areas.

Geographic Distribution

Target Area	Percentage of Funds
All Low/Moderate-Income Areas	9
City-Wide Low/Mod Income Families	69
City-Wide	19
The Potters House Schools	3

Table 4 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Basis of allocating funds in geographic areas:

- Our CDBG housing activities are available only to eligible low and moderate-income households throughout the City.
- Clearance of dilapidated structures, including, but not limited to, garages, porches and fencing, are available only to eligible low/moderate income households throughout the City.
- Code Enforcement activities are only eligible in low and moderate-income areas.
- The Potter's House Literacy Program will be conducted at their elementary, middle and high schools. This is a Low/Mod Clientele activity serving low/moderate-income, at-risk children.
- Subsistence Payments are available city-wide to low-income persons pending eviction.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

See other actions and processes to be carried out in the narrative below.

Actions planned to address obstacles to meeting underserved needs

The City's strategy to reduce poverty relies on promoting current and future programs, which assist low-income families, the elderly, the disabled, at-risk youth and those at risk of becoming homeless.

Actions planned to foster and maintain affordable housing

Specific actions to be undertaken to reduce barriers to affordable housing, based on the 2013 Analysis of Impediments to Fair Housing Choice and Housing Needs Assessment, and the newly adopted 2016-2020 Regional Consolidated Plan, include:

- Perform regular review of City policies and codes, along with continued Zoning and Master Plan revisions, to remove specific barriers to affordable housing. The Master Plan encourages increased density, walkability and variety of housing choices. Form Based Codes have been developed allowing for increased multi-use development and increased affordable housing opportunities. The City has broadened its PILOT (Payment in Lieu of Taxes) Ordinance to allow for greater development opportunities for affordable housing for low/moderate income housing development.
- Communicate and collaborate with area stakeholders to establish city and county-wide approaches to developing affordable housing and addressing special needs in the community. Recently the City partnered with Habitat for Humanity of Kent County and Next Step of West Michigan to leverage public and private resources for neighborhood improvements and the stabilization of property values, while expanding affordable housing opportunities.
- Support the Fair Housing Center of West Michigan to promote and ensure fair housing is available throughout the city through complaint investigation services and fair housing training. The City, in partnership with the Fair Housing Center of West Michigan, hosts an annual fair housing workshop to educate the Wyoming housing industry.
- Support The Salvation Army Social Services in administering subsistence payments for short-term rental assistance to low-income persons pending eviction.

- The Wyoming Housing Commission continues to apply for HUD rent certificates and vouchers.
- The City's Housing Rehab Program provides assistance to low/moderate-income families to repair their homes, which allows them to remain in their homes.
- City Staff representation on the West Michigan Regional Planning Commission, the Grand Valley Metro Council Technical Committee, the Interurban Transit Partnership, the Division Avenue Business Association, the Grand Rapids Home Builders Association, and Grand Rapids Rental Property Owners Association. The Director of Community Services serves as the City's representative to the Kent County Land Bank and its Property Acquisition Committee, serves as Chair of the Steering Committee for the Grand Rapids Area Coalition to End Homelessness and serves on the Funding Review Committee for the HUD Continuum of Care to address issues of homelessness and affordable housing.
- The City will continue its consortium agreement with Kent County allowing them to receive and administer Wyoming's federal entitlement of HOME dollars. Kent County will grant awards for projects within the City of Wyoming, taking into consideration the viability, community impact, and financial feasibility of the project. There has been a Kent County community development investment of approximately $775,524.00 in the renovation and redevelopment of rental housing in the City of Wyoming since the partnership with Kent County began. During the upcoming fiscal year funds will be awarded to non-profit and CHDO partners to develop quality affordable housing in an expanded targeted format to create a tangible impact zone.

Actions planned to reduce lead-based paint hazards

The City integrates lead hazard evaluation and reduction activities into all CDBG housing rehabilitation programs. The City's Building Rehabilitation Specialist is a State of Michigan licensed lead inspector and lead risk assessor. For each housing rehabilitation project, the Rehabilitation Specialist identifies the potential lead hazard, develops a plan for remediation and executes the plan for remediation, in compliance with federal standards. The City will provide CDBG housing rehabilitation applicants with applicable information of the hazards of lead-based poisoning.

Actions planned to reduce the number of poverty-level families

The City's strategy to reduce poverty relies on promoting current and future programs, which assist low-income families and senior citizens. The following programs, administered by the City, assist households in poverty by reducing their expenses for such services and/or obligations:

- Community Development Block Grant -Loans at 3% annual interest are offered to households with incomes between 50% and 80% of

the area median. Deferred Loans, at zero interest, repaid at a reduced amount, at the time of sale of the property, are offered to households with incomes below 50% of the area median.

- Senior Center - Free tax preparation services, free low cost recreation and leisure education programs, free legal consultation services and free medical and blood pressure screenings.
- Poverty Exemptions of Property Taxes -The City allows for an exemption of all or a part of real and personal property taxes to those persons, as determined by the Board of Review, to be in poverty. Wyoming averages about 50 exemptions each year.
- The City's Public Housing and rent certificates programs provide assistance to low-income families.
- Support of The Salvation Army Social Services in administering subsistence payments for short-term rental assistance for low-income persons pending eviction.
- The Potter's House Literacy Program – This program is specifically directed to assist low/moderate-income, at-risk students. It also provides support appropriate for students for whom English is a second language. National statistics show the link between literacy rates and poverty rates.

Actions planned to develop institutional structure

The City continues to review ways in which to improve upon efficiency and stewardship of resources. In 2013 the County of Kent received an EVIP grant to hire a consultant to conduct a study to examine community development efficiencies, service sharing and possible consolidation of efforts between three local communities - Kent County, the City of Wyoming and the City of Grand Rapids. One outcome has been the development of the newly-adopted 2016-2020 Kent County and Cities of Grand Rapids and Wyoming Regional Consolidated Plan. This plan will assist all three jurisdictions in aligning their planning processes.

Actions planned to enhance coordination between public and private housing and social service agencies

For 2016-17 a new subrecipient has been added, The Potter's House Schools, who will administer a Literacy Program to assist low/moderate-income, at-risk children. The program provides support for students for whom English is a second language. The City also renewed its annual memorandum of understanding with the Kent County Essential Needs Task Force Governance, which is a collective effort of governmental agencies, non-profits, faith-based organizations, funders and community volunteers who seek to enhance the structure of services, and develop and support a sustainable model for the emergency response network for residents throughout Kent County.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

The City of Wyoming expects to have $589,587.00 available for the Community Development Program during the period beginning July 1, 2016 through June 30, 2017. This amount consists of $470,878.00 in an annual entitlement grant from the U.S. Department of Housing and Urban Development, $5,349.00 in carryover funds from fiscal year 2014-15, $13,360.00 in carryover funds from fiscal year 2015-16 and $100,000.00 from anticipated program income. This 2016-2017 budget plans for 100% of the funds to benefit low and moderate income persons.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	100,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**100,000**

Other CDBG Requirements

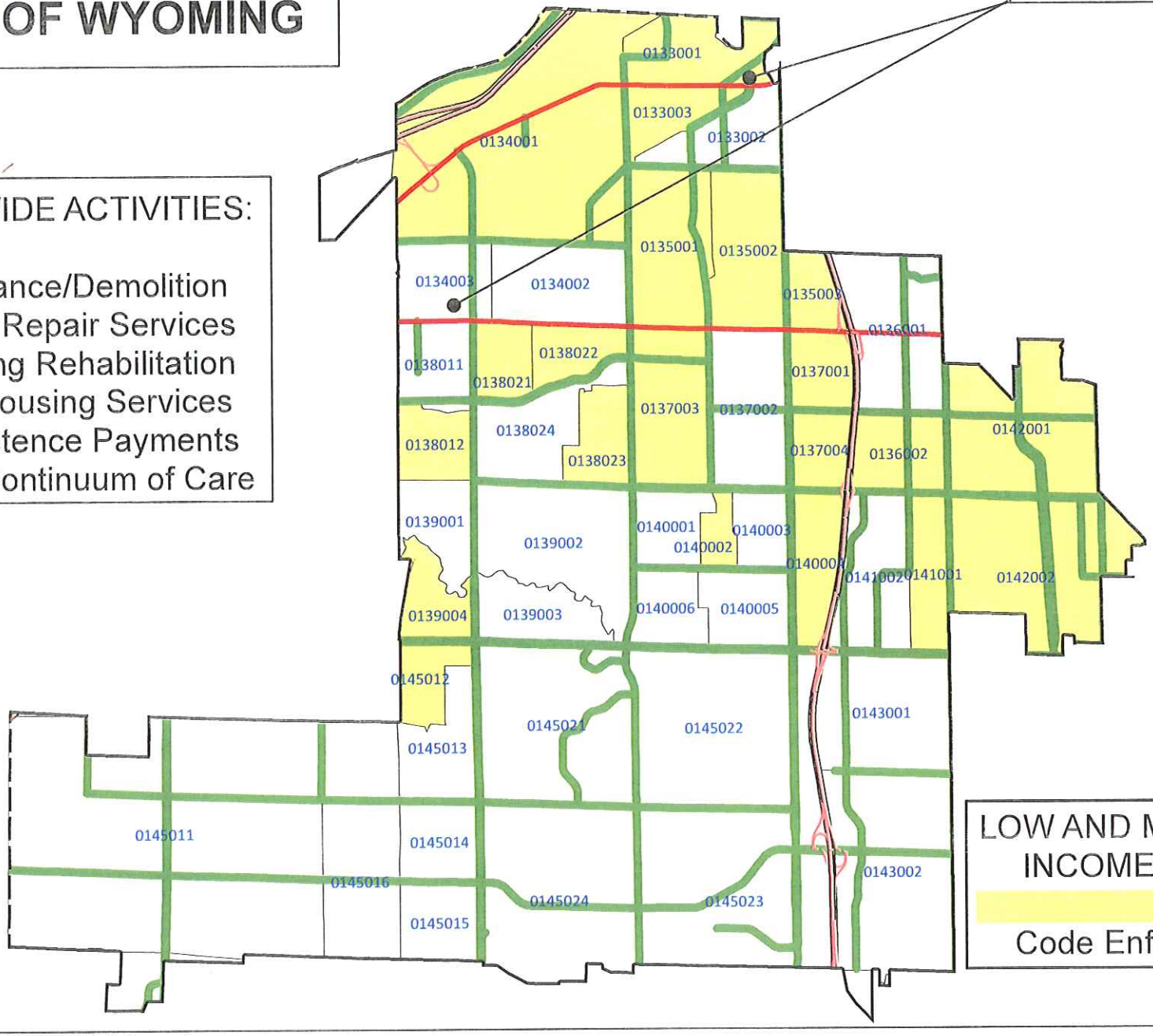
1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

CDBG ACTIVITIES 2016 - 2017 CITY OF WYOMING

The Potter's House Literacy Program (Low / Mod Clientele)

CITY WIDE ACTIVITIES:

Clearance/Demolition
Home Repair Services
Housing Rehabilitation
Fair Housing Services
Subsistence Payments
HUD Continuum of Care



LOW AND MODERATE INCOME AREAS:

Code Enforcement

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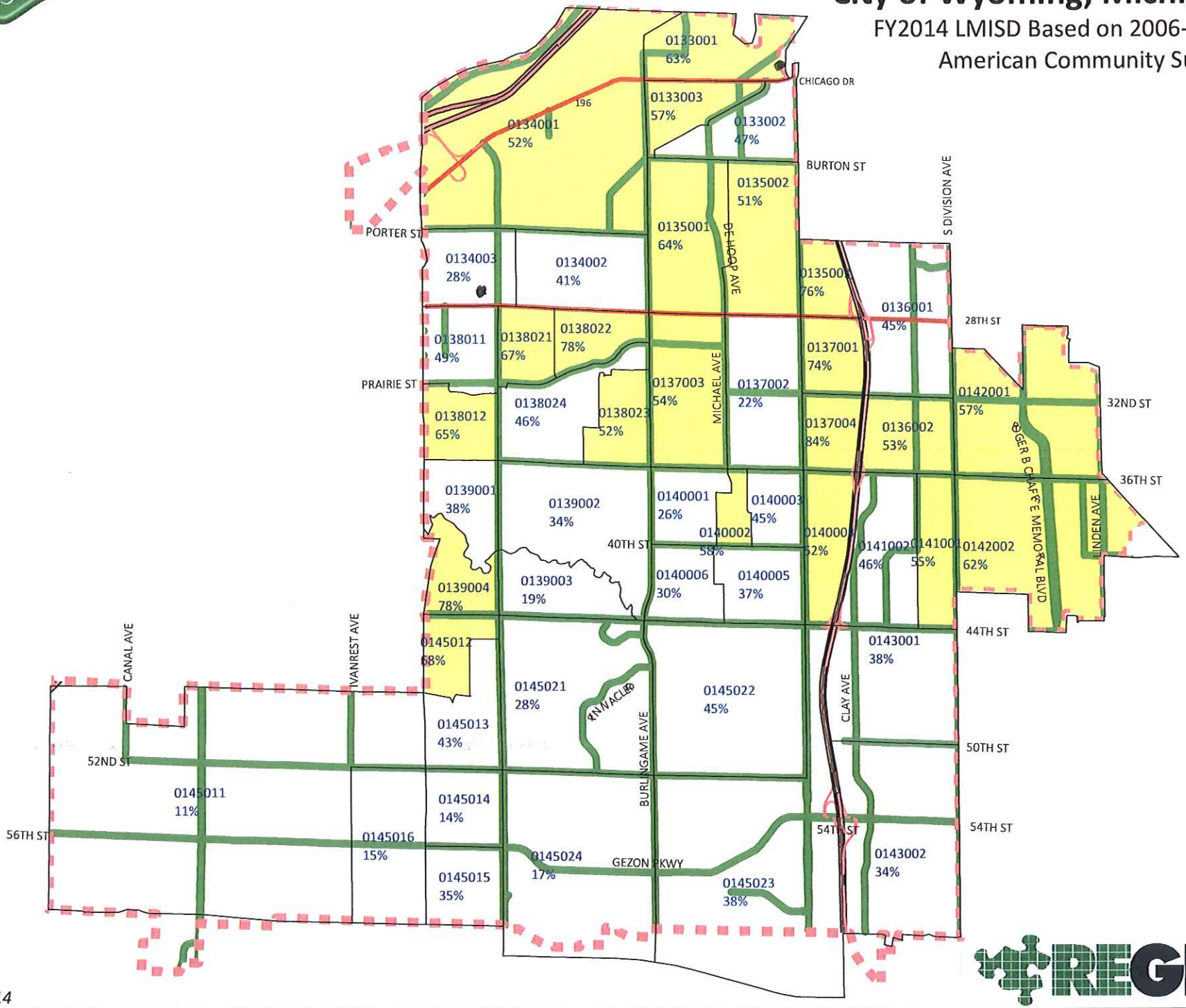
City of Wyoming, Michigan

FY2014 LMISD Based on 2006-2010 American Community Survey



Date: 9/24/2014

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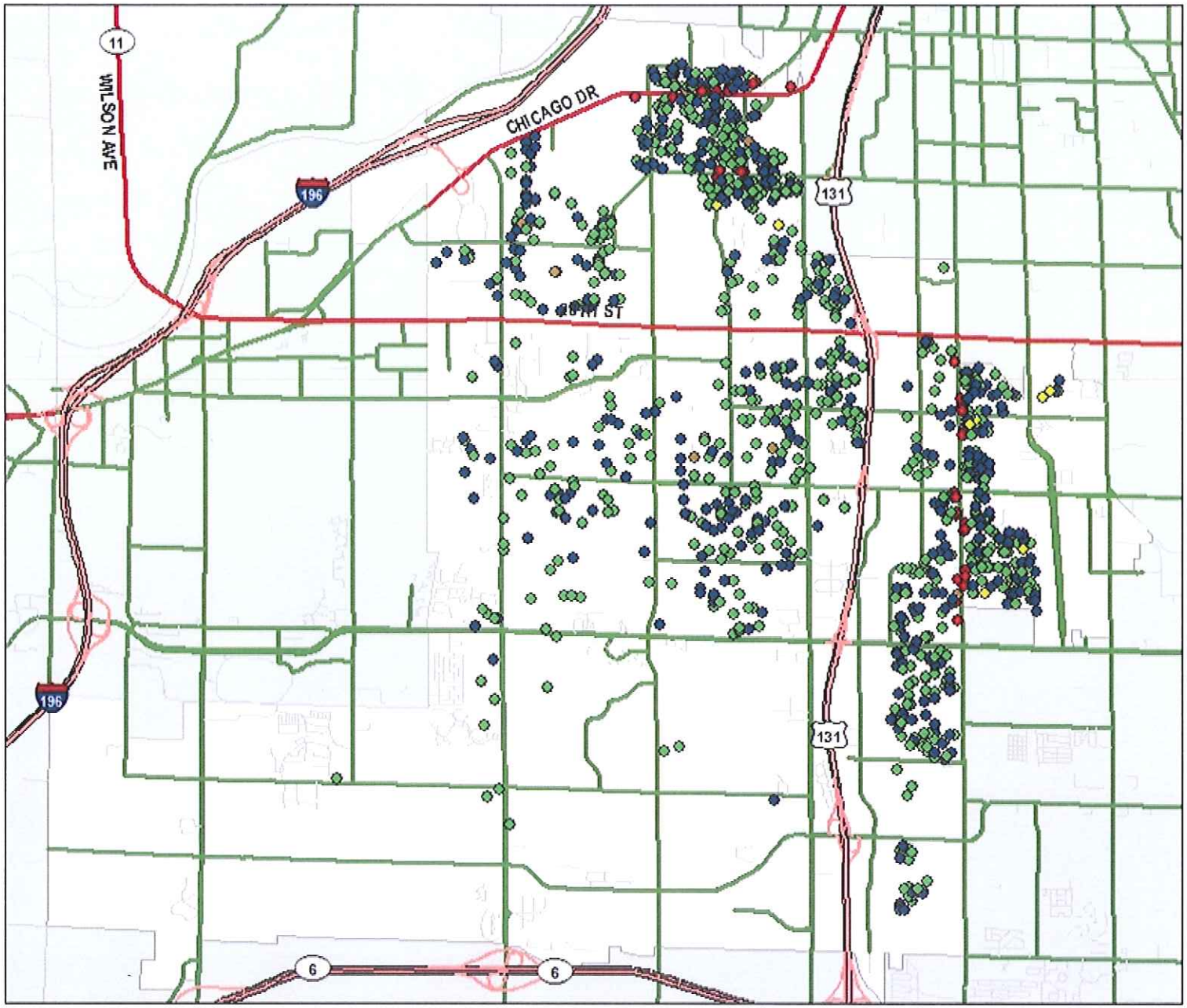
Wyoming Michigan

CDBG Loan History

1976 to Present



Legend

- Rental Loans (10)
- Demolition Grants (16)
- Commercial Loans (48)
- Residential 3% Loans (552)
- Residential 0% Loans (684)

Author: Paul Gerndt
Date: 9/10/2015

REGIS

04/04/2016
Clerk/KAV

RESOLUTION NO. _____

A RESOLUTION TO APPOINT A COMMITTEE OF COUNCIL
TO CONDUCT A BUSINESS LICENSE REVOCATION HEARING
FOR COCKTAILZ BAR & GRILL

WHEREAS:

1. On March 30, 2016, Director of Public Safety, Chief James Carmody, requested that the City Clerk suspend the business license, and initiate proceedings to revoke the business license, issued to Cocktailz Bar & Grill, 1001 Chicago Drive SW, for violations of Section 14-52 and 14-180 of the Code of the City of Wyoming.

2. The City Clerk, on March 30, 2016, pursuant to Section 14-52 of the Code, suspended the license described and notified Cocktailz Bar & Grill and David Guy, owner, of the suspension and the revocation hearing process by hand delivery and certified mail, respectively.

3. Ordinance Section 14-53 states that a license shall not be revoked until a hearing has been held, and Ordinance Section 15-54 provides that City Council may appoint a committee of City Council to conduct such a hearing, take testimony under oath, and make a factual determination and recommendation to City Council.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers _____, _____, and _____ be appointed to a committee for that purpose, with _____ named as chairperson of the committee, and that they conduct a hearing to consider revocation of the above-described license, and provide a recommendation to the City Council for a final determination.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Police Department Memo
Notice to Licensee

City of Wyoming Michigan

City Clerk's Office
Telephone (616) 530-7296
1155 - 28th Street SW, PO Box 905 Wyoming, Michigan 49509-0905
www.wyomingmi.gov

MAYOR
Jack A. Poll

AT-LARGE COUNCILMEMBER
Sam Bolt

AT-LARGE COUNCILMEMBER
Dan Burrill

AT-LARGE COUNCILMEMBER
Kent Vanderwood

1ST WARD COUNCILMEMBER
William A. Ver Hulst

2ND WARD COUNCILMEMBER
Richard K. Pastoor

3RD WARD COUNCILMEMBER
Joanne M. Voorhees

CITY MANAGER
Curtis L. Holt

March 30, 2016

HAND DELIVERED/CERTIFIED MAIL

David Guy
D&G Entertainment, Inc.
1001 Chicago Drive
Wyoming, MI 49509

Dear Mr. Guy:

Pursuant to Sections 14-52 through 14-54 of the Code of the City of Wyoming, the City of Wyoming business license for Cocktailz Bar & Grill, 1001 Chicago Drive, is suspended effective immediately.

Section 14-52(2) of the Code of the City of Wyoming states that a business license may be suspended for a violation of any section of this Chapter [Chapter 14] as it relates to the operation or business.

The violations of Chapter 14 include:

1. Sec. 14-52(4) and (5) violations, including failure to comply with an authorized requirement of any city official as relates to the operation or business, and failure to perform any act of the performance of any act, either of which is contrary to or would endanger the public health, safety and welfare, are detailed in the attached memorandum from the Wyoming Department of Public Safety.
2. Section 14-180 states, in part, that the owner, as well as the agents and servants of the owner, actually engaged in the operation of a place of business, licensed to sell alcoholic beverages on the premises, shall at all times be responsible for the conduct of occupants and patrons.

Continued operation of the business while the license is suspended would be a violation of Section 14-51 of the Code, and punishable as a municipal civil infraction. Fines for a first offense are $75.00; second offense, $225.00; third offense, $500.00.

Revocation of the license will be sought from the City Council of the City of Wyoming, under the provisions of Sec. 14-53 and 14-54 of the Code. A committee of Council will be appointed to consider the revocation and to

conduct a hearing. The committee will make a recommendation to the City Council as to whether the license should be revoked. You will be notified of the time and place for that hearing. Copies of the cited sections of the ordinance are enclosed.

Sincerely,

Kelli A. VandenBerg
City Clerk

Cc: David Guy, 3340 Ottawa Avenue, Grandville, MI 49418
Cocktailz Bar & Grill, 1001 Chicago Drive, Wyoming, MI 49509
Curtis L. Holt, City Manager
Jack R. Sluiter, City Attorney
James E. Carmody, Director of Public Safety

Interdepartmental Correspondence

TO: Kelli Vandenburg, City Clerk

FROM: Chief James E. Carmody

DATE: March 30, 2016

SUBJECT: Cocktailz Bar

Administrative Services

Over the last fifteen months, we have worked with the owner of Cocktailz Bar, David Guy, to address incidents that have occurred at his establishment. Many of these incidents have posed a significant risk to the safety and quality of life for the surrounding neighborhood, including residents and other business owners.

In 2015, there were three incidents involving firearms; two calls involved shots that were fired and one call involved a loaded handgun that was located inside the bar. Numerous other calls for police service included disorderly behavior, fights, and drug and alcohol violations.

In January of 2016, after an annual review of these calls , Captain Koster contacted owner David Guy via telephone. She advised Mr. Guy that despite our efforts to work with him and his staff, we were still very concerned about the illegal activity that was continuing to occur within his establishment and outside in the parking lot. She advised Mr. Guy that should there be any other incidents that impact the safety of his patrons or the community; we would request that his business license be revoked. I sent a follow-up letter via registered mail to Mr. Guy at his address in Grandville. I also sent a copy of the letter to an e-mail address that he provided. Mr. Guy assured Captain Koster that he would address the issues and also share this info with his soon-to-be ex-wife.

On Saturday, March 26, 2016 our officers were sent to Cocktailz on the report of a large group of young males in the parking lot that were starting to fight. The caller stated that several subjects were making gestures indicating that they had firearms. When our officers arrived, an estimated 40-50 people were standing outside near the entrance, yelling and being disorderly. Many subjects at the bar appeared to be under twenty-one and began to flee as our officers arrived. The bar appeared to be over capacity and three large parking lots in the vicinity were full of vehicles belonging to the bar patrons. Our officers observed no security outside the bar where the disorderly behavior was taking place. Inside the bar, there was one person who was in charge who stated that he was attempting to control the amount of people allowed inside. Officers observed one individual who was wearing a "security" t-shirt. Four patrol cars responded to the incident and it took twenty minutes to clear the lot and establish control.

During a follow-up investigation of this most recent incident, it was discovered that the Liquor Control Commission (LCC) had been to the establishment on February 24, 2016. The LCC inspected the bar after receiving tips alleging an illegal transfer of ownership and bartender drinking for free off duty. At the conclusion of their investigation, there were several findings, including:

1. Owner David Guy failed to notify the commission regarding transfer of ownership to his ex-wife, Katie. The Commission allowed Mr. Guy time to give an explanation, however he failed to meet the established deadline.

2. Adulteration of drinks. Basically, the investigators located several half gallons of liquor in the back that the employees use to fill fifth bottles back up with. This is a violation.
3. Drug paraphernalia. Investigators located a marijuana smoking pipe on top of a Nudgemaster Gaming Machine. Pipe was taken and tested by MSP confirming marijuana residue.
4. Both bartenders on duty at the time of the inspection advised investigators they are allowed to drink alcohol for free after their duty shifts end.
5. Investigators did not have access to the entire business as there was a locked office not accessible to them.
6. Owners were advised by the investigators that they needed to explain the transfer of ownership and a date/deadline was given for the explanation. According them this deadline was not met and violation will result.

The incidents that have occurred over the past fifteen months, along with the LCC findings have caused us great concern for the safety of our citizens. Despite our repeated attempts to work with the owner and management, we have seen no change. For these reasons, we feel we have no choice but to request the immediate revocation of the Cocktailz Bar and Grill business license, and the appointment of a three member panel from the City of Wyoming City Council to investigate the establishment to determine if a revocation of the liquor license is warranted.

Sec. 14-52. - Suspension and revocation.

Any license, registration or permit issued by the city may be suspended for any one of the following reasons:

(1) Misrepresentation of any material fact on the application for obtaining such license, registration or permit.
(2) Violation of any section of this chapter as it relates to the operation or business.
(3) Violation of any state or federal statute or duly adopted federal, state or local rule and regulation as relates to the operation or business.
(4) Failure to comply with an authorized requirement of any city official as relates to the operation or business.
(5) Failure to perform any act or the performing of any act, either of which is contrary to or would endanger the public health, safety and welfare.

If the license or registration of any person is suspended, the city official who suspends such license or registration shall inform the licensee in writing as to the reasons why the license has been suspended and the effective date of such suspension. If there are conditions to be corrected, the city official in the notice shall inform the licensee of such. The city official may lift such suspension if he finds that the conditions have been corrected.

Sec. 14-53. - Hearing on revocation or refusal to grant a license or registration.

If a person's license or registration has been suspended, it shall not be revoked until and at such time as a hearing has been held as provided in section 14-54. A person who has been refused a license or registration shall be entitled to a hearing in the same manner as provided for in a revocation.

Sec. 14-54. - Hearing.

Any person who has been refused a license or registration, or whose license has been suspended, may request a hearing on a date as set by the city. Hearings shall be conducted as follows:

(1) The city council may appoint a committee of not less than three of its members to sit as a factfinding body for the purpose of holding the hearing. One of the three members shall be appointed as chairman.
(2) The committee shall establish the date, time and place for the hearing.
(3) At the hearing, testimony may be given, under oath given by the city clerk, by any interested persons. Other evidence may also be presented. The committee may, on its own, view any premises.
(4) After the hearing the committee shall make a determination of facts and recommendations for consideration by the city council.
(5) The recommendation of the committee shall be referred by the city clerk to the city council, which shall make a final determination on the matter. It may make such decision as it deems best will serve the public health, safety and welfare by revoking the license or registration, lifting the suspension or by making certain conditions to correct the conditions within a specified time.

(6) The city clerk shall forward the decision of the committee and the final decision of the city council to the persons desiring copies.

Sec. 14-180. - Conduct of business.

The owner, as well as the agents and servants of the owner, actually engaged in the operation of a place of business, licensed to sell alcoholic beverages on the premises, shall at all times be responsible for the conduct of occupants and patrons. No disorderly, loud or boisterous conduct shall be permitted, nor shall any entertainment be given or permitted which is offensive, indecent or obscene in its nature. Front windows shall at all times be clear of curtains, screens or objects which would tend to obstruct vision into the establishment from the front and outside of the premises. No living quarters shall be permitted in the same building, if they are connected to the business establishment in such a way that the public has, or is likely to have access thereto. No booths shall be permitted which are completely enclosed or capable of being either permanently or temporarily completely enclosed or locked or with partitions higher than four feet from the floor. No such place shall permit alcoholic beverages to be served or consumed in private rooms unless the door to such room shall be open during the period while such alcoholic beverages are being consumed therein. All places must have separate toilet facilities for men and women.

(Code 1983, § 80.95)

4/4/16
WDD:jat

RESOLUTION NO. _____

RESOLUTION TO AWARD THE BID FOR
CURBSIDE LEAF AND BRUSH COLLECTION AND DISPOSAL
TO WASTE MANAGEMENT OF MICHIGAN, INC.

WHEREAS:

1. On March 22, 2016, the City received one bid for Curbside Leaf and Brush Collection and Disposal.
2. The Public Works Department recommends the City Council award the bid to the sole bidder, Waste Management of Michigan, Inc., for December 3, 2016 at a unit price of $180.00 per Ton; December 2, 2017 at a unit price of $185.00 per Ton; and, December 1, 2018 at a unit price of $190.00 per Ton.
3. The pricing is based on a minimum of 100 tons, however, it is anticipated that approximately 150 tons of leaves and brush will be picked up and disposed of. Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards the low bidder, Waste Management of Michigan, Inc., to perform the curbside leaf and brush collection and disposal on the first Saturday in December of 2016, 2017 and 2018.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report

STAFF REPORT

Date: March 28, 2016

Subject: Bid Award – Curbside Leaf and Brush Collection and Disposal

From: Jodie Theis, Contracts and Procurement Supervisor

Meeting Date: April 4, 2016

RECOMMENDATION

The Public Works Department recommends the City Council award the Curbside Leaf and Brush Collection and Disposal Bid to the sole bidder, Waste Management of Michigan, Inc., to perform such services on December 3, 2016 at a unit price $180.00 per ton, December 2, 2017 at a unit price of $185.00 per ton and December 1, 2018 at a unit price of $190.00 per ton.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. By offering the curbside leaf and brush collection, the City is able to provide a safe and environmentally-friendly method of leaf and brush disposal.

Social Equity

All of the City's residents enjoy equal access to the benefits of the City's curbside leaf and brush collection on the first Saturday in December, each year, for all residential properties in Wyoming.

Economic Strength

The curbside leaf and brush removal provides the residents another option for yard waste removal, decreasing the potential for street flooding caused by plugged catch basins and improving the aesthetics of the City's neighborhoods.

DISCUSSION

On March 22, 2016, the City received one bid for curbside leaf and brush collection and disposal. Six invitations to bid were sent to prospective bidders. The curbside leaf and brush removal bid consists of the pick-up and disposal of leaves, grass clippings and brush located at the curbside for each residential property in the City.

The pricing is based on a minimum of 100 tons; however, it is anticipated that approximately 150 tons of leaf and brush will be collected each year. For 2016, the cost of curbside leaf and brush removal will be $180.00 per ton, or approximately $27,000; for 2017, the cost will be $185.00 per ton, or approximately $27,750; and for 2018 the cost will be $190 per ton, or approximately $28,500. The 2016 per ton cost is approximately 6 percent higher than the 2015 per ton cost of $170.00.

BUDGET IMPACT

Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000

ATTACHMENTS:
Bid Tabulations

CITY OF WYOMING, MICHIGAN
TABULATION OF BIDS

ON CURBSIDE LEAF AND BRUSH COLLECTION AND DISPOSAL

Opened By City Clerk On March 22, 2016 At 11:00 a.m.

Curbside Leaf & Brush Collection and Disposal Pick-Up Dates	Waste Management of Michigan	
	Unit Cost (Per Ton)	Total Per F.Y. (Approx. 150 Tons)
December 3, 2016	$ 180.00	$ 27,000.00
December 2, 2017	$ 185.00	$ 27,750.00
December 1, 2018	$ 190.00	$ 28,500.00

*Above pricing is based on a minimum of 100 Tons

4/4/16
WDD:jat

RESOLUTION NO. _____

RESOLUTION TO AWARD A BID
FOR GRINDING AND DISPOSAL OF BRUSH, 2016 – 2019
TO RENEWED EARTH, INC.

WHEREAS:

1. On March 22, 2016, the City received three bids for the Grinding and Disposal of Brush, 2016 - 2019.
2. The Public Works Department recommends that the City Council awards the bid to the low bidder, Renewed Earth, Inc., to perform the grinding and disposal of brush for fiscal years 2017 and 2018, at a unit cost of $2.47 per yard, and fiscal year 2019 at a unit cost of $2.46 per yard.
3. The Public Works Department anticipates spending $33,345 each year for fiscal years 2017 and 2018, and $33,210 in fiscal year 2019. Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards the bid to the lowest bidder, Renewed Earth, Inc., to perform the Grinding and Disposal of Brush, 2016 - 2019.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report

STAFF REPORT

Date: March 28, 2016

Subject: Bid Award – Grinding and Disposal of Brush

From: Jodie Theis, Contracts and Procurement Supervisor

Meeting Date: April 4, 2016

RECOMMENDATION

The Public Works Department recommends the City Council award the Grinding and Disposal of Brush Bid to the low bidder, Renewed Earth, Inc., to perform such services for fiscal years 2017 and 2018, at a unit cost of $2.47 per yard, and fiscal year 2019 at a unit cost of $2.46 per yard.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The Contractor shall be responsible for the disposal of all wooden yard waste in a manner approved by the Michigan Department of Environmental Quality (MDEQ).

Social Equity

All of the City's residents enjoy equal access to the benefits of the Public Works Department's Yard Waste Facility.

Economic Strength

The Yard Waste Facility provides the residents another option for yard waste removal, decreasing the potential for street flooding caused by plugged catch basins and improving the aesthetics of the City's neighborhoods.

DISCUSSION

On March 22, 2016, the City received three bids for the grinding and disposal of brush. Fifteen invitations to bid were sent to prospective bidders. The bid consists of the grinding and disposal of wooden yard waste the residents of Wyoming drop off at the Public Works Department's Yard Waste Facility.

Based on the estimated quantities, the Public Works Department anticipates spending $33,345 each year for fiscal years 2017 and 2018, and $33,210 in fiscal year 2019. The 2017 unit cost of $2.47 per yard is an increase of 20% from the previous bid's unit cost of $1.95 per yard.

BUDGET IMPACT

Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000

ATTACHMENTS:
Bid Tabulations

CITY OF WYOMING, MICHIGAN
TABULATION OF BIDS

ON GRINDING AND DISPOSAL OF BRUSH

Opened By City Clerk On March 22, 2016 At 11:00 a.m.

Fiscal Year	Est. Qty. (Yds.)	*Renewed Earth*		*Michigan Wood Fibers*		*Spurt Industries*	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
2016-2017	*13,500*	*$2.47*	*$33,345.00*	*$2.72*	*$36,720.00*	*$20.92*	*$282,420.00*
2017-2018	*13,500*	*$2.47*	*$33,345.00*	*$2.82*	*$38,070.00*	*$21.55*	*$290,925.00*
2018-2019	*13,500*	*$2.46*	*$33,210.00*	*$2.92*	*$39,420.00*	*$22.19*	*$299,565.00*

4/4/16
WDD:jat

RESOLUTION NO. _____

RESOLUTION TO AWARD A BID
FOR BULK PICK-UP AND DISPOSAL OF LEAVES, 2016 – 2019
TO RENEWED EARTH, INC.

WHEREAS:

1. On March 22, 2016, the City received three bids for the Bulk Pick-Up and Disposal of Leaves, 2016 - 2019.
2. The Public Works Department recommends the City Council award the bid to the low bidder, Renewed Earth, Inc., to perform the bulk pick-up and disposal of leaves for fiscal years 2017, 2018, and 2019 at a unit cost of $14.90 per ton.
3. The Public Works Department anticipates spending approximately $74,500 each year for fiscal years 2017, 2018, and 2019. Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards the bid to the lowest bidder, Renewed Earth, Inc., to perform the Bulk Pick-Up and Disposal of Leaves, 2016 - 2019.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report

STAFF REPORT

Date: March 28, 2016

Subject: Bid Award – Bulk Pick-Up and Disposal of Leaves

From: Jodie Theis, Contracts and Procurement Supervisor

Meeting Date: April 4, 2016

RECOMMENDATION

The Public Works Department recommends the City Council award the Bulk Pick-Up and Disposal of Leaves Bid to the low bidder, Renewed Earth, Inc., to perform such services for fiscal years 2017, 2018, and 2019 at a unit cost of $14.90 per ton.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The Contractor shall be responsible for the disposal of all leaves at a site that is approved by the Michigan Department of Environmental Quality (MDEQ) as a location for composting or land application of leaves.

Social Equity

All of the City's residents enjoy equal access to the benefits of the Public Works Department's Yard Waste Facility.

Economic Strength

The Yard Waste Facility provides the residents another option for yard waste removal, decreasing the potential for street flooding caused by plugged catch basins and improving the aesthetics of the City's neighborhoods.

DISCUSSION

On March 22, 2016, the City received three bids for the bulk pick-up and disposal of leaves. Sixteen invitations to bid were sent to prospective bidders. The bid consists of the pick-up and disposal of leaves the residents of Wyoming drop off at the Public Works Department's Yard Waste Facility.

Based on the estimated quantities, the Public Works Department anticipates spending approximately $74,500 for the bulk pick-up and disposal of leaves each year for fiscal years 2017, 2018, and 2019. The unit cost of $14.90 per ton cost is an increase of 8% from the previous bid's unit cost of $13.70 per ton.

BUDGET IMPACT

Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000

ATTACHMENTS:
Bid Tabulations

CITY OF WYOMING, MICHIGAN
TABULATION OF BIDS

ON BULK PICK-UP AND DISPOSAL OF LEAVES

Opened By City Clerk On March 22, 2016 At 11:00 a.m.

Fiscal Year	Est. Qty. (Ton)	*Renewed Earth*		*Spurt Industries*		*Michigan Wood Fibers*	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
2016-2017	*5,000*	*$14.90*	*$74,500.00*	*$19.98*	*$99,900.00*	*$28.00*	*$140,000.00*
2017-2018	*5,000*	*$14.90*	*$74,500.00*	*$20.90*	*$104,500.00*	*$29.00*	*$145,000.00*
2018-2019	*5,000*	*$14.90*	*$74,500.00*	*$21.82*	*$109,100.00*	*$32.00*	*$160,000.00*

4/4/16
WDD:jat

RESOLUTION NO. _____

RESOLUTION TO AWARD A BID FOR BULK PICK-UP AND
DISPOSAL OF SPOILS AND INERT MATERIAL TO CORDES, INC.

WHEREAS:

1. On March 22, 2016, the City received three bids for the Bulk Pick-Up and Disposal of Spoils and Inert Material.
2. The Public Works Department recommends the City Council award the bid to the low bidder, Cordes, Inc., to perform the hauling and disposal of spoils at a unit cost of $12.80 per ton; hauling and disposal of concrete rubble at $4.00 per ton; and, hauling and disposal of large stumps and brush at $19.50 per ton.
3. The Public Works Department anticipates spending approximately $275,000 for the hauling and disposal of spoils; $25,000 for the hauling and disposal of concrete rubble; and $25,000 for the hauling and removal of large stumps and brush.
4. Funds for this bid award will require approval of the attached budget amendment in the Solid Waste Disposal Fund Account 230-441-44300-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards the bid to the lowest bidder, Cordes, Inc., to perform the Bulk Pick-Up and Disposal of Spoils and Inert Material.
2. The City Council does hereby approve the attached Budget Amendment.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Budget Amendment
Staff Report

CITY OF WYOMING BUDGET AMENDMENT

Date: April 4, 2016 **Budget Amendment No. 044**

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate $325,000 of additional budgetary authority to provide funding for bulk pick-up and disposal of spoils and inert material from the Yard Waste Facility as per attached resolution.

Description/Account Code	Current	Increase	Decrease	Amended
Solid Waste Disposal Fund				
Public Works - Yard Waste Disposal - Other Services				
230-441-44300-956.000	230,300.00	325,000.00		555,300.00
Fund Balance/Working Capital (Fund 230)		-	325,000.00	

Recommended: _____ Accountant _____ City Manager

Motion by Councilmember _____, seconded by Councilmember _____ that the General Appropriations Act for Fiscal Year 2015-2016 be amended by adoption of the foregoing budget amendment.

Motion carried: Yes _____, No _____

I hereby certify that at a _____ meeting of the Wyoming City Council duly held on _____ the foregoing budget amendment was approved.

_____
City Clerk

STAFF REPORT

Date: March 28, 2016

Subject: Bid Award – Bulk Pick-Up and Disposal of Spoils and Inert Material

From: Jodie Theis, Contracts and Procurement Supervisor

Meeting Date: April 4, 2016

RECOMMENDATION

The Public Works Department recommends the City Council award the Bulk Pick-Up and Disposal of Spoils and Inert Material Bid to the low bidder, Cordes, Inc., to perform hauling and disposal of spoils at a unit cost of $12.80 per ton; hauling and disposal of concrete rubble at $4.00 per ton; and hauling and disposal of large stumps and brush at $19.50 per ton.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The Contractor shall be responsible for the disposal of all materials in a manner that is approved by the Michigan Department of Environmental Quality (MDEQ).

Social Equity

All of the City's residents enjoy equal access to the benefits of the Public Works Department's Yard Waste Facility.

Economic Strength

The Yard Waste Facility provides the residents another option for yard waste removal, decreasing the potential for street flooding caused by plugged catch basins and improving the aesthetics of the City's neighborhoods.

DISCUSSION

On March 22, 2016, the City received three bids for the bulk pick-up and disposal of spoils and inert material. Seventeen invitations to bid were sent to prospective bidders. The bid consists of the contractor loading, removing, hauling and disposing of refuse material removed from excavations (sand, grit, gravel, topsoil, etc.), concrete rubble, and large stumps and brush from the City of Wyoming's Public Works Yard Waste Facility. This material has accumulated over the past several decades and must be removed in order to clean up the yard waste site and make the area more useable.

The Public Works Department anticipates spending approximately $275,000 for the hauling and disposal of spoils; $25,000 for the hauling and disposal of concrete rubble; and $25,000 for the hauling and removal of large stumps and brush.

BUDGET IMPACT

Sufficient funds are available in the Solid Waste Disposal Account: 230-441-44300-956.000 pending the attached budget amendment.

ATTACHMENTS:
Bid Tabulations

CITY OF WYOMING, MICHIGAN
TABULATION OF BIDS

ON BULK PICK-UP AND DISPOSAL OF SPOILS AND INERT MATERIAL

Opened By City Clerk On March 22, 2016 At 11:00 a.m.

Hauling and Disposal of:	Cordes Inc		Waste Management of Michigan		Michigan Wood Fibers	
	Unit Cost (Per Ton - Contractor Loading)	Unit Cost (Per Ton - City Employees Loading)	Unit Cost (Per Ton - Contractor Loading)	Unit Cost (Per Ton - City Employees Loading)	Unit Cost (Per Ton - Contractor Loading)	Unit Cost (Per Ton - City Employees Loading)
Spoils	$12.80	$12.10	$17.65	$16.65	No Bid	No Bid
Concrete Rubble	$4.00	$3.00	$17.65	$16.65	No Bid	No Bid
Large Stumps & Brush	$19.50	$18.50	$24.50	$23.50	$90.00	$88.00

RESOLUTION NO._____

RESOLUTION TO ACCEPT A PROPOSAL FOR
ELECTRONIC CAPTURE OF ONLINE BILL PAYMENTS AND TO
AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT

WHEREAS:

1. As detailed in the attached Staff Report, proposals were received for electronic capture of online bill payments.
2. It is recommended the City Council accept the proposal from Vanco Payment Solutions, which consists of a one-time set up fee of $300.00, monthly processing fee of $25.00 and a $0.10 per transaction fee.
3. Funds for the purchase and agreements are budgeted in the Treasurer's Other Services account number 101-201-25300-956000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the proposal for electronic capture of online bill payments to Vanco Payment Solutions.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the agreement.
3. The City Council does hereby authorize the City Manager to authorize acceptance of future agreement renewals in accordance with annual budget authorization.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

ATTACHMENTS:
Staff Report
Agreement

_____
Kelli A. VandenBerg, Wyoming City Clerk

STAFF REPORT

Date: March 21, 2016

Subject: Vanco Payment Solutions Services

From: Andrea Boot, Treasurer

Meeting Date: April 4, 2016

RECOMMENDATION:

It is recommended that the City of Wyoming accept an agreement with Vanco Payment Solutions to capture and transmit online bill payments electronically to the City Treasurer's Office.

SUSTAINABILITY CRITERIA:

Environmental Responsibility: Multiple paper check payments and individually mailed envelopes will now be delivered electronically, resulting in reduction of paper.

Social Equity: There are no Social Equity criteria for this purchase.

Economic Strength: The payments will be delivered and deposited in our bank account in a more timely fashion. In addition, the time required to process the payments will be greatly reduced.

DISCUSSION:

As customers utilize on-line bill payment options at an increasing rate, the Treasurer's Office is looking for an efficient, economical solution to process these payments. Currently those payments arrive in the form of individual paper checks without a bill stub. These payments are time consuming to process as many checks are mailed separately and must be opened and manually applied to each account. A third party aggregator offers a service that would consolidate individual check payments into a daily electronic payment file, with funds deposited into the City's bank account the following business day. We obtained quotes from two companies who provide this service:

	Vanco Payment Solutions	ACI Worldwide/ Official Payment
One-time Registration Fee	$300.00	$200.00
Monthly Program Fee	$25.00	$50.00
Per Transaction Processing Fee	$0.10	$0.05

After evaluating the services that will be provided in addition to regular monthly cost, we would like to recommend the approval of a contract with Vanco Payment Solutions to capture online bill payments and submit them electronically to the Treasurer's Office. We are estimating that approximately 500 payments per week could be consolidated from individual checks to electronic payment files. The per transaction processing fee will be partly offset by savings on our monthly check deposit fee charged by our bank as we will be depositing fewer checks with them.

BUDGET IMPACT:

Funding is available for this service in the General Fund/ Treasurer's Office/Other Services account number 101-201-253.00-956.000.

Attachments:
Application
Program Charges
Agreement

VANCO
PAYMENT SOLUTIONS

Getting started with Vanco Payment Solutions is easy!

Please complete and return the following items:

- ☑ **APPLICATION FOR SERVICE**
  To verify the account into which transactions will be settled, please include a copy of your organization's most recent bank statement.
- ☑ **PAYMENT EXCHANGE PROGRAM CHARGES**
- ☑ **PAYMENT EXCHANGE AGREEMENT**

Once the above items are received, a Vanco staff member will contact you within 5 business days to provide over-the-phone training and support. Please keep the enclosed Program Charges for your records.

How to submit your application

- **Secure Upload:**
  Go to http://VSLLC.co/upload and follow the onscreen instructions.
- **Fax:**
  651-288-1124
- **Mail:**
  Vanco Services, LLC
  Sales Department
  12600 Whitewater Drive, Suite 200
  Minnetonka, MN 55343

Thank you for choosing Vanco Payment Solutions.

VANCO PAYMENT SOLUTIONS

APPLICATION FOR SERVICE

Payment Exchange

Return to Vanco
VSLLC.co/upload (Secure Upload)
651-288-1124 (Fax)

COMPANY INFORMATION

Legal name: City of Wyoming		Date formed:	
DBA:			
Street address: 1155 28th St SW, PO Box 905			
City: Wyoming	State: MI	Zip: 49509	
Phone #: 616-530-7278	Fax #: 616-530-3177		
Federal Tax ID: 38-6006933	Website: www.wyomingmi.gov		

PRIMARY CONTACT INFORMATION

Full name: Traci Shaffer	Title: Deputy Treasurer
Phone #: 616-261-3582	Email: shaffert@wyomingmi.gov

SECONDARY CONTACT INFORMATION

Full name: Amy Haney	Title: Account Clerk
Phone #: 616-530-7276	Email: haneya@wyomingmi.gov

TRANSACTION SETTLEMENT INFORMATION & AUTHORIZATION

Name of financial institution: 5/3 Bank			
Street address: 111 Lyon St NW, MD RM0B1A,			
City: Grand Rapids	State: MI	Zip: 49503	
Routing #: 072400052	Account #: 0002801883		

Account type: ☒ Checking - *(INCLUDE A COPY OF A VOIDED CHECK)*
☐ Savings - *(Contact your financial institution for the appropriate Routing Number)*

⑆123456789⑆ 123 123456⑈ 0001
Check Number
Account Number
Routing Number

I authorize Vanco Payment Solutions, LLC to initiate VARIABLE transactions to the account indicated above for the SETTLEMENT OF TRANSACTIONS and the collection of PROGRAM CHARGES AND TAXES per Vanco Payment Solutions AGREEMENT(s). This authorization will remain in effect until I notify Vanco Payment Solutions, LLC in writing to discontinue.

**** Provide a complete copy of Company's most recent BANK STATEMENT and a VOIDED CHECK for the above account. ****

Authorized signature on bank account: Traci Shaffer **Title:** Deputy Treas **Date:** 3-21-16

STATEMENT OF ACCURACY AND PERMISSION TO VERIFY

I hereby certify that the information in this application is complete and accurate and I authorize Vanco Payment Solutions, LLC to verify this information.

Authorized signature: Traci Shaffer **Title:** Deputy Treas **Date:** 3-21-16

PROGRAM CHARGES

Payment Exchange

Return to Vanco
VSLLC.co/upload (Secure Upload)
651-288-1124 (Fax)

Please sign below to acknowledge that you have received and reviewed the following Program Charges.

STANDARD PROGRAM CHARGES

The following program charges apply to all payments received from Bill Payment Services or Bill Collection Agents.

Registration fee [1]	$300.00	One-time
Program fee	$25.00	Per month
Transaction processing fee [2]	$0.10	Per transaction

CUSTOMIZED DATA FILE LAYOUTS

Programming for customized data file layouts will be billed at an hourly rate. Call Vanco at 800-675-7430 to receive a price quote.

[1] This fee is based on the use of Vanco's standard **Payment Exchange** agreement. Customization of the agreement may require additional legal fees.

[2] A transaction is defined as:
- A payment received
- A payment returned
- A payment reversed
- A message sent to an originator

Signature

Signature Traci L Shatter Date 3-21-16

Legal business name City of Wyoming

CONFIDENTIAL — The information contained in this document is confidential and proprietary to Vanco Payment Solutions, LLC and may not be shared or disseminated to any other person or entity without the express approval of Vanco Payment Solutions, LLC.

PAYMENT EXCHANGE AGREEMENT (PREPROCESS)

THIS AGREEMENT, is made and entered as of the date that the last party to the agreement executes it between VANCO PAYMENT SOLUTIONS, LLC ("Vanco") and

_____ ("Company").

(Legal name as it appears on current IRS records)

RECITALS:

A. Vanco provides services to its customers pursuant to various *e.services* programs;

B. Company desires to purchase Payment Exchange with PreProcess services ("Payment Exchange") from Vanco pursuant to the terms and conditions of this Agreement;

C. For the purpose of this Agreement, the terms used herein are defined as follows:

"ACH" refers to the Automated Clearing House Network;

"business day" means a calendar day other than a Saturday, Sunday or Federal holiday;

"Company's Account" refers to the account maintained by Company at its financial institution; and

"notice" or "notification" may be given in person, by United States Mail with postage prepaid or by means of electronic communication to the last known address of the other party.

Vanco and Company hereby agree as follows:

1. PAYMENT EXCHANGE. Payment Exchange includes services whereby Vanco receives Company payments made by customers of Company ("Customer") where Customers have used one of several bill payment services or bill collection agents ("Originators") and Company is able to approve or reject Customer payments prior to receiving data and funds from Vanco. Payments will be held in a preprocessing queue by Vanco. Vanco will transmit payment data and funds to Company after Company approves payments in the preprocessing queue. By using **Payment Exchange**, Company will receive payment data electronically and payments from Vanco by ACH credit to Company's Account.

2. COMPANY DUTIES. Company shall have the following duties:

a. That it will either approve or reject payments in the preprocessing queue on the same day, if possible, but in no event later than 2:00 PM CT one (1) business day after it receives notice of payments pursuant to Paragraph 3(a);

b. That it will post payments to its Customer's account on the day it receives payment data from Vanco, if possible, but in any event no later than one (1) business day after it receives notice of payments pursuant to Paragraph 3(a);

c. That it will not charge its Customer any late fee if a Customer's payment is late by reason of the fact that the payment was not timely posted in accordance with Subparagraph b above;

d. That it shall notify Vanco of any payment which has not posted within two (2) business days after it receives notice of payments pursuant to Paragraph 3(a); and

e. That it will not return a payment unless such payment is incorrect, incomplete, not identifiable or the account was blocked or closed prior to the time that the payment was received from Vanco.

3. VANCO DUTIES. Vanco shall have the following duties:

a. Notify the Company of payments in the preprocessing queue;

b. Electronically transmit payment data to Company each business day for all payments approved by Company prior to 2:00 PM CT;

c. Transmit funds to Company's Account by an ACH credit the next business day for all approved payments pursuant to Subparagraph b above;

d. Timely return any payments that are rejected by Company from the preprocessing queue to the Originator. Returns will be made when Company rejects a payment that is incorrect, incomplete, not identifiable, or the account was blocked or closed at the time the payment was in the preprocessing queue;

e. Automatically return any payments to the Originator that Company has not approved or rejected from the preprocessing queue after two (2) business days following notification by Vanco pursuant to Subparagraph a above;

f. Timely return any payments to the Originator that Company rejected after receiving payment data and funds from Vanco. Vanco will process any returns by making an ACH debit to Company's Account. Returns will be made when Company rejects a payment that is incorrect, incomplete, not identifiable, or the account was blocked or closed prior to the time that the payment was received by Company;

g. Notify Company the same day it receives notice of a payment reversal ("Reversal") from an Originator; and

h. Process Reversal by making an ACH Debit to Company's Account the next business day.

4. PROGRAM CHARGES AND TAXES. Company agrees to pay Vanco monthly for Program Charges for **Payment Exchange** by an ACH debit to Company's Account or another account as is designated by Company. Said Program Charges, which Company acknowledges receiving from Vanco, may be modified at any time upon thirty (30) days notice. Any taxes or fees, except taxes based upon income, imposed by any federal, state, municipal or other governmental authority that may be applicable to the services provided to Company pursuant to this Agreement, shall be paid by Company regardless of whether such taxes or fees are added to the invoice which Vanco provides to Company, and regardless of when such taxes or fees are determined to be due and owing. The Program Charges are small in relation to the amount of the funds processed by Vanco pursuant to this Agreement. The Program Charges have been established based upon the limitation of liability set forth in Paragraph 6.

5. COMPANY LIABILITY AND INDEMNIFICATION. Company shall be liable for all damages which Vanco suffers by reason of Company's breach of any of its duties set forth in Paragraph 2 of this Agreement or by reason of any other representation made by it in this Agreement. Company indemnifies Vanco for all amounts which are due Vanco by Company pursuant to Paragraph 3 by reason of any return or Reversal.

Company hereby indemnifies and holds Vanco harmless from all claims, damages, and causes of action (including reasonable attorney's fees and costs) which may be asserted against Vanco by any person by reason of Company's breach of the duties and representations made by this Agreement. In no event shall Company be liable for any consequential, special, punitive or indirect loss or damage.

6. VANCO LIABILITY. Vanco shall be responsible for performing only those services expressly provided for in this Agreement.

Vanco shall have unlimited liability for material losses directly resulting from its intentional misconduct in performing those services. It shall also have unlimited liability to account for all funds which it receives from Originators and to pay over all such amounts which it received to the party to whom payment should have been made.

Vanco shall not have any liability for failing to perform, for delay in performing, or for negligently performing any services pursuant to this Agreement.

In no event shall Vanco have any liability for consequential, special, punitive or indirect loss or damage, or any property damage or bodily harm which any third party claims to have suffered by reason of Vanco's error.

7. TERM. This Agreement shall continue in effect unless terminated by either party upon thirty (30) days notice. Provided, however, that in the event that any of the following occur, Vanco shall be entitled to terminate this agreement immediately and thereafter give notice to Company that this Agreement has been terminated:

a. Vanco determines that Company has consistently failed to fulfill its obligations to timely post payments and to timely make returns;

b. Vanco attempts to make a debit to Company's Account for a return pursuant to Paragraph 3(f) or Reversal pursuant to Paragraph 3(h) which is later returned because the account has insufficient funds in it to permit the debit transaction;

c. Vanco attempts to make a debit to Company's Account pursuant to Paragraph 4, which is later returned because the account has insufficient funds in it to permit the debit transaction; or

d. Company breaches any of its duties in Paragraph 2.

In the event that any of the following occur Company shall be entitled to terminate this Agreement immediately and thereafter give notice to Vanco that this Agreement has been terminated:

a. Company determines that Vanco has failed to fulfill its obligations;

b. Company determines that Vanco has committed any act of dishonesty; or

c. Vanco services and/or work is inaccurate, in the sole judgment of Company.

8. CONFIDENTIALITY. Vanco acknowledges that in performing services for Company pursuant to this Agreement that it will have access to information about Company and its customers that is confidential ("Confidential Information"). Vanco agrees to maintain the confidentiality of Confidential Information and will not in any manner disseminate Confidential Information to third persons, either in whole or in part, and will not in any manner use Confidential Information for its own benefit. Vanco shall also take such steps as are reasonable and necessary to cause its employees to be individually subject to an obligation to maintain the confidentiality of Confidential Information.

9. MISCELLANEOUS. This Agreement shall constitute the entire agreement between the parties and supersedes all prior oral or written representations, conditions, warranties, understandings, proposals or agreements regarding **Payment Exchange**. This Agreement shall be construed under the laws of the State of Delaware and the venue for any litigation shall be in the courts of the state of the defending party. The parties hereby submit to the jurisdiction of said courts.

This Agreement may hereafter be amended by Vanco giving Company advance notice of changes to the terms and conditions of this Agreement. Company's use of **Payment Exchange** from Vanco subsequent to such notification shall constitute Company's consent to such modification.

All of the provisions of this Agreement shall survive its termination except for Vanco's obligation to provide **Payment Exchange** to Company.

This Agreement may not be assigned by either party except that either party may assign this Agreement to any successor by merger, consolidation or corporate reorganization.

Each party hereby warrants and represents that the person whose signature appears below has been duly authorized and that all of the necessary and appropriate corporate authority exists for said party to execute this Agreement.

VANCO PAYMENT SOLUTIONS, LLC

By _____
(Vanco Payment Solutions, LLC Officer's Signature)

_____
(Vanco Payment Solutions, LLC Officer's Printed Name)

Its _____
(Vanco Payment Solutions, LLC Officer's Title)

Dated: _____

COMPANY

_____
(Legal Business Name)

By _____
(Company Officer's Signature)

_____
(Company Officer's Printed Name)

Its _____
(Company Officer's Title)

Dated: _____

APPROVED AS TO FORM:

Asst. Wyoming City Attorney

Revised 01/01/15
GW PreProcess

RESOLUTION NO._____

RESOLUTION TO EXTEND THE BID FOR
WORK UNIFORMS & CARHARTT CLOTHING ITEMS

WHEREAS:

1. As summarized in the attached Staff Report it is recommended the bid for work uniforms and Carhartt clothing items be extended through May 1, 2017.
2. Work uniforms & Carhartt clothing items are purchased as required throughout the year and funds are budgeted in the various departmental accounts.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize extending the bid for work uniforms & Carhartt clothing items from Cintas through May 1, 2017.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Letter

STAFF REPORT

Date: March 29, 2016

Subject: Work Uniforms & Carhartt Clothing Items

From: Laura Jackson, Purchasing Department

Meeting Date: April 4, 2016

RECOMMENDATION:

It is recommended the Wyoming City Council accept Cintas offer to extend the current bid prices for work uniform clothing items and Carhartt clothing items.

SUSTAINABILITY CRITERIA:

Environmental Quality – Does not significantly impact this criterion.

Social Equity – Does not significantly impact this criterion.

Economic Strength – The bid specifications as written requested each bidder to submit a percentage discount from current standard published price lists from the Red Kap current standard published catalog and Carhartt Workwear catalog.

DISCUSSION:

On April 21, 2015, two bids were received in answer to our invitation to bid on work uniforms and Carhartt clothing items. Fifty-one invitations to bid were sent to prospective bidders. The bid specifications requested a percentage discount from Red Kap Industries and Carhartt Workwear standard published price lists. The bids received are as shown below.

		Work Uniforms			**Carhartts**	
			Embroidery			Embroidery
Company	**Name of Catalog**	% Discount	Cost	Set Up Charges	% Discount	Cost
Cintas Location 301	Red Kap Industries	**15%**	$5.95		15%	$7.40
	Cintas Source Book	**30%**	$5.95			
	Cintas Apparel Bags & Caps	**15%**	$5.95			
Tele-Rad, Inc.	5.11	**20%**	$15.00	$35.00	No Bid	No Bid

A minimum of four work uniforms are to be provided by the City to each General Union Employee required to wear a work uniform, in accordance with employment contract between the Wyoming City Employees and the City of Wyoming.

Carhartt clothing items are provided to City employees who are required to wear work uniforms and work outside in the winter months of the year. The Carhartt clothing items are purchased on an as needed basis for new employees and as replacements for existing worn out items.

Work uniforms & Carhartt clothing items are purchased as required throughout the year and funds are budgeted in the various departmental accounts. The estimated expenditure for work uniforms and Carhartt clothing items during the coming year is expected to total approximately $22,000.00.

March 14, 2016

Laura Jackson
City of Wyoming
1155 28th St SW
Wyoming, MI 49509

To Whom It May Concern,

Cintas Corporation will be granting the same discounts for the City of Wyoming up to May 1st, 2017. Thank you for the opportunity!

Sincerely,

Crystal Michell
Catalog Manager
Cintas
616-791-6300
michellc@cintas.com

RESOLUTION NO._____

RESOLUTION TO ACCEPT A PROPOSAL TO UPGRADE
THE CLEAN WATER PLANT OPERATOR INTERFACE COMPUTERS
AND STATIONARY COMPUTERS AND TO AUTHORIZE
THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT

WHEREAS:

1. As detailed in the attached Staff Report, Tetra Tech Consulting and Engineering has submitted a proposal to provide professional services to upgrade the Clean Water Plant facility operator interface computers and stationary computers not to exceed $16,500.00.
2. Adequate funds for the professional services are available in the sewer fund repairs and maintenance account number 590-590-54300-930000.
3. It is recommended the City Council accept the proposal.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept the proposal from Tetra Tech Consulting and Engineering to upgrade the Clean Water Plant operator interface computers and stationary computers not to exceed $16,500.00.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the agreement.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Proposal

Staff Report

Date: March 28, 2016

Subject: Acceptance of a Professional Services Proposal from Tetra Tech to Assist the City's IT Department and Clean Water Plant Staff in Upgrading the Facility's OIC and Stationary Computers

From: Tom Wilson, Clean Water Plant Maintenance Supervisor

Meeting Date: April 4, 2016

RECOMMENDATION:

It is recommended that the City Council accept the professional services proposal from Tetra Tech Consulting and Engineering firm to assist the City's IT Department and Clean Water Plant staff to upgrade the facility's operator interface computers (OIC) and stationary computers. This is a Time and Material proposal not to exceed $16,500.00.

SUSTAINABILITY CRITERIA:

Environmental Quality – This proposal does not directly impact environmental quality.

Social Equity – This proposal does not directly impact social equity.

Economic Strength – Tetra Tech has been involved in the Clean Water Plant SCADA and control projects for many years and is familiar with our current technology infrastructure. Working closely with the City's Information Technology Department is the most economically feasible method to accomplish this upgrade.

DISCUSSION:

WonderWare software is the backbone (operating system) of the plant's Supervisory Control and Data Acquisition (SCADA) system, and it is updated annually as part of our service agreement with WonderWare. The latest upgrade advances the minimum version of Microsoft Windows the software requires as its environment. At the same time, the Operator Interface Computers (OIC), which are the machines that our plant Operators use to control every process in the plant, will no longer communicate with WonderWare after the upgrade. As a result, it is necessary to upgrade the OIC's software and some other plant computers at the same time as installing the latest WonderWare update.

Tetra Tech will work closely with the City's IT and Clean Water Plant staff for the configuration and installation of the software and hardware. They are proposing a two-step approach to this project. During week one, installation of the software will begin. Tetra Tech will return to finalize the software installation and then place the computers into service during the second week.

The scope of services, a copy of which is included with this Staff Report, will include a minimum of the following:

Install, configure, and commission WonderWare InTouch software on the following:

- 2 desktop tower computers
- Development computer
- Maintenance computer
- Ten OIC computers
- Maintenance and Operation Manager's computers
- Generator Building computer.

BUDGET IMPACT:

Based on the information presented, it is recommended that the City Council accept the not to exceed proposal received from Tetra Tech, in the amount of $16,500.00. Sufficient funds exist in the Sewer Fund Repairs and Maintenance Account #590-590-54300-930000.

TETRA TECH

March 22, 2016

Transmitted Electronically

Mr. Tom Wilson
City of Wyoming Clean Water Plant
2350 Ivanrest
Wyoming, Michigan 49418

Re: City of Wyoming Michigan
Clean Water Plant
Proposal for SCADA Wonderware Upgrade Services

Dear Mr. Wilson:

Thank you for the opportunity to submit our professional services proposal to assist the City of Wyoming in upgrading the Clean Water Plant Wonderware Intouch software.

Based on our conference call on Monday March 21st and your Operator Interface Upgrade email it is our understanding that you would like to upgrade the plant Wonderware Intouch HMI software, excluding the Wonderware Historian. It is our understanding that Tetra Tech will be working closely with Wyoming IT and that Wyoming IT will assist with software installs during our first onsite visit.

Tetra Tech proposes a two-step approach by installing software on the majority of computers during the first week then returning to finalize software installation and then place computers into services during the second week.

SCOPE OF WORK

- Install, configure and commission Wonderware Intouch on the following:
  - 2 desktop tower computers
  - Development computer (Server room)
  - Maintenance computer (Maintenance shop)
  - Ten OIC units (Throughout plant)
  - Tom Wilson's and Jon Burke's computers (offices)
  - Generator Building Computer (if possible)
- Provide 8 hours of remote support (VPN) time to resolve issues after system commissioning.

Tetra Tech
710 Avis Drive, Ann Arbor, MI 48108
Tel 734.665.6000 Fax 734.213.3002 www.tetratech.com

TETRA TECH

ASSUMPTIONS

Tetra Tech assumes the following:

- All Wonderware software licenses provided by City of Wyoming.
- All computer hardware provided by City of Wyoming
- Assistance from City of Wyoming IT with loading Wonderware software on computers during first week of system installation and configuration.

COMPENSATION

Compensation for the professional services for this project will be based on time and materials at a not to exceed fee of **$16,500.00**.

If you concur with our proposal, please sign in the space provided below and return one original signed copy of this proposal to indicate your authorization to proceed. A return envelope is enclosed for your convenience. Our Standard Terms and Conditions are attached and considered a part of this proposal.

SCHEDULE

We are prepared to begin work immediately upon receipt of your written authorization to proceed.

CONCLUSION

We look forward to working with you on this important project. If you need additional information, please call me at (734) 213-5075.

Sincerely,

Mick S. Jones

Mick S. Jones, P.E.
Senior Project Manager

Encl.: Standard Terms and Conditions

Copy: Accounting (w/encl.)

PROPOSAL ACCEPTED BY_____

TITLE_____ **DATE**_____

Tetra Tech of Michigan, PC
Engineering Services Standard Terms & Conditions

Services Consultant will perform services for the Project as set forth in the provisions for Scope of Work/Fee/Schedule in the proposal and in accordance with these Terms & Conditions. Consultant has developed the Project scope of service, schedule, and compensation based on available information and various assumptions. The Client acknowledges that adjustments to the schedule and compensation may be necessary based on the actual circumstances encountered by Consultant in performing their services. Consultant is authorized to proceed with services upon receipt of an executed Agreement.

Compensation In consideration of the services performed by Consultant, the Client shall pay Consultant in the manner set forth above. The parties acknowledge that terms of compensation are based on an orderly and continuous progress of the Project. Compensation shall be equitably adjusted for delays or extensions of time beyond the control of Consultant. Where total project compensation has been separately identified for various tasks, Consultant may adjust the amounts allocated between tasks as the work progresses so long as the total compensation amount for the project is not exceeded.

Fee Definitions The following fee types shall apply to methods of payment:

- **Salary Cost** is defined as the individual's base salary plus customary and statutory benefits. Statutory benefits shall be as prescribed by law and customary benefits shall be as established by Consultant employment policy.
- **Cost Plus** is defined as the individual's base salary plus actual overhead plus professional fee. Overhead shall include customary and statutory benefits, administrative expense, and non-project operating costs.
- **Lump Sum** is defined as a fixed price amount for the scope of services described.
- **Standard Rates** is defined as individual time multiplied by standard billing rates for that individual.
- **Subcontracted Services** are defined as Project-related services provided by other parties to Consultant.
- **Reimbursable Expenses** are defined as actual expenses incurred in connection with the Project.

Payment Terms Consultant shall submit invoices at least once per month for services performed and Client shall pay the full invoice amount within 30 days of the invoice date. Invoices will be considered correct if not questioned in writing within 10 days of the invoice date. Client payment to Consultant is not contingent on arrangement of project financing or receipt of funds from a third party. In the event the Client disputes the invoice or any portion thereof, the undisputed portion shall be paid to Consultant based on terms of this Agreement. Invoices not in dispute and unpaid after 30 days shall accrue interest at the rate of one and one-half percent per month (or the maximum percentage allowed by law, whichever is the lesser). Invoice payment delayed beyond 60 days shall give Consultant the right to stop work until payments are current. Non-payment beyond 70 days shall be just cause for termination by Consultant.

Additional Services The Client and Consultant acknowledge that additional services may be necessary for the Project to address issues that may not be known at Project initation or that may be required to address circumstances that were not foreseen. In that event, Consultant notify the Client of the need for additional services and the Client shall pay for such additional services in an amount and manner as the parties may subsequently agree.

Site Access The Client shall obtain all necessary approvals for Consultant to access the Project site(s).

Underground Facilities Consultant and/or its authorized subcontractor will conduct research and perform site reconnaissance in an effort to discover the location of existing underground facilities prior to developing boring plans, conducting borings, or undertaking invasive subsurface investigations. Client recognizes that accurate drawings or knowledge of the location of such facilities may not exist, or that research may reveal as-built drawings or other documents that may inaccurately show, or not show, the location of existing underground facilities. In such events, except for the sole negligence, willful misconduct, or practice not conforming to the Standard of Care cited in this Agreement, Client agrees to indemnify and hold Consultant and/or its Subcontractor harmless from any and all property damage, injury, or economic loss arising or allegedly arising from borings or other subsurface penetrations.

Regulated Wastes Client is responsible for the disposal of all regulated wastes generated as a result of services provided under this Agreement. Consultant and Client mutually agree that Consultant assumes no responsibility for the waste or disposal thereof.

Contractor Selection Consultant may make recommendations concerning award of construction contracts and products. The Client acknowledges that the final selection of construction contractors and products is the Client's sole responsibility.

Ownership of Documents Drawings, specifications, reports, programs, manuals, or other documents, including all documents on electronic media, prepared under this Agreement are instruments of service and are, and shall remain, the property of Consultant. Record documents of service shall be based or the printed copy. Consultant will retain all common law, statutory, and other reserved rights, including the copyright thereto. Consultant will furnish documents electronically; however, the Client releases Consultant from any liability that may result from documents used in this form. Consultant shall not be held liable for reuse of documents or modifications thereof by the Client or its representatives for any purpose other than the original intent of this Agreement, without written authorization of and appropriate compensation to Consultant.

Standard of Care Services provided by Consultant under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Consultant makes no warranty or guaranty, either express or implied. Consultant will not be liable for the cost of any omission that adds value to the Project.

Period of Service Consultant shall perform the services for the Project in a timely manner consistent with sound professional practice. Consultant wil strive to perform its services according to the Project schedule set forth in the provisions for Scope of Work/Fee/Schedule above. The services of each task shall be considered complete when deliverables for the task have been presented to the Client. Consultant shall be entitled to an extension of time and compensation adjustment for any delay beyond Consultant control.

Insurance and Liability Consultant shall maintain the following insurance and coverage limits during the period of service. The Client will be named as an additional insured on the Commercial General Liability and Automobile Liability insurance policies.

Worker's Compensation – as required by applicable state statute
Commercial General Liability - $1,000,000 per occurrence for bodily injury, including death and property damage, and $2,000,000 in the aggregate
Automobile Liability –$1,000,000 combined single limit for bodily injury and property damage
Professional Liability (E&O) - $1,000,000 each claim and in the aggregate

The Client shall make arrangements for Builder's Risk, Protective Liability, Pollution Prevention, and other specific insurance coverage warranted for the Project in amounts appropriate to the Project value and risks. Consultant shall be a named insured on those policies where Consultant may be at risk. The Client shall obtain the counsel of others in setting insurance limits for construction contracts.

Indemnification Consultant shall indemnify and hold harmless the Client and its employees from any liability, settlements, loss, or costs (including reasonable attorneys' fees and costs of defense) to the extent caused solely by the negligent act, error, or omission of Consultant in the performance of services under this Agreement. If such damage results in part by the negligence of another party, Consultant shall be liable only to the extent of Consultant's proportional negligence.

Dispute Resolution The Client and Consultant agree that they shall diligently pursue resolution of all disagreements within 45 days of either party's written notice using a mutually acceptable form of mediated dispute resolution prior to exercising their rights under law. Consultant shall continue to perform services for the Project and the Client shall pay for such services during the dispute resolution process unless the Client issues a written notice to suspend work.

Suspension of Work The Client may suspend services performed by Consultant with cause upon fourteen (14) days written notice. Consultant shall submit an Invoice for services performed up to the effective date of the work suspension and the Client shall pay Consultant all outstanding invoices within fourteen (14) days. If the work suspension exceeds thirty (30) days from the effective work suspension date, Consultant shall be entitled to renegotiate the Project schedule and the compensation terms for the Project.

Termination The Client or Consultant may terminate services on the Project upon seven (7) days written notice without cause or in the event of substantial failure by the other party to fulfill its obligations of the terms hereunder. Consultant shall submit an invoice for services performed up to the effective date of termination and the Client shall pay Consultant all outstanding invoices within fourteen (14) days. The Client may withhold an amount for services that may be in dispute provided that the Client furnishes a written notice of the basis for their dispute and that the amount withheld represents a reasonable value.

Authorized Representative The Project Manager assigned to the Project by Consultant is authorized to make decisions or commitments related to the project on behalf of Consultant. Only authorized representatives of Consultant are authorized to execute contracts and/or work orders on behalf of Consultant. The Client shall designate a representative with similar authority.

Project Requirements The Client shall confirm the objectives, requirements, constraints, and criteria for the Project at its inception. If the Client has established design standards, they shall be furnished to Consultant at Project inception. Consultant will review the Client design standards and may recommend alternate standards considering the standard of care provision.

Independent Consultant Consultant is and shall be at all times during the term of this Agreement an independent consultant and not an employee or agent of the Client. Consultant shall retain control over the means and methods used in performing Consultant's services and may retain subconsultants to perform certain services as determined by Consultant.

Compliance with Laws Consultant shall perform its services consistent with sound professional practice and endeavor to incorporate laws, regulations, codes, and standards applicable at the time the work is performed. In the event that standards of practice change during the Project, Consultant shall be entitled to additional compensation where additional services are needed to conform to the standard of practice.

Permits and Approvals Consultant will assist the Client in preparing applications and supporting documents for the Client to secure permits and approvals from agencies having jurisdiction over the Project. The Client agrees to pay all application and review fees.

Limitation of Liability In recognition of the relative risks and benefits of the project to both the Client and Consultant, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of Consultant and its subconsultants to the Client and to all construction contractors and subcontractors on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of Consultant and its subconsultants to all those named shall not exceed $50,000 or the amount of Consultant's total fee paid by the Client for services under this Agreement, whichever is the greater. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

Consequential Damages Neither the Client nor Consultant shall be liable to the other for any consequential damages regardless of the nature or fault.

Waiver of Subrogation Consultant shall endeavor to obtain a waiver of subrogation against the Client, if requested in writing by the Client, provided that Consultant will not increase its exposure to risk and Client will pay the cost associated with any premium increase or special fees.

Environmental Matters The Client warrants that they have disclosed all potential hazardous materials that may be encountered on the Project. In the event unknown hazardous materials are encountered, Consultant shall be entitled to additional compensation for appropriate actions to protect the health and safety of its personnel, and for additional services required to comply with applicable laws. The Client shall indemnify Consultant from any claim related to hazardous materials encountered on the Project except for those events caused by negligent acts of Consultant.

Cost Opinions Consultant shall prepare cost opinions for the Project based on historical information that represents the judgment of a qualified professional. The Client and Consultant acknowledge that actual costs may vary from the cost opinions prepared and that Consultant offers no guarantee related to the Project cost.

Contingency Fund The Client acknowledges the potential for changes in the work during construction and the Client agrees to include a contingency fund in the Project budget appropriate to the potential risks and uncertainties associated with the Project. Consultant may offer advice concerning the value of the contingency fund; however, Consultant shall not be liable for additional costs that the Client may incur beyond the contingency fund they select unless such additional cost results from a negligent act, error, or omission related to services performed by Consultant.

Safety Consultant shall be responsible solely for the safety precautions or programs of its employees and no other party.

Information from Other Parties The Client and Consultant acknowledge that Consultant will rely on information furnished by other parties in performing its services under the Project. Consultant shall not be liable for any damages that may be incurred by the Client in the use of third party information.

Force Majeure Consultant shall not be liable for any damages caused by any delay that is beyond Consultant's reasonable control.

Waiver of Rights The failure of either party to enforce any provision of these terms and conditions shall not constitute a waiver of such provision nor diminish the right of either party to the remedies of such provision.

Warranty Consultant warrants that it will deliver services under the Agreement within the standard of care. No other expressed or implied warranty is provided by Consultant.

Severability Any provision of these terms later held to violate any law shall be deemed void and all remaining provisions shall continue in force. In such event, the Client and Consultant will work in good faith to replace an invalid provision with one that is valid with as close to the original meaning as possible.

Survival All provisions of these terms that allocate responsibility or liability between the Client and Consultant shall survive the completion or termination of services for the Project.

Assignments Neither party shall assign its rights, interests, or obligations under the Agreement without the express written consent of the other party.

Governing Law The terms of agreement shall be governed by the laws of the state where the services are performed provided that nothing contained herein shall be interpreted in such a manner as to render it unenforceable under the laws of the state in which the Project resides.

Collection Costs In the event that legal action is necessary to enforce the payment provisions of this Agreement if Client fails to make payment within sixty (60) days of the invoice date, Consultant shall be entitled to collect from the Client any judgment or settlement sums due, reasonable attorneys' fees, court costs, and expenses incurred by Consultant in connection therewith and, in addition, the reasonable value of Consultant's time and expenses spent in connection with such collection action, computed at Consultant's prevailing fee schedule and expense policies.

Equal Employment Opportunity Consultant will comply with federal regulations pertaining to Equal Employment Opportunity. Consultant is in compliance with applicable local, state, and federal regulations concerning minority hiring. It is Consultant's policy to ensure that applicants and employees are treated equally without regard to race, creed, sex, color, religion, veteran status, ancestry, citizenship status, national origin, marital status, sexual orientation, or disability. Consultant expressly assures all employees, applicants for employment, and the community of its continuous commitment to equal opportunity and fair employment practices.

Attorney Fees Should there be any suit or action instituted to enforce any right granted in this contract, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorney fees from the other party. The party that is awarded a net recovery against the other party shall be deemed the substantially prevailing party unless such other party has previously made a bona fide offer of payment in settlement and the amount of recovery is the same or less than the amount offered in settlement. Reasonable attorney fees may be recovered regardless of the forum in which the dispute is heard, including an appeal.

Third Party Beneficiaries Nothing in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Consultant. The Consultant's services under this Agreement are being performed solely for the Client's benefit, and no other entity shall have any claim against the Consultant because of this Agreement or the performance or nonperformance of services hereunder. The Client agrees to include a provision in all contracts with contractors and other entities involved in this project to carry out the intent of this paragraph.

Captions The captions herein are for convenience only and are not to be construed as part of this Agreement, nor shall the same be construed as defining or limiting in any way the scope or intent of the provisions hereof.

RESOLUTION NO._____

RESOLUTION TO AUTHORIZE THE PURCHASE OF
LIQUID SODIUM HYPOCHLORITE

WHEREAS:

1. As detailed in the attached Staff Report, the City of Holland accepted formal bids for Liquid Sodium Hypochlorite.
2. The City of Holland included an option for the cities of Wyoming, Muskegon, Grand Haven, and Muskegon Heights to purchase the Liquid Sodium Hypochlorite as a cooperative purchase.
3. It is recommended the City of Wyoming purchase the Liquid Sodium Hypochlorite from the low bidder Alexander Chemical Corporation at a cost of $131.80 per ton/$.66 per gallon.
4. Funds for the purchase of the Liquid Sodium Hypochlorite are budgeted in account numbers 591-591-55300-740000, 590-590-54300-7400000 and 590-590-54800-740000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of the Liquid Sodium Hypochlorite from Alexander Chemical Corporation.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Bid Form
Tabulation Sheet

STAFF REPORT

Date: March 28, 2016

Subject: Purchase of Liquid Sodium Hypochlorite

From: Robert Veneklasen, Operations Supervisor

Meeting Date: April 4, 2016

Recommendation:

I recommend that the City accept the bid price from the City of Holland cooperative purchase for Liquid Sodium Hypochlorite from Alexander Chemical Corporation at a cost of $131.80/ton.

Sustainability Criteria:

Environmental Quality – Sodium Hypochlorite is the most environmentally sustainable way of ensuring drinking water safety over a large distribution system.

Social Equity – The utility function within the City of Wyoming provides the same high quality service to all areas of the City without regard to income level or social economic status. All residents enjoy access to services provided by our water and wastewater utilities.

Economic Strength – By utilizing the cooperative bid with other communities, the Utilities Department is insuring that we get the best value for this necessary product. This results in the lowest rates possible for our residents and customers.

Discussion:

The City of Holland accepted bids on March 24, 2016, for Liquid Sodium Hypochlorite (NaOCL). As part of the bid, the City of Holland requested an option for the Cities of Wyoming, Muskegon, Grand Haven, and Muskegon Heights to also purchase Liquid Sodium Hypochlorite as a cooperative purchase. The intent of this cooperative purchase is to maintain cooperation between the cities and to realize a benefit of reduced cost for all of the included municipalities.

After evaluation of the bids, it is my recommendation that we continue to participate in the cooperative purchase for Liquid Sodium Hypochlorite. The low bid for Liquid Sodium Hypochlorite is from Alexander Chemical Corporation at a cost of $131.80 per ton (or $0.66 per gallon). This price represents a decrease of $2.20 per ton from last year. Liquid Sodium Hypochlorite is used at both the Drinking Water Plant and Clean Water Plant.

Budget Impact:

Adequate funds were budgeted in accounts 591-591-55300-740.000 and 590-590-54300-740.000 and 590-590-54800.740000.

CO-OP CHEMICAL PURCHASE
Liquid Sodium Hypochlorite
BID FORM

BID OPENING: Thursday, March 24, 2016 @ 2:00 p.m. local time (Late bids will not be accepted.) Holland Board of Public Works, 625 Hastings Avenue, Holland, Michigan 49423 Attn: Tamara Poppe

Sealed bids are requested for a one-year term for providing liquid sodium hypochlorite on an "as needed" basis per the specifications contained herein. Quantities stated herein are approximate per year and shall not be considered as minimums or maximums.

ITEM	QUANTITY	DESCRIPTION	
Cities of Holland, Wyoming, Grand Rapids, Muskegon, Muskegon Heights & Grand Haven:			Delivered Cost
1.	5165 Tons	Liquid Sodium Hypochlorite, Tank Truck	$131.80 /ton ($0.659 gallon)

Specify common carrier or company owned truck Our truck

Specify Manufacturer Alexander Chemical Corporation, A Carus Company Product Name Sodium Hypochlorite

Any and all costs associated with providing the liquid sodium hypochlorite as specified are to be included in the above delivered cost.

BIDDERS ARE REQUIRED TO SUBMIT MATERIAL SAFETY DATA SHEETS AND ANSI/NSF CERTIFICATION WITH THEIR BID. FAILURE TO PROVIDE ALL INFORMATION REQUIRED HEREIN MAY RESULT IN THE BID BEING REJECTED AS NON-RESPONSIVE.

DELIVERY/COMPLETION TIME 1 day F.O.B. Delivered, Freight included. CASH DISCOUNTS will be allowed for prompt payment as follows: 1 % cash discount if paid within 30 days or less from delivery and acceptance of goods or completion of service.

I hereby state that: 1) all of the information I have provided is true, accurate and complete, and 2) that I have authority to submit this bid, which will become a binding contract, if accepted by the Cities, 3) that I have not communicated with, nor accepted anything of value from an official or employees of the Cities that would tend to destroy or hinder free competition, and 4) that I have read, and understand and agree to be bound by all of the terms in this bid document.

Alexander Chemical Corporation, A Carus Company
Name of Company, Corporation, etc.

315 Fifth Street - Peru, IL 61354
Street Name & Number City/State/Zip

Date: March 24, 2016 Phone: 800-435-6856

BIDDER SHALL SIGN HERE

By: Susan Buchanan

Name: Susan Buchanan

Title: VP, CFO

QUESTIONNAIRE

List experience in the last three years with similar contracts:

Benton Harbor, MI — Traverse City, MI
Grosse Point Farms, MI — Lafayette, IN

List references from similar contracts:

	COMPANY NAME	CONTACT PERSON	PHONE
A.	Mishawaka, IN	James Crook	574-258-1652
B.	East Lansing, MI	Jeff Johnston	517-371-2240
C.	Lake Charter Township, MI	Jeff Burkhard	269-465-4160

RESPONSE TIME:
Response time for normal deliveries shall be within 1 days.
Can deliveries be made within 24 hours if necessary? yes

List National Holidays Observed By Your Company:

A. New Year's Day B. Good Friday C. Memorial Day D. Fourth of July
E. Labor Day F. Thanksgiving G. Day after Thanksgiving H. Christmas Eve
I. Christmas Day J. New Year's Eve

Specify the following contacts if awarded the contract:

Orders: Customer Support /Phone 800-348-8827
Print or type Email: orders@alexanderchemical.com

Administrative: Aaron Bruerd /Phone 810-220-9100
Print or type

Bidder Alexander Chemical Corporation, A Carus Company

Liquid Sodium Hypochlorite - March 24, 2016

	Rowell Chemical	KA Steel Chemical	Alexander Chemical	JCI Jones Chemcial
Cities of Holland, Wyoming, Muskegon, Muskegon Heights,				
Grand Haven and Grand Rapids, MI.				
1 Year: ending April 15, 2017				
Cost Per Ton:	$ 139.00	NO BID	$ 131.80	$ 166.50
Cost Per Gallon:	$ 0.70	NO BID	$ 0.66	$ 0.83
Lead-time ARO	1 - 2 days		1 day	1 - 2 days

RESOLUTION NO._____

RESOLUTION TO AUTHORIZE THE PURCHASE OF
ALUMINUM SULFATE (ALUM) AND HYDROFLUOROSILICIC ACID (FLUORIDE)

WHEREAS:

1. City Council approved Resolution number 25152 on May 18, 2015 authorizing the purchase of Aluminum Sulfate (Alum) and Hydrofluorosilicic Acid (Fluoride) using the City of Grand Rapids bid prices.
2. As detailed in the attached Staff Report the bid pricing include a three year pricing structure.
3. It is recommended the City Council accept the third year pricing for the purchase of Alum from USALCO at a cost of $349.50 per ton and Fluoride from Key Chemical at a cost of $448.99 per ton.
4. Funds for the purchase of the Alum and Fluoride are budgeted in account number 591-591-55300-740000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of Aluminum Sulfate (Alum) from USALCO.
2. The City Council does hereby authorize the purchase of the Hydrofluorosilicic Acid (Fluoride) from Key Chemical.
3. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Email
Tabulation Sheet

STAFF REPORT

Date: March 28, 2016

Subject: Purchase of Aluminum Sulfate (Alum) and Hydrofluorosilicic Acid (Fluoride)

From: Robert Veneklasen, Operations Supervisor

Meeting Date: April 4, 2016

Recommendation:

I recommend the City accept the bid prices from the City of Grand Rapids cooperative purchase for Aluminum Sulfate (Alum) from USALCO at a cost of $349.50 per ton FOB and Hydrofluorosilicic Acid (Fluoride) from Key Chemical at a cost of $448.99 per ton FOB.

Sustainability Criteria:

Environmental Quality – The use of Fluoride and Alum is necessary to the production of safe drinking water.

Social Equity – The utility function within the City of Wyoming provides the same high quality service to all areas of the City without regard to income level or social economic status. All residents enjoy access to the services provided by our water utility.

Economic Strength – By utilizing cooperative bidding with neighboring communities, the Utilities Department receives the best value for this necessary service. This results in the lowest water rates for our residents and customers.

Discussion:

The City of Grand Rapids has accepted bids and awarded contracts for the purchase of Alum and Fluoride. This year's bids are acceptance of the extended third year's pricing of a three-year pricing structure.

The original bids were received by the City of Grand Rapids as part of the cooperative purchasing strategy with participation by the Cities of Wyoming, Holland, Grand Rapids, Grand Haven, Muskegon Heights, and Muskegon. The City of Wyoming has participated in this cooperative purchasing program for more than fifteen years.

The bid price from USALCO for Alum for the third year of the agreement is $349.50 per ton. The bid price from Key Chemical for Fluoride is $448.99 per ton. The bid for Alum represents an increase of $6.50 per ton and the Fluoride cost is unchanged from last year's bid price as accepted by the City and the other purchasing cooperative participants. The Alum bid is effective on June 10, 2016 and the Fluoride bid is effective upon City Council approval.

Upon evaluation of the original bids and extensions at the current pricing, it is my recommendation that the City to continue to participate in the cooperative purchase for Alum from USALCO at the extended cost of $349.50 per ton FOB. I recommend the City similarly accept the extended bid price from Key Chemical for Fluoride at a cost of $448.99 per ton FOB. I also recommend the third year option be extended if deemed to be in the best interest of the City of Wyoming at the time of extension.

Budget Impact:

Based on average water treatment flows for the past seven years the anticipated costs for each chemical are as follows:

Aluminum Sulfate:	$329,928
Hydrofluorosilicic Acid:	$ 75,430

Adequate funds were budgeted in account #591-591-55300-740.000 for both of these chemicals.

SOLICITATION RESPONSE:

Item #:			Unit Pricing		
			Year 1	Year 2	Year 3
1.	1 Ton	Chemicals, bulk liquid aluminum sulfate, for use in production of potable water, product proposed shall conform with AWWA Standard B403-93, ANSI/NSF Standards 60 AND 61, or most recent standards thereof. Product bid shall be manufactured from alumina trihydrate (ath), and not exceed 75ppm iron content. Product shall be delivered in tank loads, with certifications and MSDS accompanying each delivery.	$333.00 /Ton	$333.00 /Ton *Enter these amounts in the Webprocure system for bid item #1*	$349.50/Ton

Bid price proposed shall be based on dry weight (17%)

Specify Manufacturer USALCO Product Name Liquid Aluminum Sulfate Concentration 17% dry weight Proposed.

Specify the estimated number of days from receipt of purchase order to delivery: 2-3 days

Specify the tanker load size per delivery: 10.95 dry tons / 4054 gallons

Minimum order quantities, if any, at the pricing proposed: 3500 gallons.

Provide the equivalent unit price per wet ton, based on the following formula: ($/wet ton x 17) / 8.28
$ 162.19/wet ton

BIDDER USALCO Michigan City Plant, LLC

SOLICITATION RESPONSE:

Item #:

Unit Pricing

			Year 1	Year 2	Year 3
1.	1 Ton	Chemicals, bulk hydrofluorosilicic acid (HFS), for use in production of potable water, product proposed shall conform with AWWA Standard B703-89, ANSI/NSF Standards 60 and 61, or most recent standards thereof. Product shall be delivered in tank loads, with certifications and MSDS accompanying each delivery.	$448.99/Ton	$448.99/Ton	$448.99/Ton

Enter these amounts in the Webprocure system for bid item #1

Pricing proposed shall be on a liquid ton basis of 23% strength H2SiF6.

Specify Manufacturer Unimin Corp. Product Name HFS Concentration 23% Proposed.

Specify the estimated number of days from receipt of purchase order to delivery: 2-3

Specify the tanker load size per delivery: 22-24 tons 4300-4800 gallons

Minimum order quantities, if any, at the pricing proposed: 20 tons

BIDDER Key Chemical Inc

BID TABULATION

BID REF #885-86-08 BID OPENING DATE: March 19, 2014 FOR: Bulk Chemicals, Hydrofluorisilic Acid (HFS) # BIDDERS SOLICITED: 22 BUYER: TW DEPT: Lake Filtration Plant	ITEM 1 Cooperative Purchase, West MI Co-Op Agencies: 620 tons annually, Hydrofluorisilic Acid $/Ton
Year 1	
Year 2	
Year 3	
Rowell Chemical	$700.00
	No Bid
	No Bid
PVS Nolwood	$549.00
	$549.00
	$640.00
Alexander Chemical	$512.00
	$512.00
	No Bid
Mosaic Crop Nutrition	$479.00
	$479.00
	$503.00
Pennco Inc	$443.00
	No Bid
	No Bid
Key Chemical	$448.99
	$448.99
	$448.99

BID REF #886-77-13 BID OPENING DATE: April 23, 2014 FOR: Bulk Chemicals, Aluminum Sulfate # BIDDERS SOLICITED: 33 BUYER: TW DEPT: Lake Filtration Plant	ITEM 1 Co-op Purchase and Delivery, Bulk Aluminum Sulfate Acid $/Dry Ton
Year 1	
Year 2	
Year 3	
USALCO	$333.00
	$333.00
	$349.50
Chemtrade Chemicals US LLC	$450.00
	$460.00
	$470.00
Kemira Water Solutions	$325.00
	$341.25
	$356.31

RESOLUTION NO._____

RESOLUTION TO AUTHORIZE THE PURCHASE OF FIRE GEAR LOCKERS

WHEREAS:

1. As detailed in the attached Staff Report, the current fire gear lockers are in need of replacement.
2. It is recommended the City Council authorize the purchase for the replacement of 36 fire gear lockers from Geargrid Cooperation in the total amount of $9,250.
3. The purchase will require approval of the attached budget amendment.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of fire gear lockers in the total amount of $9,250.
2. The City Council does hereby approve the attached budget amendment.
3. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Budget Amendment
Staff Report
Quotes

CITY OF WYOMING BUDGET AMENDMENT

Date: April 4, 2016 **Budget Amendment No. 043**

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate $9,250 in funding for replacement of 36 fire gear lockers per the attached resolution.

Description/Account Code	Current	Increase	Decrease	Amended
General Fund				
Fire - Fighting - Travel and Training				
101-337-33900-860.000	27,943.23		9,250.00	18,693.23
Fire - Fighting - Capital Outlay				
101-337-33900-975.000	51,771.00	9,250.00		61,021.00
Fund Balance/Working Capital (Fund 101)		-	-	

Recommended: Kata Baggett
Accountant

Linda A. Sol
by P City Manager

Motion by Councilmember _____, seconded by Councilmember _____ that the General Appropriations Act for Fiscal Year 2015-2016 be amended by adoption of the foregoing budget amendment.

Motion carried: Yes _____, No _____

I hereby certify that at a _____ meeting of the Wyoming City Council duly held on _____ the foregoing budget amendment was approved.

_____
City Clerk

STAFF REPORT

Date: March 15, 2016

Subject: Purchase of Fire Gear Lockers at Fire Station #4

From: Fire Chief Chuck Lark

Meeting Date: April 4, 2016

RECOMMENDATION:

It is recommended that the City of Wyoming approve the purchase of 36 Fire Gear lockers for Fire Department Turnout Gear at Fire Station #4. Original estimates for this purchase were made in the fall of 2015 by Lt. Jones at a cost of $12,000.00. Through his diligence and research we obtained pricing below our original pricing at a cost of $9,250.00. A portion of our savings received is due to staff conducting the assembly and installation of the lockers.

SUSTAINABILITY CRITERIA:

Environmental Responsibility: The Department strives to be environmentally responsible and is contracting with a reputable company for the replacement of the Lockers. Geargrid Corporation will replace the existing lockers with the most current product providing upgrades in environmental and mechanical performance standards.

Social Equity: This recommendation will provide equipment storage for all of our Firefighting personal protective equipment and will serve the department and our citizens for the next 20 years.

Economic Strength: The Wyoming Department of Public Safety is committed to providing excellent customer service. Providing replacement lockers allows us a store some of our most expensive equipment provided to individual firefighters in a safe and protected environment. This purchase allows the City of Wyoming to maintain a high quality storage unit for department operational equipment. The new lockers will provide limited maintenance and service needs.

DISCUSSION:

Our current lockers are beyond their service life. Staff has continued to make repairs on our lockers to keep them operational. Continued re-anchoring is needed along with homemade support devices that are currently being used to keep them standing. The current lockers are the original lockers installed during the renovation in 1997. They have served us well for almost 20 years. Quotes were received from three vendors with varying styles, durability, and quality.

Geargrid Cooperation	$9,250.00
All Hands Fire Equipment	$8,562.64
Time Emergency Equipment	$8,181.20

Staff recommends purchase from Geargrid Cooperation who submitted the highest bid but provided the highest quality product. The Geargrid Cooperation provided a complete quote for the replacement of 36 Wall Mount Lockers, heavy-duty steel construction, durable power coat finish, and improved storage features.

BUDGET IMPACT:

The total cost for the fire gear lockers is $9,250. This will require a budget amendment from Fire-Fighting Training account number 101-337-33900-860000 to the Fire-Fighting-Capital Outlay account number 101-337-33800-975000.

Quotation

Remit To:
GEARGRID CORPORATION
GearGrid Corporation
670 15th St SW
Forest Lake, MN 55025
Phone: (651) 464-4468 Fax: (651) 464-4780
www.geargridcorp.com

Order Number: 0015411
Order Date: 3/7/2016
Customer PO:
Customer Number: 8722

Sold To:
Wyoming Dept of Public Sfty
Fire Dept
1250 36th St SW
Wyoming, MI 49509

Ship To:
Wyoming Fire Dept
1250 36th St SW
Wyoming, MI 49509

Phone **Fax** **E-mail**

Confirm To:	Carrier	F.O.B.	Terms	Quote Provided By:
Lt Joseph Jones	ABF	Forest Lake, MN	Net 30	Victoria Davis

Planned Ship Date: 12/31/5999

Line	Part Number & Descriptio	UOM	Quantity Ordered	Price	Extended Amount
001	401802 LKR-18Wx72Hx20D-2openings overall locker length: 37.25" for 4ft wall	EA	1.00	558.00	558.00
002	401803 LKR-18Wx72Hx20D-3openings overall locker length: 55.25" for 5ft wall	EA	1.00	756.00	756.00
003	401814 LKR-18Wx72Hx20D-14openings overall locker length: 253.25" for 22ft wall	EA	1.00	3,154.00	3,154.00
004	401817 LKR-18Wx72Hx20D-17openings overall locker length: 307.25" for 27ft wall	EA	1.00	3,808.00	3,808.00
005	401013 Hanger-Coat Dry	EA	36.00	12.00	432.00

Nameplates: This quote does not include nameplates. Please source locally.
Doors: This quote does not include doors.

Assembly/Installation provided by: Wyoming Dept of Public Sfty

Delivery: Approximately 4 weeks after receipt of order.

Quotation is valid for **90** days for product costs; freight charges are valid for **30** days.
Warranty - Warranty for GearGrid products is for one year from date of purchase.

Restocking Fee: A 25% restocking fee will apply to all returned product.
Cancellation Fee: A cancellation fee will apply to all orders cancelled after order is placed.

Net Order:	8,708.00
Less Discount:	0.00
Freight:	542.00
Sales Tax:	0.00
Order Total US $:	9,250.00

Quotation accepted and ordered by: _____ Date: _____

Estimate

Date	Estimate #
3/7/2016	EST13226

All Hands Fire Equipment

PO Box 1245
Wall NJ 07719
Tel:(732) 502 8060
Fax:(732) 502 8064
www.allhandsfire.com

Bill To	Ship To
Wyoming department of Public Saftey Wyoming MI 49509	Wyoming department of Public Saftey Wyoming MI 49509

****We will try to match or beat any price****

Expires	Sales Rep	Ship Via
4/6/2016	Colarusso, Scott T	UPS Ground Orders ...

Item Name	Qty.	Description	Options	Rate	Amount
GR-RRWM-18W-2Comp	1	Groves Wall Mounted Red Rack - 18" with 2 Compartments	Width: 18" Option: 2 Compartments	516.59	516.59
GR-RRWM-18W-3Comp	1	Groves Wall Mounted Red Rack - 18" with 3 Compartments	Width: 18" Option: 3 Compartments	709.19	709.19
GR-RRWM-18W-14Comp	1	Groves Wall Mounted Red Rack - 18" with 14 Compartments	Width: 18" Option: 14 Compartments	2,919.59	2,919.59
GR-ITEM	1	RRWM-17/18 319.75" Long Wall Mounted Red Rack unit with seventeen sections - 18" per section		3,449.99	3,449.99
GR-DKH-O	36	Groves Dry Kwik Coat Hangers - Open Loop	Option: Open Loop	8.99	323.64
GR-FDH	36	Groves Flat Dry Hanger		8.99	323.64

Subtotal	8,242.64
Shipping Cost (UPS Ground Orders Over $1000)	320.00
Total	$8,562.64

Please review your Estimate in great detail to ensure all items, qty., spec, etc. are correct. Please inform us asap if there is an error.

EST13226

Quote

Mark DeHoek mark-time@sbcglobal.net
6503 S. Division Ave. • Grand Rapids, MI 49548
616-455-3025 or 888-455-3025 • FAX 616-455-3788
www.mbs-onlinesales.com

Quote # **12282**
Date 3/3/2016

Prices Good For 30 Days

Freight Extra unless specified otherwise

To WYOMING FIRE DEPT.
Address
City State Zip
Contact JOE JONES Phone

Qty	Part	Description	Labor	Unit Price	Ext. Price
1		GROVES RED RACK 38.5" 2 18" SECTIONS		485.00	485.00
1		GROVES RED RACK 57.25" 3 18" SECTIONS		685.00	685.00
1		GROVES RED RACK 263.5" 14 18" SECTIONS		2800.00	2800.00
1		GROVES RED RACK 338.25" 18 18" SECTIONS		3600.00	3600.00
36		GROVES DRY QUICK HANGER		7.95	286.20
1		FREIGHT ESTIMATE		325.00	325.00

Labor Total	
Ext.Total	$8181.20
Grand Total	**$8181.20**

RESOLUTION NO._____

RESOLUTION FOR AWARD OF BIDS

WHEREAS:

1. Formal bids have been obtained on the below listed items.
2. The bids received have been reviewed and evaluated as per the attached Staff Reports.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bids for the listed items as recommended in the attached Staff Reports and summarized below.

Item	Recommended Bidder	Cost
LED Road Light Fixtures and LED Industrial Fixtures	Kendall Electrical Supply Company	Bid prices as shown on the attached Staff Report
Material Storage Building Modification	Tailored Building Systems	$22,160.00

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on April 4, 2016.

_____
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Reports
Tabulation Sheet

STAFF REPORT

Date: March 24, 2016

Subject: Award of Bid for LED Road Light Fixtures and LED Industrial Fixtures

From: Tom Wilson, Clean Water Plant Maintenance Supervisor

Date of Meeting: April 4, 2016

RECOMMENDATION:

It is recommended that the City Council award the bid to purchase LED road light fixtures and LED industrial fixtures from Kendall Electrical Supply Company at a total cost of $29,722.00 which includes shipping.

SUSTAINABILITY CRITERIA:

Environmental Quality – The Clean Water Plant is actively engaged in the protection of Michigan's natural water environment and the public health of Wyoming's citizens. As part of our efforts to continue making a positive impact on the environment, it is necessary that our infrastructure and the equipment that keeps it running are maintained in a safe, reliable, and optimal working condition.

Social Equity – The Utility function within the City of Wyoming provides the same high quality service to all areas of the City without regard to income level or socio-economic status. All of Wyoming's residents enjoy equal access to the benefits of our state-of-the-art wastewater and drinking water treatment technologies.

Economic Strength – With the purchase of these LED fixtures, we are projecting a total annual wattage savings of 17,500 watts. It also allows us to take advantage of a Consumers Energy rebate incentive through their Business Energy Efficiency Program.

DISCUSSION:

On March 22, 2016, the City received three bids for LED Road Light Fixtures and LED Industrial Fixtures. Thirteen invitations to bid were sent to prospective bidders. The bids received are as follows:

		Kendall Electrical Supply Company		All Phase Electric Supply Company		Standard Electric	
	Est. Qty.	Each Price	Total for Est. Qty.	Each Price	Total for Est. Qty.	Each Price	Total for Est. Qty.
Lumark #LDRL-T3-E-04-480	1	$770.00	$770.00	$821.26	$821.26	$787.00	$787.00
Lumark #LDRL-T3-E03-480	40	$567.00	$22,680.00	$611.10	$24,444.00	$585.00	$23,400.00
Columbia Lighting #LXEM8-40ML-RFA-EU-XEDPM Vapor Tight LED 8 Ft. Fixture	14	$448.00	$6,272.00	$500.00	$7,000.00		
Total			$29,722.00		$32,265.26		

The Clean Water Plant will be upgrading the road lights that are currently located at the facility. At this time, we use 400 watt metal halide fixtures which will be replaced with 75 watt LED fixtures. In addition to the road light upgrade, we will also be upgrading fourteen fixtures in our truck bay from 400 watt metal halide low bay fixtures to 94 watt LED fixtures. The projected total annual wattage savings is 17,500 watts per year.

The Clean Water Plant has applied for a rebate incentive through the Consumers Energy Business Energy Efficiency Program. This program encourages businesses to reduce electricity use by improving the efficiency of their equipment. Based on the reduced wattage previously mentioned, Consumers Energy has reserved an incentive of over $8,400 to be paid upon the installation of these LED fixtures.

BUDGET IMPACT:

Upon review of the bid documents received, the bid submitted by the lowest bidder, Kendall Electrical Supply Company met the necessary bid specifications and I recommend that the City Council award the bid as submitted in the amount of $29,722 to Kendall Electrical Supply Company. Sufficient funds exist in the Sewer Fund Maintenance Supplies Account #590-590-54300-775.000.

STAFF REPORT

DATE: March 23, 2016

SUBJECT: Award of Bid – Material Storage Building Modification

FROM: Aaron Vis, Assistant Director of Public Works - Maintenance

Date of Meeting: April 4, 2016

RECOMMENDATION

It is recommended that the City Council award the bid for the Material Storage Building Modification to the only bidder, Tailored Building Systems, for the amount of $22,160.00.

SUSTAINABILITY CRITERIA

Environmental Quality
Modifying the material storage building allows restoration materials to be stored neater and under cover, reducing potential waste and run-off.

Social Equity
Stored materials are eventually used throughout the City without regard to income level or socio-economic status.

Economic Strength
The proper storage of materials should reduce waste and provide for a cleaner and more organized work environment.

DISCUSSION

The Public Works Department stores sand, asphalt mixes, topsoil, and other restoration materials at various locations on the Public Works property. Some are stored within the existing material storage building. However, the interior of this building is open and does not have bins or "bunkers" that allow segregated storage of these materials. This causes materials to be mixed together, creates unnecessary waste, and does not optimize storage capacity. Staff worked with a consultant to identify an economical solution to these issues.

The agreed solution was to remove the east end of the building, install exterior concrete buttress walls at the east end, install a partial interior wall mid-building, rework the east gable end, and utilize moveable concrete blocks to construct bins that can be flexible in size and use. The Material Storage Building Modification Bid included these proposed modifications with the exception of the concrete blocks.

On Tuesday, March 22, 2016, the City received one bid for the Material Storage Building Modifications. Three invitations to bid were sent to prospective bidders, and only one bidder, Tailored Building Systems, responded.

BUDGET IMPACT

Sufficient funds are available in the Motor Pool Depreciation Reserve, Capital Outlay Buildings account: 662-441-58500-977.000.

View of the East end of the Material Storage Building, to be removed and buttresses installed.

View of the interior of Material Storage Building, where an interior wall and storage bins will be constructed.

CITY OF WYOMING, MICHIGAN
TABULATION OF BIDS

ON MATERIAL STORAGE BUILDING MODIFICATION

Opened By City Clerk On March 22, 2016 At 11:00 a.m.

Item	Quantity	Tailored Building Systems	
		Unit Price	Total
Interior Wall	2	$ 5,480.00	$ 10,960.00
Exterior Wall	2	$ 4,300.00	$ 8,600.00
Remove & Rework West Gable	1	$ 2,600.00	$ 2,600.00
		TOTAL	$ 22,160.00

JRS/sak
03/7/16

ORDINANCE NO. 6-16

AN ORDINANCE TO AMEND CHAPTER 90
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90 of the Code of the City of Wyoming is hereby amended to read as follows:

CHAPTER 90

ZONING

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2016.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2016.

_____
Kelli A. VandenBerg
Wyoming City Clerk

Ordinance No. 6-16

Wyoming Michigan

Planning & Development Department
Telephone (616) 530-7258
1155 28th Street SW, Wyoming, Michigan 49509
www.wyomingmi.gov

MAYOR
Jack A. Poll

AT-LARGE COUNCILMEMBER
Sam Bolt

AT-LARGE COUNCILMEMBER
Kent Vanderwood

AT-LARGE COUNCILMEMBER
Dan Burrill

1ST WARD COUNCILMEMBER
William A. VerHulst

2ND WARD COUNCILMEMBER
Richard K. Pastoor

3RD WARD COUNCILMEMBER
Joanne M. Voorhees

CITY MANAGER
Curtis L. Holt

February 24, 2016

Ms. Kelli VandenBerg
City Clerk
Wyoming, MI

Subject: Request to amend the Zoning Ordinance to a new format.

Recommendation: To adopt the subject Zoning Ordinance reformat.

Dear Ms. VandenBerg:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on February 16, 2016. A motion was made by Goodheart, supported by Micele, to recommend to City Council adoption of the reformatted Zoning Ordinance. The motion passed unanimously. While a more detailed review is available in the Planning Commission minutes, the following is provided as basic background information:

The main purpose of the Zoning Ordinance reformat is to modernize, reorganize, and make user friendly the existing zoning laws. The City's current Zoning Ordinance primarily dates from 1983. Through the years, it has been amended extensively, with little format restructuring. These major amendments included site plan review, definitions, parking, signage, and renewable energies, with the additional zoning districts R-7, PUD-2, PUD-3 and Form Based Code created. The existing Zoning Ordinance is outdated and has been amended to the extent that a substantial rewrite was necessary to more appropriately and clearly identify the City's development and land use requirements to both professional and citizen users. Where ever possible, sections have been re-written into tables and communication improved through the use of graphics. For over one year, staff has been working with the internationally known consulting firm of Wade-Trim to create an appropriate reformatted Zoning Ordinance for your consideration.

The reformatted Zoning Ordinance accomplishes the following:

1. Reorganizes and bundles companion requirements for the individual zoning districts.

2. Provides color charts to identify where particular land uses are appropriate.

3. Provides the extensive use of graphics that illustrate regulations and makes the Zoning Ordinance easy to understand.

4. Successfully integrates the Form Based Code into the Zoning Ordinance.

5. Provides text changes to the Zoning Ordinance to maintain concurrency with applicable State Laws.

6. Provides a smooth integration and cross-reference with other land use codes/ordinances such as the Building Code and Subdivision Ordinance.

7. In electronic form, hyper-links are provided for a smooth and quick connect to the various Zoning Ordinance sections, including the companion Form Based Code.

8. Identifies the City of Wyoming as a professional and modern community.

The Development Review Team suggested the Planning Commission recommend to the City Council the adoption of the reformatted Zoning Ordinance.

No comments were made, and no letters received, at the public hearing. A motion was made by Goodheart to recommend to the City Council adoption of the reformatted Zoning Ordinance. The motion was supported by Micele. After discussion, the motion passed unanimously.

Respectfully submitted,

Timothy Cochran, City Planner
Planning and Development Department

cc: Curtis Holt, City Manager
Rebecca Rynbrandt, Director of Community Services

City of Wyoming

Zoning Ordinance

WYOMING MICHIGAN
CITY OF VISION AND PROGRESS

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ARTICLE 1
PURPOSE, SCOPE, AND VALIDITY

Sec. 90-100 TITLE

This chapter shall be known and may be cited as the City of Wyoming Zoning Ordinance. Within the following text it may be referred to as the "Ordinance".

Sec. 90-101 PURPOSE

This Ordinance is intended: to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs and; to promote public health, safety, and welfare of the residents of the City of Wyoming.

Sec. 90-103 LEGAL BASIS

This chapter is enacted pursuant to the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Sec. 90-104 SCOPE & INTERPRETATION

(1) Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this chapter.

(2) Uses not expressly permitted under this article are prohibited in all districts. Uses that are contrary to federal law, state law or local ordinance are prohibited. (Ord. No. 11-10, § 1, 12-6-10)

(3) In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

(4) Except as otherwise noted in this Ordinance, nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 90-105 CONFLICTING REGULATIONS

Whenever any provision of this chapter is in conflict with any other provision of the Code, unless otherwise determined by the city council, the more restrictive provision shall govern.

(Code 1983, § 60.4)

Sec. 90-106 SEVERABILITY

If any portion of this chapter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this chapter are declared to be severable.

Sec. 90-107 INTERPRETATIONS

If the meaning of this chapter is unclear in a particular circumstance, then the individual or body charged with interpreting or applying ordinance shall construe the provision to carry out the intent of the ordinance, if the intent can be discerned from other provisions of the ordinance or law.

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Sec. 90-200 Construction of Language

Sec. 90 -201 DEFINITIONS "A"
Accessible
Access management
Accessory use, building, or structure
Administrative approval
Administrative review
Adult business
Adult care facilities
Animals
Athletic training facility

Sec. 90 -202 DEFINITIONS "B"
Basement
Boardinghouse
Berm
Block
Buffer zone
Bulk

Sec. 90 -203 DEFINITIONS "C"
Caliper
Caretaker living quarters
Child care/residential care facilities
Church or other place of workshop
City officials
Clinic, medical
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ARTICLE 2
DEFINITIONS

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Erected
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Family
Fence
Fill, filling
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ARTICLE 2
DEFINITIONS

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Sec. 90 -210 DEFINITIONS "J"
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Sec. 90 -212 DEFINITIONS "L"
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Lot
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Sec. 90 -213 DEFINITIONS "M"
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Master plan
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Nuisance

Sec. 90 -215 DEFINITIONS "O"
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Outdoor display, sales, or storage
Overhead door

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Pawn broker
Performance guarantee

ARTICLE 2
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Personal service establishment
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Pool or billiard hall
Porch
Principal building and use
Private ponds

Sec. 90 -217 DEFINITIONS "Q"

Sec. 90 -218 DEFINITIONS "R"
Recreation
Recreation care facilities
Recreation facilities to house persons on parole or probation
Restaurant
Retail store
Right-of-way

Sec. 90 -219 DEFINITIONS "S"
Satellite television antenna or dish
School
Secondhand dealer
Self-storage warehouse or facility
Semi-trailer
Senior assisted living
Senior apartments and senior independent living
Service truck
Setback line
Shopping center
Sign
Sight distance
Site plan
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Street
Structure
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Subdivision
Swimming pool

ARTICLE 2
DEFINITIONS

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Sec. 90 -221 DEFINITIONS "U"
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Use

Sec. 90 -222 DEFINITIONS "V"
Variance
Vehicle related uses
Veterinary clinic

Sec. 90 -223 DEFINITIONS "W"
Warehouse
Wireless communication

Sec. 90 -224 DEFINITIONS "X"

Sec. 90 -225 DEFINITIONS "Y"
Yard

Sec. 90 -226 DEFINITIONS "Z"
Zoning enabling act

ARTICLE 2
DEFINITIONS

Sec. 90-200 CONSTRUCTION OF LANGUAGE

(1) All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.

(2) The definitions contained in this article are for the purposes of this chapter.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) The terms "ordinance" and "act" shall be understood to include the term "as amended" where the context is appropriate.

(5) The particular shall control the general. For terms used in this chapter the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "drugstore," as used in this chapter, shall not be interpreted to be the same as a "retail business" since it is listed as a separate and distinct use.

(6) Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates otherwise.

(7) A "building" or "structure" includes any part thereof.

(8) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.

(9) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:

(a) "And" indicates that all connected items, conditions, provisions, or events shall apply.

(b) “Or” indicates that the connected items, conditions, provisions or events may apply separately or in combination.

(c) "Either…or" indicates that the connected items, conditions, provisions or events shall apply separately, not in combination.

(10) Computing the number of days, the first day is excluded and the last day is included.

(11) All measurements and calculations shall be to the nearest integer, unless otherwise specified herein; however, fractional measurements that are less restrictive than stated minimums or maximums are not allowed. Calculations that yield a fractional result of exactly one-half (½, or .5) shall be rounded upwards to the next integer.

(12) The phrase "used for" includes "arranged for," "intended for," "occupied for," and "maintained for."

(13) Whenever a word or term defined hereinafter in the text of the ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.

(14) Unless the context clearly indicates to the contrary, where an illustration accompanies any item in this chapter, the written text shall have precedence over said illustration.

(15) The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those of another community, but do not include lands separated by a public street right-of-way.

(Ord. No. 5-11, § 1, 8-1-11)

Sec. 1 of Ord. No. 5-11, adopted Aug. 1, 2011, amended § 90-1 in its entirety to read as herein set out. Former § 90-1 pertained to definitions and derived from the 1983 Code; Ord. No. 21-98, adopted Oct. 5, 1998; Ord. No. 15-99, adopted Nov. 15, 1999; Ord. No. 8-00, adopted May 15, 2000; Ord. No. 10-01, adopted May 21, 2001; Ord. No. 15-01, adopted Aug. 6, 2001; Ord. No. 26-06, adopted Oct. 2, 2006; Ord. No. 09-07, adopted Apr. 2, 2007; Ord. No. 7-09, adopted Dec. 21, 2009; and Ord. No. 3-11, adopted May 2, 2011.

Sec. 90-201 DEFINITIONS "A"

Accessible: A term used to describe a parcel of land that has frontage on, and vehicular access to, an improved public road or an improved private road that has been approved by the city.

Access management: A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Accessory use, building, or structure: A use, building or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as the principal use to which it is related, and devoted exclusively to the main use of the premises.

Administrative approval: The city departments of building, planning, fire, assessing, public works and engineering who grant site plan approval for those development projects that do not require planning commission authorization.

Administrative review: The city departments of building, planning, fire, assessing, public works and engineering whose responsibility is to review and comment on site plan submittals prior to planning commission review.

Adult business: a business establishment catering to adults only, as defined in section 14-88 of the City of Wyoming Code of Ordinances.

Adult care facilities:

(1) *Adult care facilities, state-licensed:* A facility for the care of adults, over 18 years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, and rules promulgated by the state department of human services, providing foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

(2) *Adult day care facility:* A facility other than a private residence, which provides care for more than six adults for less than a 24-hour period.

(3) *Adult foster care family home:* A private home with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

(4) *Adult foster care large group home:* A private home 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 compensation, for 24 hours a day, five or more days a week, and for two or more consecutive weeks.

(5) *Adult foster care small group home:* A private home with the approved capacity to receive seven to 12 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(6) *Congregate adult care facility:* A private home with the approved capacity to receive more than 20 adults.

Animals:

(1) *Domestic:* Any animal customarily kept by humans for companionship, including, but not limited to, dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

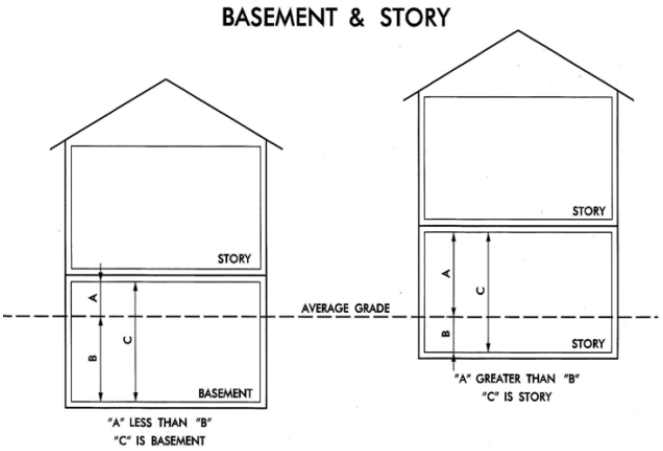
(2) *Exotic:* Any species of animal not considered domestic or livestock, including, but not limited to, snakes, lizards and potbellied pigs.

Athletic training facility. A specialized indoor facility provided for the training needs and related activities of athletes. Unlike a health club, these facilities are primarily for the prearranged use of specific teams and programs, rather than for general public walk-in use. This use includes specialized sports facilities, such as ball courts, hockey rinks, gymnasiums, gymnastics, and pools, and may include weight rooms, classrooms and meeting space. Activities may include training sessions, practices and competitive events.

(Ord. No. 5-11, § 2, 8-1-11; Ord. No. 12-13, § 1, 9-3-13)

Sec. 90-202 DEFINITIONS "B"

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. Figure 90-202-1.



Boardinghouse: A dwelling where meals or lodging are provided for compensation to two or more persons for periods of one week or more.

Berm: A manmade mound of earth that is graded and shaped to a specified height and slope and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Block: The property, abutting one side of a street lying between the two nearest intersecting streets or between an intersecting street and a railroad right-of-way; unsubdivided acreage, river or stream; or between any of the foregoing and any other barrier to the continuity of development.
Building:

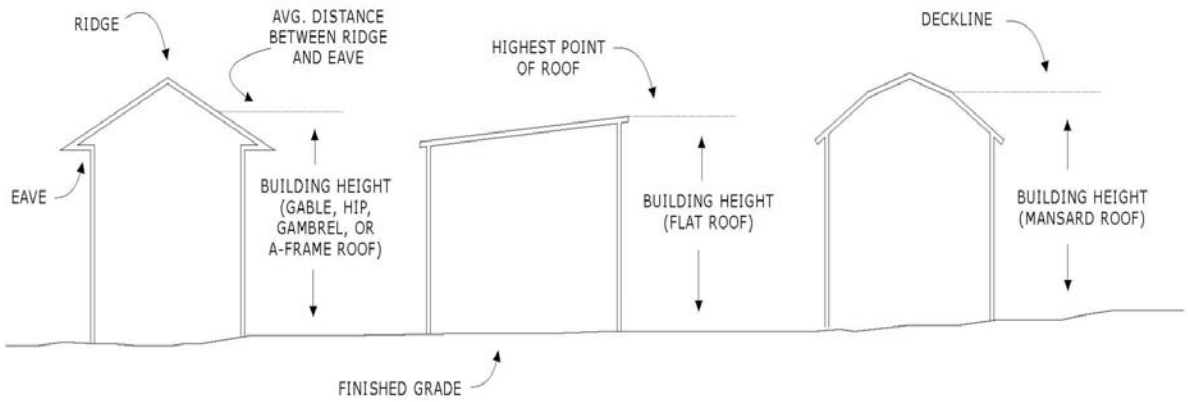
(1) *Alterations:* Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

(2) *Building:* A permanent structure having a roof supported by columns, or walls, for the shelter, support or enclosure of persons, animals or possessions, is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings allowing ingress or egress of persons, each separated portion of the building shall be deemed a separate building.

(3) *Building envelope* (also called "buildable area"): The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal and any attached accessory structures (such as a garage) is permitted by the ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

(4) *Building height:* The vertical distance measured from the established grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height (between eaves and ridges) for gable, hip, gambrel, and A-frame roofs. Figure 90-202-2.

BUILDING HEIGHT



(5) *Building permit:* An authorization issued by the chief building official to move, erect or alter a structure within the city.

B*uffer zone:* A strip of land often required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and/or noise barrier.

Bulk: The term used to indicate the size and setbacks of buildings and structures and their location with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area, open space, and the amount of lot area required for each dwelling unit.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-203 DEFINITIONS "C"

Caliper: The diameter of a tree trunk, measured at breast height.

Caretaker living quarters: An independent residential dwelling unit designed for and occupied by no more than two persons, where at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

Carport: A shelter for vehicles consisting of a roof extended from a wall or a building or a partially open structure consisting of a roof and possibly walls. Carports shall comply with all yard requirements applicable to private garages.

Child care/residential care facilities:

(1) *Child care facility:* A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.

(2) *Child care centers, nursery schools, and day nurseries:* A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

(3) *Family day care home (six or fewer children less than 24 hours per day):* A private home in which one but less than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(4) *Group day care home (seven to 12 children less than 24 hours per day):* A private home in which more than seven but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(5) *Foster family group home:* A private home in which more than four, but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(6) *Foster family home:* A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Church or other place of worship: A site used for the regular assembly of persons for the conduct of religious services and related accessory uses. Accessory uses may include rectories, living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities, religious office space and youth centers. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

City officials:

(1) *City council or council:* The elected, legislative body of the City of Wyoming.

(2) *Building official:* The officer or other designated authority charged with the administration and enforcement of the Building Codes

(3) *Planning commission or commission:* The planning commission of the City of Wyoming, as appointed by the mayor and endorsed by the city council, pursuant to the Municipal Planning Act.

(4) *City planner:* The administrator of the planning department for the City of Wyoming.

(5) *Board of zoning appeals or board:* The board of zoning appeals of the City of Wyoming. Members are appointed by city council pursuant to the zoning act.

Clinic, medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club: A nonprofit organization of persons for charitable, fraternal or social purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not operated to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by the organization may be referred to as a "club" in this chapter.

Commercial use: The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this chapter, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

Commercial vehicle: Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the following categories:

(1) Truck tractor;

(2) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

(3) Refrigerated and box van vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks.

(4) Tow trucks.

(5) Commercial hauling trucks.

(6) Vehicle repair service trucks.

(7) Snow plowing trucks.

(8) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

(9) Limousine.

Community center: A government or nonprofit facility used for recreational, social, educational, cultural 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: tax assistance, fitness training, senior meals, after school tutoring sessions, food pantries and public assemblies. This use does not include schools, places of worship, banquet facilities, social or service club, or counseling services. A community center is different than a neighborhood center, which is a use that is accessory to a residential development.

Community special event: A temporary outdoor use that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. Special events include auto shows, art shows, festivals and nonprofit fund raisers of community-wide interest.

Condominium:

(1) *Building area:* The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit or any other type of use.

(2) *Condominium:* A system of separate ownership of individual units and/or multiple-unit projects according to the Condominium Act.

(3) *Condominium Act:* State of Michigan Public Act 59 of 1978, as amended.

(4) *Condominium subdivision plan:* Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.

(5) *Condominium unit site:* The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.

(6) *General common element:* The area of common elements other than the limited common elements intended for the common use of all co-owners.

(7) *Limited common element:* Area of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

(8) *Master deed:* The condominium document recording the condominium project as approved by the city including attached exhibits and incorporating, by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

(9) *Site condominium project:* A condominium project designed to function in a similar manner, or as an alternative, to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this chapter.

Contractor's yard: A site on which a building contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard includes outdoor storage.

Conservation easement: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

Construction: Any act or process that is carried out under a current and valid building permit consisting of on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facilities or addition thereto, including related activities. Construction implies a diligent continuance of action toward completion, and any construction that has ceased due to expiration of a permit shall be considered inactive.

Convalescent home or nursing home: A nursing 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, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Curb cut: An opening from the public street to a private driveway or public drive serving an individual site or group of sites.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-204 DEFINITIONS "D"

Density: The number of dwelling units situated on or to be developed per net acre of land. For purposes of calculating maximum density, only 25 percent of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, or land within the 100-year floodplain elevation shall be calculated toward the total site acreage. All open bodies of water, public rights-of-way and private road easements are excluded from this calculation.

Detention basin: A manmade or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or manmade outlets.

Development: The construction of a new building or other structure, the relocation of an existing building, or a new use of open land.

Disposal: The final placement or destruction of either hazardous or nonhazardous substances or waste. Disposal includes placing the above substances in landfills, surface impoundments, land farms, deep wall injection or underground injection wells or incineration.

Distribution center: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a business.

District: A portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of the ordinance. Districts in the City of Wyoming include:

(1) *Overlay district:* A district which is applied over an underlying, controlling district, except as modified or restricted by the regulations of the overlay district.

(2) *Zoning district* or *district:* A portion of the City of Wyoming where certain uses of land and buildings are permitted and certain yards, open spaces, lot areas, and other requirements are established.

Downtown development authority area: That area bordering both sides of 28th Street between Division Avenue and Byron Center Avenue, as described in section 2-214 of this Code.

Drive-through establishment: A business in which all or part of the business consists of providing goods and services from a drive-through window to patrons in motor vehicles.

Dumpster or waste receptacle: Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the capacity of at least one cubic yard. Exterior compactors shall be considered to be dumpsters or waste receptacles for the purposes of screening regulations.

Dwelling:

(1) *Manufactured home:* A dwelling which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located and transported to the building site on its own wheels or a flatbed trailer.

(2) *Multiple-family:* A building, or portion thereof, used or designed as residences for three or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided. Multiple-family buildings without a second floor common hallway are termed townhouses.

(3) *Single-family:* A detached building or manufactured home designed exclusively for the complete living accommodations of one family, and containing one dwelling unit only.

(4) *Single-family, attached:* A single-family dwelling erected side by side to another similar unit in a single building, each unit being separated from the adjoining unit by an uninterrupted wall extending from the basement floor to the roof, and having a separate exterior entrance.

(5) *Site built:* A dwelling which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwellings also include those constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

(6) *Two-family:* A detached building, designed for or occupied exclusively by two families living independently of each other. May also be termed as a duplex.

Dwelling unit:

(1) *Dwelling unit:* A building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, trailer coach, garage, automobile chassis, portable building or tent be considered a dwelling.

In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the applicable provisions relative to dwellings. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

(2) *Efficiency unit:* An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than 350 square feet of floor area.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-205 DEFINITIONS "E"

Easement: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of land, to reserve and hold an area for open space, recreation, drainage or access purposes.

Erected: Includes built, constructed, reconstructed, moved upon, and/or physical operations on the premises required for the building.

Essential services and public utility:

(1) *Essential services:* The erection, construction, alteration, or maintenance of public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electrical, cable TV, fuel, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, transformers, splice boxes, police call boxes, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith but not including buildings or storage yards, other than such buildings as are primarily enclosures or shelters of the above essential service equipment reasonably necessary for furnishing adequate service to the City of Wyoming and immediate surrounding territory. Essential services shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communication network.

(2) *Public utility:* Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telephone lines, transportation, water services or sewage disposal.

Excavation:

(1) *Excavating:* Excavating shall be the removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest.

(2) *Quarry excavation:* Any breaking of the ground to hollow out by cutting or digging or removing any soil or other matter to a depth greater than 12 inches from the surface.

(3) *Soil removal:* Soil removal shall include the removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, or rock to a depth greater than 12 inches.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-206 DEFINITIONS "F"

Façade: The exterior wall of a building exposed to public view.

Family: Family means either of the following:

(1) A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or

(2) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a regular, permanent and distinct character or has a demonstrable and recognizable bond which renders the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.

(3) This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Fence:

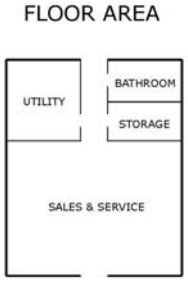
(1) *Decorative/ornamental fence:* A fence, ornamental in nature, that is more than 50 percent open to the free passage of air and light, not intended to provide a barrier to passage or for screening, including, but not limited to: picket fences, wrought iron fences, and split rail fences. Decorative fencing does not include chain link or privacy fencing and may not be used as pool, protective or security fencing.

(2) *Fence:* An artificially constructed barrier of wood, masonry, stone, wire, metal, plastic or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

(3) *Privacy fence:* A fence or wall that is designed to be used as a visual barrier to inhibit or prevent observation of an area and which is less than 50 percent open to the free passage of air and light.

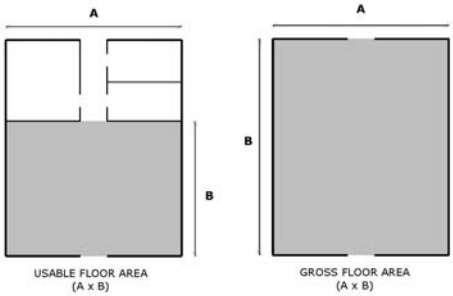
Fill, filling: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming and general ground care.

Floor area:



(1) *Gross floor area (GFA):* The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/storage rooms, thickness of walls, columns, or other features.

(2) *Residential floor area:* For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.



(3) *Usable floor area (UFA):* That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area which is used or intended to be used principally for the storage of merchandise, or areas such as hallways, stairways, elevator shafts, space for utilities or sanitary facilities, shall be excluded from this computation of UFA. Measurement of UFA shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls. When a detailed floor plan is not available, a factor of 80 percent shall be used to estimate the useable floor area for purposes of calculating parking requirements and other standards based on useable floor area. Figure 90-206-1.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-207 DEFINITIONS "G"

Garage: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Glare: The effect, measured at the lot line, of excessive brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade:

(1) *Grade, average:* The arithmetic average of the lowest and highest grade elevations in an area within six feet of the foundation line of a building or structure.

(2) *Grade:* The ground elevation established for the purpose of regulating the number of stories and the height of buildings.

(3) *Grade, natural:* The elevation of the ground surface in its natural state, before construction begins.

Greenbelt: A strip of land located between the property line and the front or secondary front yard building or parking setback line dedicated to for the planting of shrubs, trees and/or grasses to serve as an obscuring screen or buffer between the property and the adjacent roadway.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-208 DEFINITIONS "H"

Home occupation: Any use customarily conducted entirely within the dwelling and carried on by the occupants thereof. It shall not include employees other than members of the immediate family residing within the dwelling. The use must be clearly incidental and secondary to the dwelling purposes. It shall not change the character thereof nor endanger the health, safety and welfare of any other person residing in the area because of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and any other similar item, involved in or resulting from such occupation, profession or hobby. Single chair beauty salons, barbershops and instruction in a craft or fine art, are permitted on an individual basis. No article or service shall be sold or offered for sale on the premises except as is produced by such occupation. Such occupation shall not require any alterations or construction features, equipment, machinery, outdoor storage or signs not permitted in the residential areas.

No home occupation shall generate more than the normal residential traffic either in amount or type. One non-illuminated nameplate, not more than two square feet in area, may be attached to the building and shall contain only the name and occupation of the residents of the premises. Day care centers, tea rooms, veterinarian's offices, tourist homes, animal hospitals, and kennels and any other similar businesses or occupations shall not be deemed to be home occupations. Garage sales are limited to a maximum of six calendar days per year.

Hospital: An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall include any related, accessory facilities such as laboratories, outpatient departments, training facilities, central service

facilities and staff offices which are integral parts of the facility. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.

Hotel: A series of attached, semidetached, or detached rental units which provide lodging on a temporary basis, and are offered to the public for compensation. The term "hotel" shall include tourists cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-209 DEFINITIONS "I"

Impervious surface: Any manmade material which covers the surface of land and substantially reduces the infiltration of stormwater to a rate of five percent or less. Impervious surfaces include, but are not limited to, pavement, buildings, and structures.

Indoor recreation facility: An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls and bowling alleys. Auditoriums and stadiums are not included.

Industrial:

(1) *Heavy industrial:* A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

(2) *Light industrial:* A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-210 DEFINITIONS "J"

Junk: For the purpose of this chapter, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk yard/scrap metal yard: Any area of more than 200 square feet unless entirely within an enclosed building, used for processing, storage, keeping or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.
(Ord. No. 5-11, § 2, 8-1-11)

SEC. 90-211. - DEFINITIONS "K"

Kennel: Any lot or premises on which three or more dogs, cats, or other domestic animals age four months or older are kept, either permanently or temporarily, either for sale, breeding, hobby, sporting activity, protection or pets, subject to the regulations set forth herein regulating private kennels.

(Ord. No. 5-11, § 2, 8-1-11)

SEC. 90-212. - DEFINITIONS "L"

Land Division Act: P.A. 288 of 1967, as amended (MCLA 560.101), as amended.

Loading space: An unobstructed area within a building or on the premises and located outside of any public street, way or required parking space, designated and used for the maneuvering, standing, loading or unloading, or delivery of items from or to a certain location.

Lot:

(1) *Lot:* A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. For purposes of meeting the dimensional standards of this chapter, a lot does not include public rights-of-way or private road easements, but does include access easements for a service drive. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds.

(2) *Lot of record:* 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. A lot may also mean a portion of a condominium project, as regulated by the Condominium Act, designed and intended for separate ownership and use. The term "lot" includes the term "plot" or "parcel."

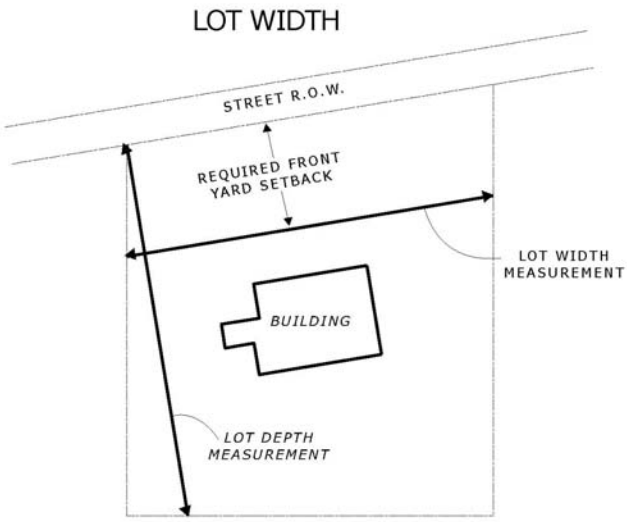
(3) *Lot area:* The total horizontal area within the lot lines of a lot excluding public or private road rights-of-way or road easements.

(4) *Lot coverage:* The part or percent of the lot occupied by buildings or structures, including above ground accessory buildings or structures such as decks and porches.

(5) *Lot depth:* The mean horizontal distance from the front street line to the rear lot line.

(6) *Lot frontage:* a straight line connecting the points where the side lot lines intersect the street right-of-way or private road easement.

(7) *Lot width:* The horizontal distance between the side lot lines, measured at the two points where the minimum required front setback line intersects the side lot lines. Figure 90-212-1.

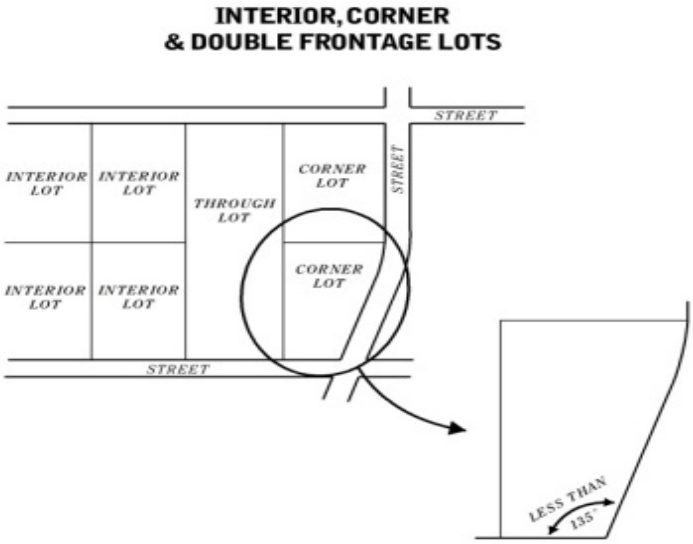


Lot type: Figure 90-212-2

(1) *Corner lot:* 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. The point of intersection of the street lot lines is the "corner." For 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.

(2) *Double frontage lot:* An interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be maintained along both street frontages.

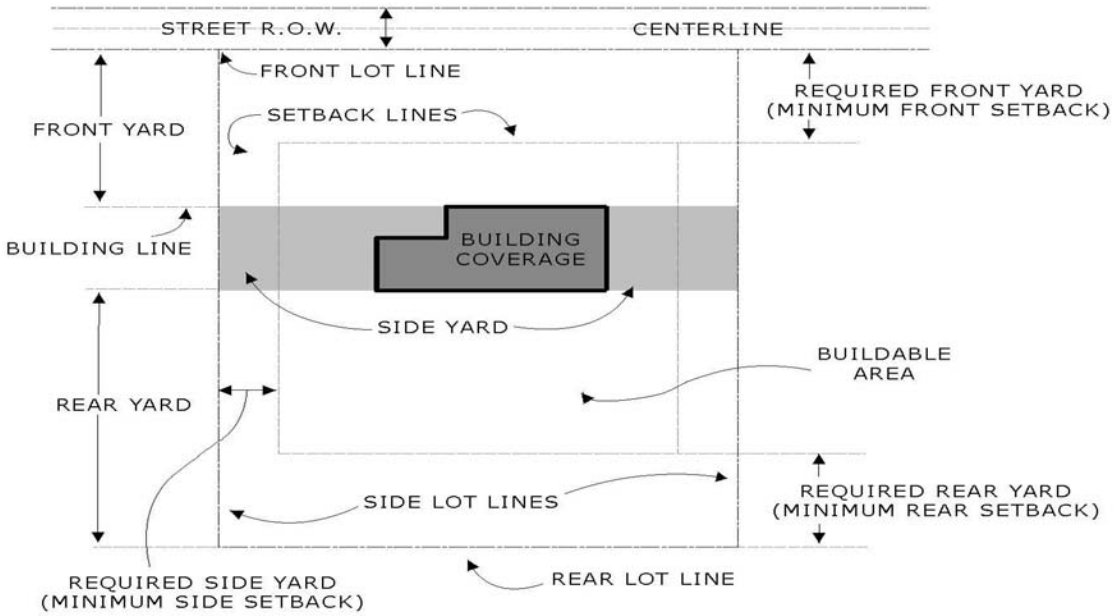
(3) *Interior lot:* A lot other than a corner lot with only one lot line fronting on a street.



Lot line:

(1) *Front lot line:* The front lot line shall mean any line separating the lot from the street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating the lot from the street designated as the front street in the plat or in the request for a building permit. Figure 90-212-3.

LOT LINES



(2) *Rear lot line:* The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, the rear lot line shall be that assumed line parallel to the front lot line not less than ten feet long lying farthest from the front lot line and wholly within the lot.

(3) *Side lot line:* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-213 DEFINITIONS "M"

Manufactured home:

(1) *Manufactured home:* A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration, except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

(2) *Manufactured home lot:* A parcel or lot within a manufactured home park designed for the accommodation of one manufactured home.

(3) *Manufactured home park:* A parcel of land which has been designed and/or improved for the placement of manufactured homes for residential use.

Master plan: The comprehensive long-range plan, adopted by the Wyoming planning commission and city council, intended to guide growth and development within the City of Wyoming and that includes analysis, recommendation, and proposals for some or all of the following: population, economy, housing, transportation, community facilities and land use. This term is interchangeable with land use plan.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-214 DEFINITIONS "N"

Nonconforming:

(1) *Nonconforming building:* A building or portion thereof lawfully existing at the effective date of this chapter or amendments thereto, that does not conform to the provisions of this chapter for the district in which it is located.

(2) *Nonconforming lot:* Any lot which was of record at the time of adoption of this chapter that does not meet the requirements of this chapter for lot width and depth and available space for yards.

(3) *Nonconforming site:* A site that lawfully occupied land on the effective date of this article or any amendments thereto, that does not conform to the site regulations of the district in which it is located, including landscaping and parking requirements.

(4) *Nonconforming use:* A use that lawfully occupied a building or land on the effective date of this article or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people and traffic.

Nursery school, day care and child care center: See: "child care/residential care facilities."

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-215 DEFINITIONS "O"

Open space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and watercourses.

Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

Outdoor display, sales, or storage: Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including, but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and year-round flea markets, farmer's markets, roadside stands, and auctions.

Overhead door: Any at-grade door in excess of 64 square feet in surface area.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-216 DEFINITIONS "P"

Parking and loading:

(1) *Loading space:* An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading and unloading merchandise or materials.

(2) *Off-street parking lot:* A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for parking of more than two vehicles.

Passenger vehicle: A privately owned and licensed motor vehicle intended primarily for the transport of people.

Pawn broker: A person, corporation, partnership or firm whether operating under an assumed name or any other designation, which loans money on deposit or pledge of personal property or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price.

Performance guarantee: A security, in the form of cash deposit, certified check, irrevocable bank letter of credit, or surety bond, in an amount sufficient to cover the estimated cost of improvements required as part of an application for development that is deposited with the municipality to ensure that the improvements are satisfactorily completed.

Personal service establishment: A use that performs services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair shops; tailor; photographic studios; locksmiths; and similar establishments requiring some minor retail activity.

Pet, domestic: See: "animal, domestic".

Pool or billiard hall: An establishment wherein three or more pool or billiard tables are provided for use by patrons. See also "indoor recreation facility."

Porch:

(1) *Enclosed porch:* A covered projection from the main wall of a building, enclosed on three sides by permanent or detachable glass sash, but not used as general living space. A porch shall become general living space when the enclosed space is heated or air-conditioned and when the percentage of window area to wall is less than 50 percent.

(2) *Open porch:* A covered projection from the main wall of a building, open on three sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

Principal building and use:

(1) *Principal building* (also called a "main building"): A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which the building is situated.

(2) *Principal use* (also called a "main use"): The primary use to which the premises are devoted and the primary purpose for which the premises exist.

Private ponds: An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, partly or completely above or below the grade of the ground surface existing prior to construction, capable of holding water to a depth greater than 24 inches filled to capacity. Temporary basins or depressions excavated in conjunction with construction of building foundations or building basements and swimming pools, and stormwater detention ponds having permanent water surfaces, are not included in this definition.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-217 DEFINITIONS "Q"

Sec. 90-218 DEFINITIONS "R"

Recreation:

(1) *Outdoor recreation:* Tennis courts, athletic fields, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

(2) *Recreation vehicles:*

(a) *Boats and boat trailers:* Boats, personal watercrafts, canoes and rafts, and the normal equipment to transport the same on the highway.

(b) *Folding tent trailer:* A canvas folding structure, mounted on wheels and designed for travel and vacation use.

(c) *Motorized home:* A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

(d) *Pickup camper:* 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 uses.

(e) *Snow mobile and all-terrain vehicles* Snow mobile and all-terrain vehicles, and the normal equipment to transport them on the highway.

(f) *Travel trailer:* A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.

Residential care facilities: See: child care/residential care facilities.

Residential facilities to house persons on parole or probation: Any single-family, multiple family, hotel/motel or similar facility which houses more than two persons on parole or probation to the State of Michigan, the United States or any court thereof having jurisdiction over that person for an offense other than a misdemeanor offense as defined by law.
This definition shall not apply to a single-family residence occupied by persons meeting the definition of family as provided in this chapter and shall only apply to each individual building in a multiple building apartment complex.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below. This classification includes businesses whose primary product is confectionaries (i.e., ice cream shops) and nonalcoholic beverages (i.e., a coffee shop).

(1) *Restaurant, carry-out:* A business establishment whose method of operation primarily involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

(2) *Restaurant, drive-through:* A business establishment whose method of operation includes the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

(3) *Restaurant, standard:* A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at an order counter or cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Retail store: Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way: A street, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.
(Ord. No. 5-11, § 2, 8-1-11; Ord. No. 2-12, § 1, 1-16-12)

Sec. 90-219 DEFINITIONS "S"

Satellite television antenna or dish: A structure or an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

School: An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

(1) *Private or business:* Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education, offers instruction in the several branches of learning and study required to be taught in the public schools and which does not secure the major part of its funding from any governmental agency.

(2) *Business, trade, technical, industrial or vocational:* A school established to provide for the teaching of industrial, aviation, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

Secondhand dealer:

(1) Any person, including any corporation or other entity, whose business is that of dealing in buying, selling, storing or exchanging secondhand goods, articles or merchandise of any kind, including lead pipe, tools, lighting fixtures, plumbing fixtures, radios, watches, jewelry, precious stones, scrap metals, musical instruments, electrical motors, electrical appliances, firearms, automotive parts and accessories, bicycles, wearing apparel, micrometers, or any article of personal property or other valuable thing. This definition does not include:

(a) Householders selling articles owned and possessed by themselves or executors or administrators of any such householder.

(b) New articles, wares or merchandise from manufacturers, wholesale distributors or jobbers for retail sale to customers.

(c) Used car dealers.

(d) Secondhand or used tires when such tires are removed from vehicles to which such tires are attached in the presence of the person receiving them.

(2) This definition does not apply to persons whose principal business is that of dealing in new goods, articles and merchandise and who do not buy secondhand goods, articles and merchandise outright, but occasionally accept in trade or repossess household appliances, watches, jewelry, precious stones and musical instruments.

(3) Outdoor secondhand sales, except as otherwise permitted, are prohibited.

(4) Temporary businesses established for the purchase or sale of secondhand merchandise are prohibited.

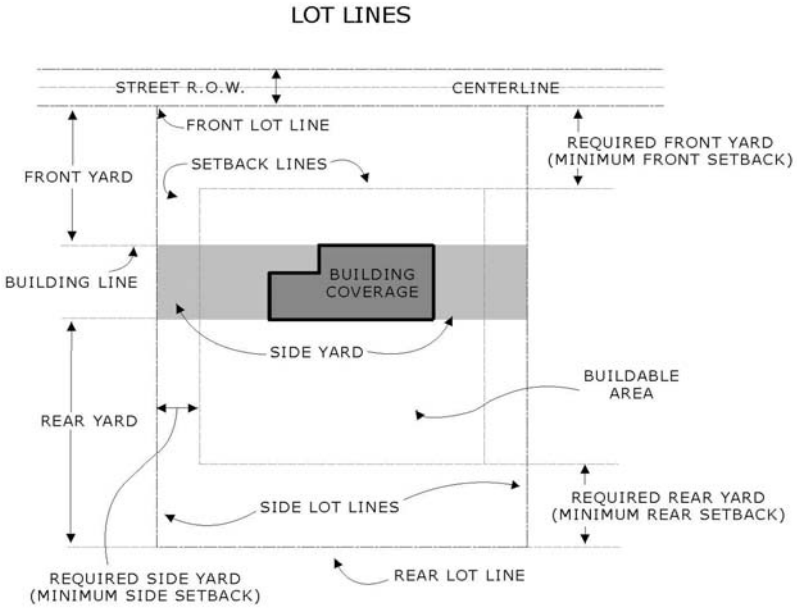
(5) Nonprofit organizations selling donated goods are required to obtain special use approval.

Self-storage warehouse or facility: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Semi-trailer: A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Senior assisted living: A type of semi-independent housing facility for senior citizens containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

Senior apartments and senior independent living: Multiple-family dwelling units occupied by persons 55 years of age or older. Units will include individual kitchen facilities; however, common dining and community facilities may be provided. Figure 90-219-1.



Service truck: A pick-up or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical or carpentry business.

Setback line: A line marking the setback distance from the lot line which establishes the minimum required front, side, or rear yard of a lot.

Shopping center: A structure of group of structures located on the same lot or parcel which is developed in accordance with an overall plan and designed and built as an interrelated project that provides a variety of commercial uses and also provides for common off-street parking, pedestrian access and vehicular movements. Buildings constructed on out lots shall not be considered part of the shopping center unless access and parking easements are provided.

Sign: For definitions of specific sign types and terms, see Article 7.

Sight distance: The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway. Required sight distance shall be based on the standards of the City of Wyoming Engineering Department.

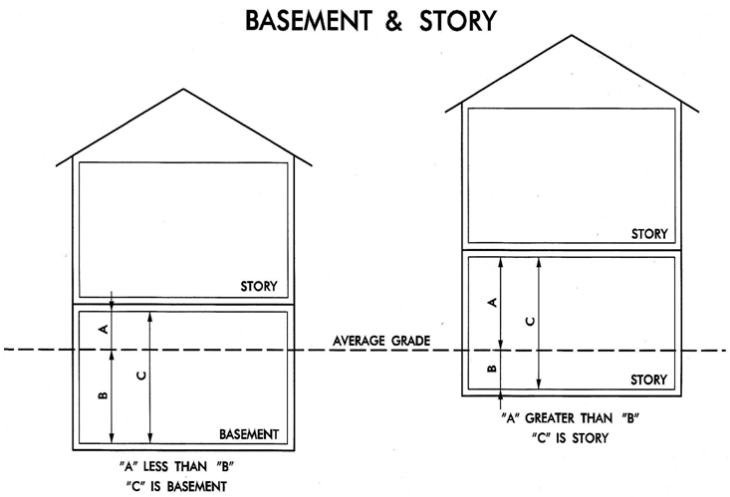
Site plan: A scaled drawing containing all required information and drawn in compliance with Table 90-504, illustrating existing conditions and containing the elements required as applicable to the proposed development to ensure compliance with zoning provisions.

Special use approval: A use of land not permitted by right, but which is permitted within a particular zoning district after demonstration of compliance with specific special land use standards, as determined by the planning commission.

Story:

(1) *Full story:* That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

(2) *Half story:* The part of a building between a pitched roof and the uppermost full story, having a floor area which does not exceed 50 percent of the floor area of the story immediately below. Tri-level shall be considered as one and one-half stories. Figure 90-219-2.



Street:

(1) *Alley:* A dedicated public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation, parking, standing or loading.

(2) *Collector street:* A street used to carry traffic from local streets to arterials, including principal entrance streets of large residential developments or having a planned right-of-way width of at least 80 feet.

(3) *Cul-de-sac:* A local street of short length, having one end permanently terminated by a vehicular turnaround.

(4) *Local street:* A street used primarily for access to abutting properties.

(5) *Major thoroughfare:* A street designed as a regional, major or minor arterial on the Wyoming Thoroughfare Plan, as adopted by the planning commission, in accordance with Act 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq., as amended).

(6) *Marginal access street:* A local street that is parallel and adjacent to arterials and which provides access to abutting properties and protection from through traffic.

(7) *Private road:* A street that is owned, and maintained by the landowners served and has not been dedicated to the city, county or state as a public street.

(8) *Public street:* A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, line, boulevard, highway, road, and other thoroughfare, except an alley.

Structure: Anything constructed or erected, the use of which requires location above the ground or attached to something having location on the ground. A structure will include buildings (see "buildings"), fences, walls, decks, towers, pools, and other similar above ground structures.

Structural alteration: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

Subdivision: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act and the Wyoming City Code - Subdivision Regulations, Section 74-176, as amended.

Swimming pool: A permanent structure or container located either above or below grade designed to allow holding of water to a depth of greater than 24 inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.
(Ord. No. 5-11, § 2, 8-1-11; Ord. No. 3-12, § 1, 3-5-12)

Sec. 90-220 DEFINITIONS "T"

Truck terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, equipment or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation. Also, a semi-trailer storage yard facility.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-221 DEFINITIONS "U"

Underground storage tank system: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Use: See "accessory use, building or structure" and/or "principal building or use".

(Ord. No. 5-11, § 2, 8-1-11)

SEC. 90-222 DEFINITIONS "V"

Variance: A relaxation or modification of the requirements of this chapter, authorized by the zoning board of appeals, under the provisions of this chapter and Act 110 of the Public Acts of 2006, as amended.

(1) *Non-use variance:* A variance approved by the zoning board of appeals relaxing one or more requirements of this chapter related to buildings, lots, setbacks, and other dimensional requirements.

(2) *Use variance:* A variance approved by the zoning board of appeals allowing a use of land not otherwise permitted in a zoning district.

Vehicle related uses:

(1) *Service station:* A building or structure designed or used for the retail sale or provision of fuels (which must be stored only in underground tanks), and may include the sale of lubricants, air, batteries, water and other operating commodities for motor vehicles, and the customary space and facilities for the installation of these commodities on or in vehicles, and including space for facilities for the temporary short-term storage, minor repair, or servicing. A service station may also include retail sales of convenience and grocery items.

(2) *Vehicle wash establishment:* A building, or portion thereof, with a primary purpose of washing motor vehicles.

Veterinary clinic: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals indoors and such related facilities as laboratories, testing services, and offices.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-223 DEFINITIONS "W"

Warehouse: A building used for long-term and short-term storage and wholesale of manufactured products, supplies, and equipment related to the operation of a single business. The use will include truck loading and unloading, provided the area dedicated to the outdoor storage of trucks and trailers is no more than the area of the warehouse building. Where the area dedicated to the outdoor storage of trucks and trailers exceeds the area of the warehouse building, the use shall be considered a truck terminal.

Wireless communication:

(1) *Attached wireless communication facility (antennae):* Any wireless communication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., utilized to receive and transmit federally or state licensed communications services via dually licensed segments of the radio frequency spectrum. This definition shall not include support structures.

(2) *Wireless communication facility:* All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to, radio and 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 and amateur radio facilities, television reception antennae, satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority. A wireless communication facility shall not be included under the existing definition of "essential services."

(3) *Collocation:* The location by two or more wireless communications providers, public authority or other dually authorized party of wireless communications facilities on a common structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities and/or support structures within the City of Wyoming.

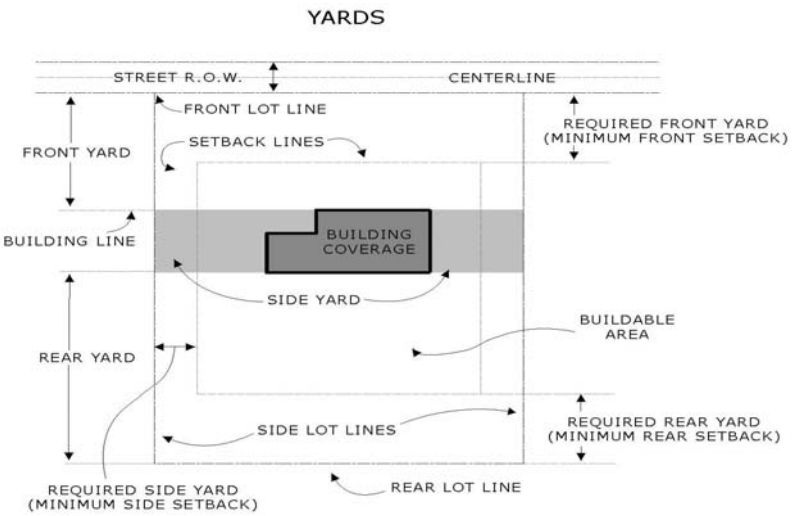
(4) *Wireless communication support structure (tower):* Any wireless communication facility erected or modified to support attached wireless communication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, light pole, utility pole, wood pole, spire, other similar structure or combination thereof, subject to the requirements of this chapter.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-224 DEFINITIONS "X"

Sec. 90-225 DEFINITIONS "Y"

Yard: Figure 90-225-1.



(1) *Front yard:* The space between the front line of the building and the front lot line, extending from one side lot line to the other side lot line. A corner lot will be considered to have two front yards: a primary front yard and a secondary front yard.

(2) *Rear yard:* The space between the rear line of the building and the rear lot line, extending from one side lot line to the other side lot line. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

(3) *Required yard:* That portion of a lot that meets the required minimum front, side, or rear setback of the zoning district in which the property is located.

(4) *Side yard:* A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear to the front yard. A side yard will also be referred to as an interior side yard where it adjoins another lot.

(5) *Yard:* An open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

(Ord. No. 5-11, § 2, 8-1-11)

Sec. 90-226 DEFINITIONS "Z"

Zoning Enabling Act: The Michigan Zoning Enabling Act, P. A. 110 of 2006, as amended.

(Ord. No. 5-11, § 2, 8-1-11)

ARTICLE 3
GENERAL REQUIREMENTS

- **Sec. 90-301 - Prior construction**
- **Sec. 90-302 - Voting place**
- **Sec. 90-303 - Zoning designation of streets, alleys and railroad rights-of-way**
- **Sec. 90-304 - Requirements for roof apparatus, antennas and miscellaneous accessories, towers and other communication facilities**
- **Sec. 90-305 - Lot area, yards, and open space requirements**
- **Sec. 90-306 - Projection into yards**
- **Sec. 90-307 – Mobile homes located outside mobile home parks**
- **Sec. 90-308 - Designation of front on corner and double frontage lot**
- **Sec. 90-309 - One single-family dwelling per lot**
- **Sec. 90-310 - Distance requirement for mechanical appurtenances**
- **Sec. 90-311 - Accessory buildings and uses**
- **Sec. 90-312 - Fences, walls and other protective barriers**
- **Sec. 90-313 - Substandard lots**
- **Sec. 90-314 - Repairs to parking and storage of vehicles in residential districts**
- **Sec. 90-315 - Commercial vehicles parking in residential districts**
- **Sec. 90-316 - Essential services as a permitted use**
- **Sec. 90-317 - Area, height, bulk and placement requirements**
- **Sec. 90-318 - Rooftop equipment, screening**
- **Sec. 90-319 - Dwellings in nonresidential districts**
- **Sec. 90-320 - Automobile service stations and public garages**
- **Sec. 90-321 - Refuse disposal**
- **Sec. 90-322 - Fronts of business buildings to be in keeping with character of area**
- **Sec. 90-323 - Outdoor storage areas to be enclosed**
- **Sec. 90-324 - Vision clearance corner**
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Sec. 90-301 PRIOR CONSTRUCTION

Nothing in this chapter shall require any change of the plans, construction or the design use of any building upon which construction was lawfully begun prior to the designation of a particular district zoning which would prohibit such building, provided such building construction has been diligently continued, and provided further that such building is completed within one year from the date of such designation.

(Code 1983, § 60.6)

Sec. 90-302 VOTING PLACE

The temporary use of any property as a voting place in connection with a public election is allowed.

(Code 1983, § 60.7)

Sec. 90-303 ZONING DESIGNATION OF STREETS, ALLEYS AND RAILROAD RIGHTS-OF-WAY

All streets, alleys and railroad rights-of-way shall be deemed to be in the same zone as the abutting property. Where the centerline serves as the district boundary, the zoning shall be the same as that of the abutting property to such centerlines, unless otherwise designated.

(Code 1983, § 60.8)

Sec. 90-304. - Requirements for roof apparatus, antennas and miscellaneous accessories, towers and other communication facilities. (Also, see Section 90-329)

(1) *Noncommercial facilities.* Equipment required to operate and maintain building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domes, water tanks and other similar structures, may be erected above the height limits of the district.

Except for commercial radio, television or transmitting or relay antenna towers, no such structure may be erected to exceed by more than 20 feet, the height limits of the district in which it is located nor shall such structure have a total area greater than 25 percent of the roof area of the building, nor shall such structure be used for any other purpose other than as incidental to the main use of the building.

(2) *Commercial facilities.* Commercial radio, television, microwave or wireless communication antennas shall be permitted in all zoning districts, when attached to an existing structure or when placed on a new support structure within an existing electric transmission tower, subject to compliance with the site plan review provisions and other applicable federal and state regulations

and this Code. Facilities may not exceed the height of the existing structure by more than 30 feet. New, freestanding communication towers are allowed as special uses in certain districts, as provided in this Code. Structural plans must be approved by the building inspector, based upon applicable regulations. The following additional requirements shall apply:

(a) Towers shall be installed on legal lots for the zoning district in which they are located, either as a principal use, or as an accessory use related to the principal use.

(b) Towers must be set back from all lot lines a distance equal to the height of the facility.

(c) The applicant must demonstrate that the tower is necessary at the proposed site in order to satisfy its function in applicant's grid system.

(d) The applicant must provide written documentation that a good faith effort has been made to locate the antenna on an existing structure within one-half mile of the proposed site, if any, and that applicant was denied reasonable use of the structure for antenna placement. As used in this subsection, a "good faith effort" includes, but is not limited to, contacting the owners of structures within these parameters to determine whether the applicant could use the structure for its purpose.

(e) The owner or operator of a tower shall agree to permit other communications service providers, including local government agencies, to use the tower, upon reasonable terms and conditions (e.g., sharing the cost of constructing, maintaining and operating the facility, along with the reimbursement for fees and costs incurred to obtain approval of the facility's location on the site). This obligation shall not require the owner or operator to permit access where doing so will interfere with the owner or operator's ability to provide or receive signals. If the planning commission has reason to anticipate the future use of the proposed facility by another government agency or wireless communication provider, the tower must be engineered and constructed to support additional antennae.

(f) The proposed tower must be structurally sound and be constructed in accordance with all federal, state or local standards and be capable of use in accordance with the requirements of this section. Facilities shall be inspected annually by the owner or operator and, in the event any safety standard is no longer met, the city shall be immediately notified.

(g) The tower's height must not exceed that minimally required to function in accordance with federal, state and local requirements.

(h) The Gerald R. Ford International Airport Authority or any successor agency must approve the tower site plan and proposed tower for compliance with height and lighting requirements dictated by the Gerald R. Ford International Airport Zoning Ordinance and Federal Aviation Administration or other applicable standards.

(i) The applicant shall include with the application for special approval an analysis of the visual impact of the facility on the surrounding area. The analysis shall include point-of-view renderings of the tower in its proposed setting, with special attention given to adjacent residential uses, including any proposed landscaping. The facility and any ancillary buildings housing equipment needed for the operation of the facility shall be of a size, color and material that are aesthetically and architecturally compatible with the surrounding area. Landscape screening will be required to help screen the facility and ancillary buildings from the surrounding uses, if necessary, especially residential uses.

(j) A tower that remains unused for the original purpose and intent for a period of 12 months shall be deemed abandoned. The tower must be removed at owners expense upon written notification by the city. Should owner fail to remove the tower, the city may remove or contract to remove the tower, with the cost of removal plus reasonable administrative expenses to be added to the tax roll as a lien against the property.

(k) Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding area.

(l) No signs shall be allowed on a tower.

(Code 1983, § 60.9; Ord. No. 15-97, § 1, 6-16-97; Ord. No. 21-98, § 1, 10-5-98)

Sec. 90-305 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS

Space included as part of a yard or other open space to comply with the requirements of this chapter shall not be included as part of any other area so as to comply with any other open space requirement for any other building.

(Code 1983, § 60.10)

Sec. 90-306 PROJECTION INTO YARDS

Eaves, overhangs, awnings, chimneys, bay windows and similar building appurtenances may project into required yard setbacks up to two feet for side yards and three feet for other yards shall not be included in determining the yard requirements.

Barrier free ramps for the physically disabled may be permitted within required yard setbacks with the approval of the building inspector. Placement of the structure shall be such as to minimally impose upon adjoining properties and be the minimum structure necessary to provide access and comply with applicable construction codes. Alternative locations on the property shall also be considered. All ramps shall be removed upon the physically disabled person becoming mobile or vacating the residence. Appeals to the determination of the building inspector shall be made to the board of zoning appeals.

(Code 1983, § 60.11; Ord. No. 3-00, § 1, 3-6-00)

Sec. 90-307 MOBILE HOMES LOCATED OUTSIDE MOBILE HOME PARKS

Mobile homes located outside a mobile home park are permitted in single-family residential districts, in accordance with the following standards:

(1) The mobile home shall meet all the requirements for the district.

(2) Mobile homes must be placed and securely fastened to a permanent foundation designed in accordance with the Michigan Building Code. There should be no external wires or cables used for fastening the mobile home.

(3) Mobile homes shall be anchored on a lot in such a way that the main entrance to the dwelling shall coincide or match other single-family units located within 300 feet.

(4) All mobile homes shall be required to have utilities installed prior to occupancy.

(5) There shall be no outdoor storage or tanks used for heating, cooking or other service to the mobile home.

(6) Any mobile home placed on a lot shall be of such design and character as to be aesthetically compatible with other adjoining residences located within 300 feet so as not to decrease their property value.

(7) All mobile homes shall be required to have steps and porches to enter the unit which shall be constructed and developed according to the Michigan Building Code.

(8) The mobile home shall meet all requirements of any code adopted by the city, except as provided in this section.

(9) All wheels, axles and other towing devices shall be removed from the mobile home prior to the permanent installation on the site.

(10) Mobile homes constructed in any residential plat or zone approved by the city shall be required to have all driveways constructed of concrete or blacktop.

(11) Mobile homes placed on a lot shall have a minimum width of 24 feet excluding any attachments or non-integral parts of the mobile home.

(12) All mobile homes shall contain storage area, either inside or outside the mobile home, equal to at least ten percent of the dwelling square footage, or 100 square feet, whichever is greater.

(13) Mobile homes constructed prior to 1976 shall satisfy all requirements of the state building code; mobile homes constructed after 1976 shall satisfy the standards of the Department of Housing and Urban Development (HUD).

(14) Additions to a mobile home shall be of the same or better quality construction than the original unit.

(Code 1983, § 60.201; Ord. No. 17-02, § 4, 9-3-02; Ord. No. 21-02, §§ 4, 5, 11-4-02)

(Code 1983, § 60.12)

Sec. 90-308 DESIGNATION OF FRONT ON CORNER AND DOUBLE FRONTAGE LOT

In the case of corner or double frontage lots, the building inspector shall designate which street is to be the front of the lot.

(Code 1983, § 60.13)

Sec. 90-309 ONE SINGLE-FAMILY DWELLING PER LOT

No single-family residential dwelling shall be erected or placed on a lot with another single-family residential dwelling, except that up to three model homes are allowed in proposed plats as per the subdivision regulations, section 74-176.

(Code 1983, § 60.14)

Sec. 90-310 DISTANCE REQUIREMENT FOR MECHANICAL APPURTENANCES

Freestanding industrial and commercial mechanical appurtenances such as blowers, ventilating fans, generators and air conditioning units are prohibited in front yard areas. The appurtenances shall be screened with a solid fence or evergreens. Duct work from appurtenances shall be routed directly into the building or be concealed below grade in commercial districts.

(Code 1983, § 60.15; Ord. No. 14-14, § 1, 7-21-14)

Sec. 90-311 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(1) Accessory buildings, including detached garages, shall be erected only in a rear yard unless otherwise allowed in this chapter and shall not be closer than three feet to any side or rear lot line.

(2) Detached garages shall be allowed in a side yard with the same required side yard setback as the principal building.

(3) Any pre-manufactured accessory building larger than 120 square feet shall be in character with the primary building. Exterior building and roof materials shall be of a finished character with no visible exterior fastening system.

(4) Only two accessory buildings, including garages, shall be permitted on any single-family residential lot or parcel. For side-by-side duplexes, one accessory building per unit, excluding garages, shall be permitted; subject to approval by the city planner so that the same is compatible with the surrounding area. No accessory building shall be erected prior to the principal building.

(5) No detached accessory buildings shall be located closer than ten feet to any main building.

(6) In the case of double frontage lots, accessory buildings shall observe front yard setback on both street frontages where there are any principal buildings fronting on said streets in the same or adjacent lots.

(7) An accessory building on a single-family and two-family residentially zoned or used property shall not exceed one story or 14 feet in height except that detached accessory buildings 1200 square feet or greater may not exceed 17 feet in height.

Properties up to 22,000 square feet are permitted a total accessory building area of 1,000 square feet with no single building exceeding 768 square feet. Properties greater than 22,000 square feet and up to one acre, are permitted a total accessory building area of 1,200 square feet with no single building exceeding 900 square feet.

Properties greater than one acre and up to two acres are permitted a total accessory building are of 1,600 square feet with no single building exceeding 1,200 square feet. For each additional whole acre, 200 square feet of building area shall be permitted up to a total accessory building area of 2,400 square feet with no single building being greater than 1,600 square feet. The total accessory building area shall include the square footage of attached garages. Detached accessory buildings shall be setback from side or rear property lines as follows:

Up to 768 square feet: Three feet minimum
Up to 900 square feet: Ten feet minimum
Up to 1,200 square feet: 15 feet minimum
Up to 1,600 square feet: 20 feet minimum

For other than single- and two-family residentially zoned or used property, accessory buildings may not occupy more than 30 percent of a required rear yard plus 40 percent of any non-required rear yard. (Ord. No. 19-14, 09-02-14)

(8) Exterior house or yard lighting shall be arranged or shielded to reflect away from and not illuminate adjoining properties.

(Code 1983, § 60.16; Ord. No. 2-96, § 3, 2-20-96; Ord. No. 3-10, § 1, 5-17-10; Ord. No. 19-14, §§ 1, 2, 9-2-14)

Sec. 90-312 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS

All fences, walls and other protective barriers, referred to in this section as "fences," shall conform to the following regulations:

(1) The erection, construction or alteration of any fence shall be approved by the building inspector for compliance with the provisions of this chapter. The finished side of a fence shall face outward toward abutting lots and rights-of-way.

(2) No fence shall hereafter be erected in any required yard space in excess of six feet in height above the grade of the surrounding land.

(3) No fence located in the required front yard, or within the first ten feet of the required secondary front yard in residential districts, shall exceed 36 inches in height above the ground level.

(4) All fences shall be of an ornamental nature. Spikes, nails or any sharp instruments of any kind are prohibited on top of or on the sides of any fence, except that barbed wire is allowed on the top of fences in industrial zones.

(Code 1983, § 60.18; Ord. No. 12-00, § 1, 7-17-00; Ord. No. 16-11, §§ 1, 2, 12-5-11)

Editor's note - Sec. 2 of Ord. No. 3-12, adopted Mar. 5, 2012, repealed § 90-48, which pertained to site plan review and derived from the 1983 Code; and Ord. No. 16-99, adopted Nov. 15, 1999.

Sec. 90-313 SUBSTANDARD LOTS

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was in a single ownership or included in the subdivision which was a record in the office of the register of deeds at the time of passage of this chapter (May 7, 1979) even though the lot does not have the minimum lot width or the minimum lot area specified for the district. Substandard lots platted less than 42 feet wide may have combined side yards width reduced two feet with one side not less than six feet in width.

(Code 1983, § 60.20)

Sec. 90-314 REPAIRS TO PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL DISTRICTS

The following provisions shall apply to repairs to, parking and storage of motor vehicles, recreational vehicles, all trailers, or other vehicles in residential districts:

(1) No person shall perform any work on any motor vehicle, travel trailer, boat or other vehicle normally required to be licensed or registered by this state in a residential district except under the following conditions:

(a) Work may be done only on a vehicle used by the property owner or tenant or his immediate family.

(b) The property owner or tenant must have proof of ownership available for inspection.

(c) The vehicle being repaired must be currently licensed.

(d) No work shall be done between the hours of 11:00 p.m. and 7:00 a.m. except in an enclosed garage with the door shut and providing there is no noise between such hours so as to disturb any of the nearby neighbors.

(2) No recreational vehicle including, but not limited to, special-purpose automobiles, boats, floats, rafts, camping or travel trailers or detachable travel equipment adaptable to light-duty trucks, excluding bicycles, motor bikes and motorcycles, unless attached to a licensed motor vehicle, shall be stored or parked anywhere on a public street or utility right-of-way or easement. Motor homes may be parked on a street not to exceed three days.

(3) No vehicle primarily constructed or equipped as a recreational unit, excluding bicycles, motorbikes and motorcycles, may be kept or stored out of doors on any property in any residential used or zoned area for a period longer than one week subject to compliance with the following conditions:

(a) The recreational vehicle must be owned, rented or leased by the owners or occupants of the property on which the same is stored and must be currently licensed.

(b) No more than one recreational vehicle and, one utility trailer, may be kept or stored outdoors at any one time.

(c) Storage of the same shall be in the rear yard only. Where there is no access available to the rear yard, such vehicles may be located on the side yard, provided that they are parked or stored at least three feet from the side lot line, that such vehicles are parked and stored at least 12 feet from the residential dwelling on the adjoining property, and that such vehicles shall not exceed 32 feet in length or 12 feet in total height.

(d) The recreational vehicles and trailers shall be in good repair.

(e) Open storage of partially or disassembled component parts of such vehicles is prohibited.

(f) The recreational vehicles shall not be used for living, lodging or housing purposes.

(4) The following regulations shall apply to the storage of motor vehicles and/or major component parts of any motor vehicles:

(a) No motor vehicle required to display registration plates to operate on a public roadway shall be parked or stored in the open for more than seven days without bearing a current registration plate issued for that motor vehicle.

(b) No motor vehicle which is not fully capable of being lawfully operated on a public roadway, nor any major component or parts of any motor vehicle, shall be stored for more than seven days unless stored in a fully enclosed building.

(c) Responsibility for compliance with this subsection shall lie with the occupants of single-family and two-family residences. In all other residential areas, including vacant lands, responsibility shall lie with the property owners or person in charge thereof.

(Code 1983, § 60.21; Ord. No. 3-10, §§ 2, 3, 5-17-10; Ord. No. 7-15, 6-7-15)

Sec. 90-315 COMMERCIAL VEHICLES PARKING IN RESIDENTIAL DISTRICTS

A vehicle exceeding three-quarters ton load capacity and not primarily intended for private passenger use may not be parked or stored outdoors in residential districts, except for loading or unloading. For purposes of this section, a bus shall be considered a commercial vehicle except for school buses, which are exempted from this section when parked or stored at a school or other school facility and except for buses owned or leased by churches which are parked in the church lot.

(Code 1983, § 60.22)

Sec. 90-316 ESSENTIAL SERVICES AS A PERMITTED USE

Essential services shall be permitted as authorized and regulated by law and the city in any district.

(Code 1983, § 60.23)

Sec. 90-317 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

All districts shall conform to the area, height, bulk and placement requirements unless otherwise provided for in this chapter.

(Code 1983, § 60.24)

Sec. 90-318 ROOFTOP EQUIPMENT, SCREENING

All rooftop mechanical equipment in any business or industrial district shall be screened from view at the street level.

(Code 1983, § 60.25)

Sec. 90-319 DWELLINGS IN NONRESIDENTIAL DISTRICTS

No dwelling unit shall be erected in any business or industrial district except for sleeping quarters of a watchman or caretaker when necessary to the principal use.

(Code 1983, § 60.26; Ord. No. 3-02, § 12, 5-20-02; Ord. No. 15-14, § 2, 7-21-14)

Editor's note-Sec. 7 of Ord. No. 17-14, adopted Aug. 4, 2014, repealed § 90-56, which pertained to drive-in establishments and derived from the 1983 Code.

Sec. 90-320 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES

All automobile service stations erected after January 3, 1979, shall comply with all requirements of this section. No automobile service station existing on January 3, 1979, shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on January 3, 1979.

(1) An automobile service station shall be located on a lot having a frontage along the principal street of not less than 140 feet, and having a minimum area of not less than 14,000 square feet.

(2) An automobile service station building housing an office, facilities for servicing, greasing or washing motor vehicles shall be located at least 40 feet from any street lot line. All gasoline pumps shall be a minimum of 15 feet from all property lines.

(3) Except for gas pumps, all equipment shall be enclosed entirely within a building.

(4) An automobile service station located on a lot having an area of 14,000 square feet shall include not more than eight gasoline pumps and two enclosed stalls for servicing, lubricating, greasing or washing motor vehicles. An additional two gasoline pumps or one enclosed stall may be included with each additional 2,000 square feet of lot area.

(5) Where an automobile service station adjoins property located in any residential zone, a masonry or concrete wall five feet in height shall be erected and maintained along the service station property line. All masonry or concrete walls shall be protected by a fixed curb or barrier to prevent vehicles from damaging the wall.

(6) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from neighboring properties.

(7) When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of 180 consecutive days or more, the owner of the premises shall be served written notice by the building inspector of the requirement to, within 60 days of the date of such notice, either lawfully convert such structure to another permitted use in that district or board all windows, doors and openings of the structure and maintain the premises in the manner which shall not become detrimental to the general health, safety and welfare of the surrounding community.

(8) Abandoned automobile service or filling stations may be converted to the use allowed in the district provided the applicable provisions of this chapter are met, the pumps and signs are removed and the underground storage tanks are abandoned according to city and state regulations.

(Code 1983, § 60.28)

Sec. 90-321 REFUSE DISPOSAL

Adequate, properly located and maintained disposal facilities shall be required for all business, industrial and multiple-family districts. Where off-street disposal is provided, the following requirements shall be met:

(1) *Commercial/industrial and other uses.* Unless trash receptacles are kept inside the building, the following standards shall apply to commercial, industrial and other uses:

(a) All trash shall be located in the rear yards and shall not conflict with vehicular parking areas or driveways, except that side yards may be used provided the location and screening plan have been approved by the planning director.

(b) All trash areas shall be required to be screened with a masonry, solid wood or metal fence not to exceed six feet in height. Such enclosure shall be gated. Dumpster pads located in the rear of industrial sites where outdoor storage is permitted are not required to be fenced.

(c) All dumpster pads shall be of concrete material.

(2) *Apartment projects.* The following standards shall apply to apartment projects:

(a) Dumpsters shall be located so that no tenants will be required to walk more than 200 feet from their entrance to the building to their dumpster.

(b) Dumpsters shall be of adequate size to ensure that all refuse from tenants shall be stored inside the receptacle until its collection.

(c) The dumpsters shall be located or screened so that they are not visible from any public street or interfere with access to the complex, parking lot or parking spaces.

(d) Where required, screening shall take the form of any one or combination of the following: use of the ends or between carports, garages and accessory buildings; earth berming, shrubbery, pine trees or fencing, as approved by the planning department.

(e) Dumpster pads shall be located so that reasonable and safe access is provided the trash vehicle servicing the site.

(f) All dumpster pads shall be of concrete material.

(Code 1983, § 60.29)

Sec. 90-322 FRONTS OF BUSINESS BUILDINGS TO BE IN KEEPING WITH CHARACTER OF AREA

The fronts of all buildings located in business districts shall be of such design and constructed of such material as shall be in keeping with the character of the area. Such facades shall be of finished materials. Cinderblock, cement block, unfinished concrete, building paper and other similar materials shall not be permitted as an exterior finish. Stucco may be used in exterior building material, provided that proper design and construction adherence techniques are employed.

Other new finished materials such as metals, fabricated to simulate wood grain colors, precast color concrete panels, precast masonry units, architectural concrete blocks and other aggregate panel materials having such characteristics so as to be suitable for an exterior finish may be used.

(Code 1983, § 60.30)

Sec. 90-323 OUTDOOR STORAGE AREAS TO BE ENCLOSED

The external storage of materials or products in B-2 and B-3 business zones is allowed in the rear and side yards only provided that the storage area is completely enclosed with a solid fence or wall six feet in height.

(Code 1983, § 60.31)

Sec. 90-324 VISION CLEARANCE CORNER

Vision clearance shall be provided on all corner lots based upon the following:

(1) Vision clearance corner shall mean any lot bordering two intersecting streets. The corner shall be a triangle, two sides of which shall be the street lot lines measured from the intersection of the street lot lines to points 13 feet away and the third side connecting such points. If either abutting street is more than 66 feet wide, 25 feet shall be used instead of 13 feet. If the street lot lines do not intersect, the measurements shall be along the tangents of the street lot lines as extended.

(2) Within the vision clearance corner, the following shall apply. Any shrubbery, structure, wall, fence, sign or other device shall not exceed 36 inches in height above the ground level. A sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level. Tree branches shall be a minimum of ten feet above the adjoining street level within the vision clearance corner.

(Code 1983, § 60.32; Ord. No. 13-13, § 1, 9-3-13)

Sec. 90-325 RESIDENTIAL FACILITIES TO HOUSE PERSONS ON PAROLE OR PROBATION

Residential facilities to house persons on parole or probation to the State of Michigan, the United States of America, or any contracting agencies thereof shall not be allowed in any residential or commercial zoned area in the city. Such facilities shall be allowed in an I-2 zone as a special use approval.

(Ord. No. 2-12, § 2, 1-16-12)

Sec. 90-326 OUTDOOR SALES

Outdoor or tent sales for permanent, occupant businesses, or for their customary store products, limited to a maximum of 15 days annually, between the months of May and November. Fraternal, public, charitable and religious organizations having permanent business addresses in the city are permitted to have outdoor sales, under the same time constraints, either in commercial districts or at the location of their permanent address in noncommercial districts. Between Thanksgiving and Christmas days, outdoor Christmas tree sales are allowed on any commercially zoned property and at the permanent business addresses of fraternal, public, charitable and religious organizations subject to obtaining a city business license.
(Ord. No. 14-12, § 1, 1-7-13)

Secs. 90-327 MEDICAL MARIJUANA FACILITIES *{Ord. No. 11-10, 12-6-10}*

Medical marijuana provisioning centers and medical marijuana safety compliance facilities as defined in Chapter 14 of this Code or any other facility to distribute medical marijuana shall not be allowed in any zone in the City. This section shall not apply to a location used by a primary caregiver to assist a qualifying patient as allowed in the Michigan Medical Marihuana Act as amended.

Sec. 90-328 LANDSCAPING

In order to provide a more aesthetic appearance, a measure of shading, increased oxygen generation, and reduced air pollution, wherever site plan approval is required in this chapter part of that approval shall include a landscaping plan unless waived by the city planner under the provisions of section 90-1003 of this zoning code. The applicable landscaping plan requirements are detailed in table 90-1003(e) of this zoning code. The following standards shall apply for all required landscaping:

(1) *Front yards and secondary front yards.* At least one shade tree of a minimum two and one-half-inch caliper or one evergreen tree at least six feet in height, or a combination thereof, shall be planted for each 50 feet of street frontage or fraction thereof. Said trees may be grouped or spaced. In addition, at least ten percent of the required greenbelt area must contain trees, shrubbery, flower beds, berms, groundcover, landscape mulch, woodchips, stone and/or other types of landscape materials. However, credit may be obtained for existing, healthy trees and plant material where consistent with the intent of this section. Shrubbery must be planted at least three feet from all sidewalks, drives and parking lots, so as to not infringe upon same.

(2) *Large parking lots.* For every 50 parking spaces, or fraction thereof, there shall be provided an interior landscape area at least ten feet in width and 20 feet in length. Said landscape area shall contain at least one shade tree, at least two and one-half-inch caliper. Other landscaping treatment shall be included in the landscape area, as described in (1) above. Shrubbery must be planted at least three feet from all sidewalks, drives and parking spaces, so as to not infringe upon same.

(3) *Maintenance.*

(a) In-ground automatic irrigation shall be installed and utilized within the required front yard and secondary front yards for all commercial zoned districts. Irrigation shall be installed along the entire street frontage either with new developments or with building additions adjacent to the street frontage that exceeds 50 percent of the existing building width.

(b) All landscaping shall be maintained in a healthy, neat and orderly state, free from refuse and debris.

(c) Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not restrict pedestrian or vehicular access, or constitute a traffic hazard.

(d) Any dead or diseased plants that were required by site plan approval shall be removed and replaced within one year from the time that the plant dies.

(e) Trees shown on the site plan shall not be removed, except to replace dead or diseased trees, unless approved as a site plan amendment. Any tree that is removed must be replaced in accordance with the approved site plan.

Existing trees marked on the site plan to be preserved that are damaged or lost shall be replaced by at least two trees of similar or better species of at least two and one-half-inch caliper if deciduous, or six feet in height if evergreen.

(f) Trees that shall be retained on a lot or development site shall be located within an area referred to as a tree protection zone, which shall include the area occupied by the critical root zone. The area below the drip line of an existing tree to be saved should remain undisturbed. The drip line is an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground. The owner/developer shall take all necessary steps to avoid damage or destruction to existing trees to be preserved as shown on the site plan. Tree protection fencing, notes and details shall be shown on the landscape plan.

(Ord. No. 15-97, § 12, 6-16-97; Ord. No. 13-12, § 1, 1-7-13)

Sec. 90-329 STANDARDS FOR RADIO, TELEVISION, MICROWAVE OR WIRELESS COMMUNICATION TOWERS

Standards for issuing special use permits for radio, television, microwave or wireless communication towers shall be as follows:

(1) *Information required.* In addition to any information required for applications for special use permits pursuant to this section, and subsection 90-304, applicants for a special use permit for towers, structures or other facilities shall submit the following information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility and any other structures, topography, parking and other information deemed to be necessary to assess compliance with this ordinance.

(b) Legal description of the parcel.

(c) A landscape plan showing specific landscape materials.

(d) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

(e) A sworn statement by the applicant as to whether construction of the facility will accommodate location of additional antennas for future users.

(f) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures for the services to be provided through the use of the proposed new tower.

(g) A description of the feasible locations(s) of future towers or antennas within Wyoming, based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) *Factors considered in granting special use permits for towers.* In addition to any standards for consideration of special use permit applications in this Code, the planning commission shall consider the following factors in determining whether to issue a special use permit. The planning commission may waive or reduce the burden on the applicant of one or more of these criteria if the planning commission concludes that the goals of this subsection are better served thereby:

(a) Height of the proposed tower;

(b) Proximity of the tower to residential structures and residential district boundaries;

(c) Nature of uses on adjacent and nearby properties;

(d) Surrounding topography;

(e) Surrounding tree coverage and foliage;

(f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(g) Proposed ingress and egress;

(h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of facilities or structures.

(3) *Availability of suitable existing towers, other structures or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing facilities or structures, or the antenna on the existing facilities or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing facility or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures (e.g. a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system) is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(Code 1983, § 60.99; Ord. No. 15-97, § 15, 6-16-97; Ord. No. 21-98, § 8, 10-5-98)

ARTICLE 4
ZONING DISTRICTS

R-1 Residential District
R-2 Residential District
R-3 Residential District
R-4 Residential District
R-5 Residential District
R-6 Residential District
R-7 Residential District
ER Estate Residential District
B-1 Local Business District
B-2 General Business District
B-3 Planned Shopping Business District
RO-1 Restricted Office District
I-1 Light Industrial District
I-2 General Industrial District
I-3 Restricted Industrial District
P-1 Vehicular Parking District
PUD-1 Low Density Planned Unit Development
PUD-2 Commercial Planned Unit Development
PUD-3 Planned Health Care District

ARTICLE 4A
RESIDENTIAL ZONING DISTRICTS

R-1 Residential District

R-2 Residential District

R-3 Residential District

R-4 Residential District

R-5 Residential District

R-6 Residential District

R-7 Residential District

ER Estate Residential District

The location and boundaries of the districts are hereby established on a map entitled "City of Wyoming, Michigan Zoning Map", together with all notations, which map is hereby adopted and made a part of this chapter. The zoning map may be maintained by the city in such form as shall from time to time be deemed appropriate including an electronic database or information system. Unless otherwise shown on the zoning map, the district boundary lines follow lot lines or the centerlines of streets or alleys or such lines extended and the corporate limits of the city as they existed on January 3, 1979, and as subsequently revised. If the exact location of any district boundary line cannot be determined by the zoning map, it shall be resolved by the board of zoning appeals.
(Code 1983, § 60.3; Ord. No. 20-06, § 1, 7-3-06)

R-1 Residential District

Sec. 90-401A PRINCIPAL PERMITTED USES

In the R-1 Residential District, the following uses shall be permitted:

(1) Single-family detached dwellings. For mobile home standards see section 90-841 et seq.

(2) Churches and church facilities normally incidental thereto, provided that ingress and egress from the site is onto a major thoroughfare or collector street. Church sites shall be a minimum of three acres.

(3) Publicly owned facilities, except public elementary, intermediate or high schools.

(4) Off-street parking.

(5) Accessory buildings and uses customarily incidental to the principal permitted uses.

(6) Foster care facilities, nursery schools, day nurseries and child care facilities for the care of not more than six people as defined by the Michigan Family Independence Agency.

(7) Home occupations.

(Code 1983, § 60.41; Ord. No. 15-97, § 2, 6-16-97; Ord. No. 18-98, § 3, 8-17-98)

Sec. 90-402A SPECIAL PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the approval of the planning commission:

(1) Private parks, country clubs, golf courses and golf driving ranges adjoining a golf course or country club.

(2) Telephone exchange buildings, electric transformer stations and substations and gas regulator stations.

(3) Nursery schools, day nurseries and child care facilities for the care of seven or more people.

(4) Cemeteries.

(5) Mineral extraction, borrow pit and topsoil removal.

(6) Commercial greenhouses.

(7) Adult education facilities not operated for profit.

(8) Agricultural uses.

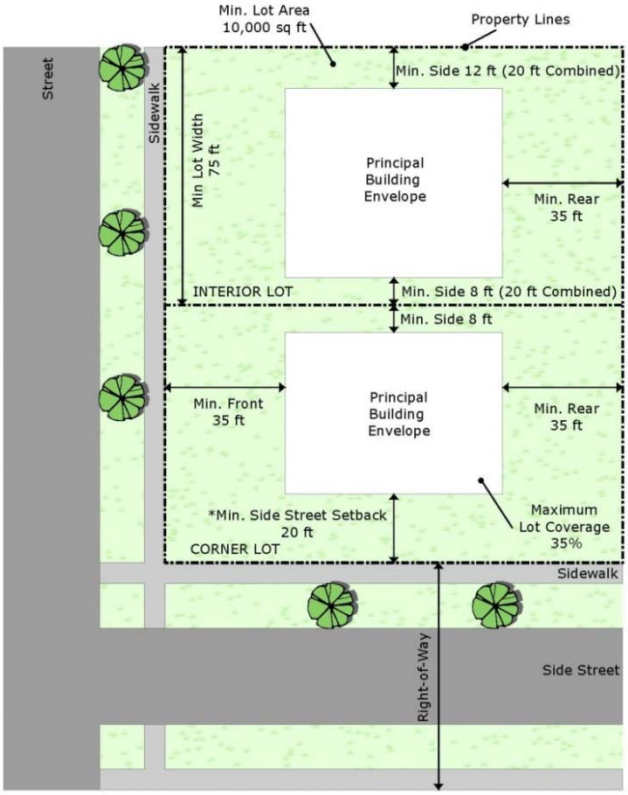
(9) Public, parochial, or private elementary, intermediate or high schools.

(10) Community centers.

(Code 1983, § 60.42; Ord. No. 18-98, § 1, 8-17-98; Ord. No. 7-09, §§ 1, 5, 12-21-09)

Sec. 90-403A DEVELOPMENT STANDARDS

Minimum Lot Area (1)	10,000 sq ft
Minimum Lot Width	75 ft
Minimum Front Yard (2)(6)	35 ft
Minimum Rear Yard (3)	35 ft
Minimum Side Yard (3)(4)(5)	8 ft
Minimum Combined Side Yard (5)	20 ft
Minimum Ground Floor Building Area	
One-Story	1,280 sq ft
1½-Story	960 sq ft
Two-Story	780 sq ft
Bi-Level	864 sq ft
Split Level	1,280 sq ft
Tri-Level	1,280 sq ft
Maximum Building Height	35 ft
Minimum Number of Parking Spaces/Unit	2
Maximum Lot Coverage	35%



*The side street setback on a corner lot is 20ft if there are houses fronting on the side street.

Sec. 90-404A SPECIFIC REQUIREMENTS

(1) Regardless of any smaller minimum lot area requirement, for subdivisions platted subsequent to January 31, 1989, where both operable public water and public sewer are not provided, the minimum lot area for single-family housing shall be 12,000 square feet, with a minimum lot width of 75 feet, except that minimum lot area shall be 20,000 square feet if public water is not provided to the lot.

(2) Where 25 percent or more of the lots in a block frontage are occupied by buildings, the average setback line of the existing buildings on both of the adjacent lots, when there are existing buildings on both of the adjacent lots, shall be the minimum required setback for any new building or for a new addition to an existing building.

(3) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(4) Side yard building setback for principal non-residential buildings shall be a minimum 25 feet.

(5) Side yard requirements shall not be less than 20 feet if the side yard abuts a street having residences fronting.

(6) For uses other than one- and two-family in all the residential districts, there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

(7) Attached garages and basements are required for all single-family dwellings in the R-1 district with the following exceptions, as determined by the chief building official:

(a) Basements are not required for bi-level or tri-level structures.

(b) Basements are not required if the existing water table makes such construction infeasible.

(c) Basements and attached garages are not required for structures built on lots existing prior to August 2, 1988, the effective date of this subsection.

Sec. 90-405A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

R-2 Residential District

Sec. 90-406A PRINCIPAL PERMITTED USES

In the R-2 Residential District, the following uses shall be permitted:

(1) Single-family detached dwellings. For mobile home standards see section 90-841 et seq.

(2) Churches and church facilities normally incidental thereto, provided that ingress and egress from the site is onto a major thoroughfare or collector street. Church sites shall be a minimum of three acres.

(3) Publicly owned facilities, except public elementary, intermediate or high schools.

(4) Off-street parking.

(5) Accessory buildings and uses customarily incidental to the principal permitted uses.

(6) Foster care facilities, nursery schools, day nurseries and child care facilities for the care of not more than six people as defined by the Michigan Family Independence Agency.

(7) Home occupations.

(Code 1983, § 60.41; Ord. No. 15-97, § 2, 6-16-97; Ord. No. 18-98, § 3, 8-17-98)

Sec. 90-407A SPECIAL PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the approval of the planning commission:

(1) Private parks, country clubs, golf courses and golf driving ranges adjoining a golf course or country club.

(2) Telephone exchange buildings, electric transformer stations and substations and gas regulator stations.

(3) Nursery schools, day nurseries and child care facilities for the care of seven or more people.

(4) Cemeteries.

(5) Mineral extraction, borrow pit and topsoil removal.

(6) Commercial greenhouses.

(7) Adult education facilities not operated for profit.

(8) Agricultural uses.

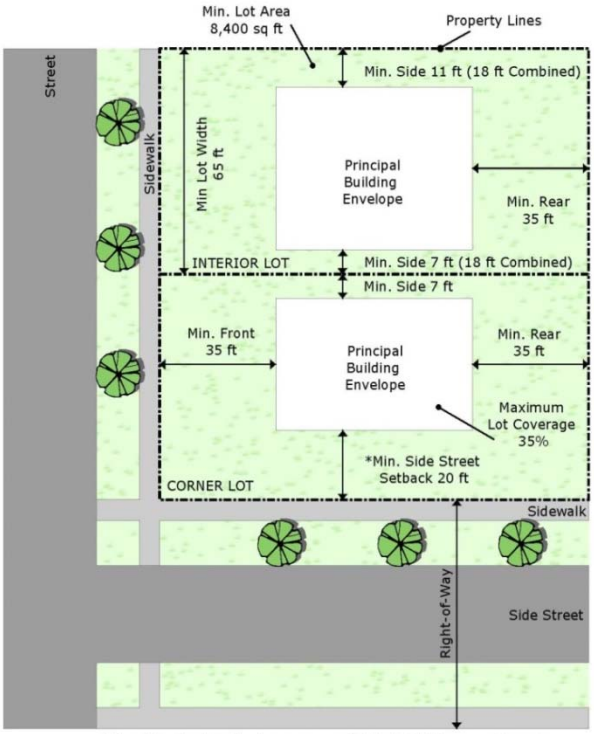
(9) Public, parochial, or private elementary, intermediate or high schools.

(10) Community centers.

(Code 1983, § 60.42; Ord. No. 18-98, § 1, 8-17-98; Ord. No. 7-09, §§ 1, 5, 12-21-09)

Sec. 90-408A DEVELOPMENT STANDARDS

Minimum Lot Area (1)(10)	8,400 sq ft
Minimum Lot Width	65 ft
Minimum Front Yard (2)(6)	35 ft
Minimum Rear Yard (3)	35 ft
Minimum Side Yard (3)(4)(5)	7 ft
Minimum Combined Side Yard (5)	18 ft
Minimum Ground Floor Building Area per dwelling unit (8)(9)(10)	
One-Story	1,040 sq ft
1½-Story	864 sq ft
Two-Story	672 sq ft
Bi-Level	672 sq ft
Split Level	1,040 sq ft
Tri-Level	1,040 sq ft
Maximum Building Height	35 ft
Minimum Number of Parking Spaces/Unit	2
Maximum Lot Coverage	35%



*The side street setback on a corner lot is 20ft if there are houses fronting on the side street.

Sec. 90-409A SPECIFIC REQUIREMENTS

(1) Where 25 percent or more of the lots in a block frontage are occupied by buildings, the average setback line of the existing buildings on both of the adjacent lots, when there are existing buildings on both of the adjacent lots, shall be the minimum required setback for any new building or for a new addition to an existing building.

(2) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(3) Side yard building setback for principal non-residential buildings shall be a minimum 25 feet.

(4) Side yard requirements shall not be less than 20 feet if the side yard abuts a street having residences fronting.

(5) For uses other than one- and two-family in all the residential districts, there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

(6) Attached garages and basements are required for all single-family dwellings in the R-2 Residential District with the following exceptions, as determined by the chief building official:

(a) Basements are not required for bi-level or tri-level structures.

(b) Basements are not required if the existing water table makes such construction infeasible.

(c) Basements and attached garages are not required for structures built on lots existing prior to August 2, 1988, the effective date of this subsection.

(7) In R-2 Residential Districts, for subdivisions platted prior to the date of this chapter and having constructed dwelling units thereto, the minimum floor area per dwelling unit shall be 864 square feet.

(8) Minimum habitable floor area per dwelling unit shall be 1,280 square feet in the R-2 Residential District zone. Habitable floor area shall be living area as defined in the Michigan Building Code and shall include hallways, closets and bathrooms.

(9) In R-2 Residential District located east of the U.S. 131 Freeway, for single-family subdivisions platted after the effective date of this footnote (September 3, 1991), the minimum lot size shall be 7,400 square feet; the minimum lot width, 60 feet; the minimum one-story ground floor area, 960 square feet; and the minimum habitable floor area, 960 square feet.

Sec. 90-410A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328

(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6

(2) Development Procedures
(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration
(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(d) Non-conforming lot and uses. Article 9

R-3 Residential District

Sec. 90-411A PRINCIPAL PERMITTED USES

In the R-3 residential district the following uses are permitted:

(1) All principal permitted uses in the R-1 and R-2 districts, subject to the terms and conditions therein. For mobile homes see section 90-307

(2) Two-family dwellings (principal permitted use).

(3) Accessory buildings and uses customarily incidental to the above uses.

(4) Off-street parking.

Sec. 90-412A PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted in the R-3 residential district subject to the approval of the planning commission: All permitted uses after special approval in the R-1 and R-2 districts.

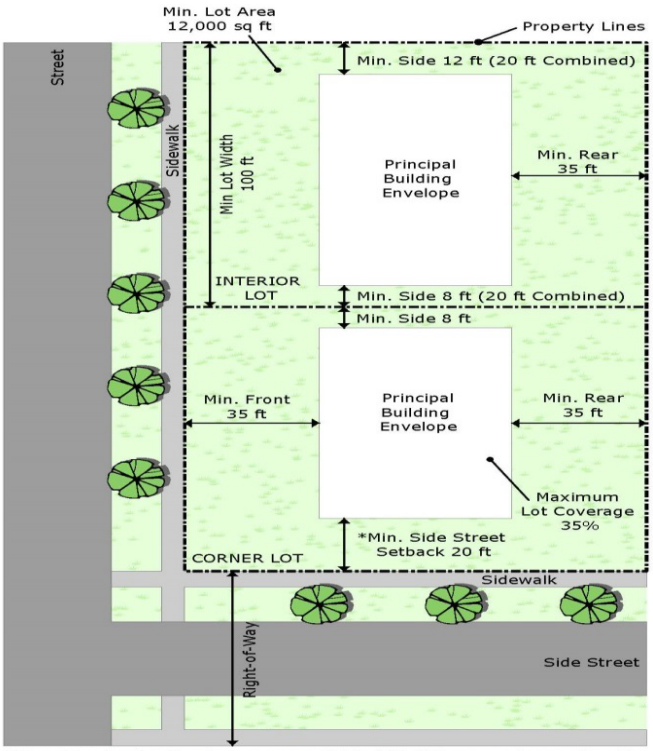
(Code 1983, § 60.44)

Sec. 90-413A DEVELOPMENT STANDARDS

Minimum Lot Area (1)(8)(10)	12,000 sq ft
Minimum Lot Width	100 ft
Minimum Front Yard (2)(6)	35 ft
Minimum Rear Yard (3)	35 ft
Minimum Side Yard (3)(4)	8 ft
Minimum Combined Side Yard (5)	20 ft

Minimum Ground Floor Building Area (8)(9)(10)	
One-Story	900 sq ft
1½-Story	720 sq ft
Two-Story	672 sq ft
Bi-Level	672 sq ft
Split Level	900 sq ft
Tri-Level	900 sq ft

Maximum Building Height	35 ft
Minimum Number of Parking Spaces/Unit	2
Maximum Lot Coverage	35%



*The side street setback on a corner lot is 20ft if there are houses fronting on the side street.

Sec. 90-414A SPECIFIC REQUIREMENTS

(1) Where 25 percent or more of the lots in a block frontage are occupied by buildings, the average setback line of the existing buildings on both of the adjacent lots, when there are existing buildings on both of the adjacent lots, shall be the minimum required setback for any new building or for a new addition to an existing building.

(2) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(3) Side yard building setback for principal non-residential buildings shall be a minimum 25 feet.

(4) Side yard requirements shall not be less than 20 feet if the side yard abuts a street having residences fronting.

(5) For uses other than one- and two-family in all the residential districts, there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

(6) Attached garages and basements are required for all single-family dwellings in the R-3 district with the following exceptions, as determined by the chief building official:

(a) Basements are not required for bi-level or tri-level structures.

(b) Basements are not required if the existing water table makes such construction infeasible.

(c) Basements and attached garages are not required for structures built on lots existing prior to August 2, 1988, the effective date of this subsection.

(7) For R-3 districts incorporating subdivisions platted prior to the date of this chapter, the minimum standards for duplexes are as follows: Lot width, 70 feet; lot area, 8,400 square feet; and building floor area of 720 square feet per dwelling unit.

(8) Minimum habitable floor area per dwelling unit shall be 900 square feet in the R-3 residential district zone. Habitable floor area shall be living area as defined in the Michigan Building Code and shall include hallways, closets and bathrooms.

(9) In R-3 district located east of the U.S. 131 Freeway, for single-family subdivisions platted after the effective date of this footnote (September 3, 1991), the minimum lot size shall be 7,400 square feet; the minimum lot width, 60 feet; the minimum one-story ground floor area, 960 square feet; and the minimum habitable floor area, 960 square feet.

Sec. 90-415A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

R-4 Residential District

Sec. 90-416A PRINCIPAL PERMITTED USES

In the R-4 residential district, the following uses are permitted:

(1) All principal permitted uses in the R-3 district.

(2) All permitted uses after special approval in the R-3 district.

(3) Multiple-family dwellings, including apartments, townhouses and row houses, provided all such dwellings shall have at least one property line abutting a major thoroughfare or have vehicular access to a major thoroughfare through property zoned R-4 or R-5. All ingress and egress shall be directly onto such major thoroughfare.

(4) Private educational facilities.

(5) Convalescent and nursing homes.

(6) Foster care group homes.

(7) Boardinghouses (rooming houses).

(8) Accessory buildings and uses customarily incidental to the above uses.

(9) Off-street parking.

(10) Nursery schools, day nurseries and child care facilities for the care of seven or more people.

(Code 1983, § 60.45)

Sec. 90-417A PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the R-4 residential district subject to the approval of the planning commission: Medical clinics, medical office complexes, dental clinics and community centers.

(Code 1983, § 60.46; Ord. No. 13-01, § 1, 6-4-01; Ord. No. 7-09, § 2, 12-21-09)

Sec. 90-418A SCREENING REQUIREMENT

Where required parking lots for any use permitted in an R-4 residential district are erected, a solid masonry or concrete wall or other barrier of material approved by the planning commission, which shall be a minimum of three feet in height, shall be required along such parking lot boundary line to prevent car headlights from shining into other residential zones.

(Code 1983, § 60.47)

Sec. 90-419A DEVELOPMENT STANDARDS

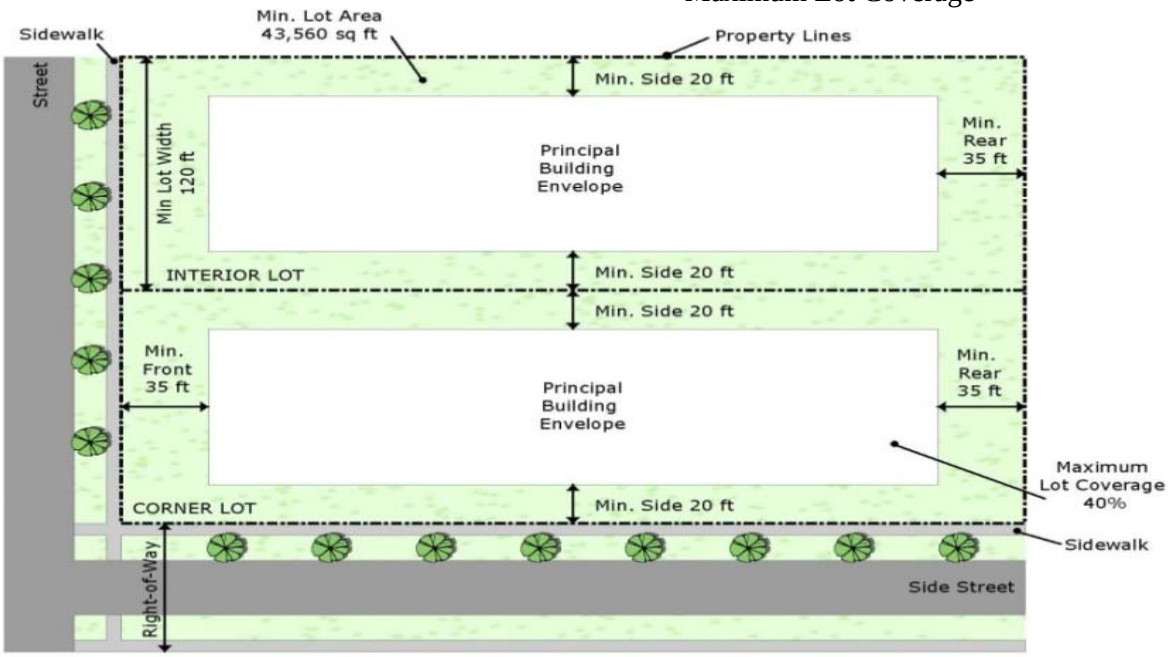
Minimum Lot Area (1)	43,560 sq ft
Minimum Lot Width	120 ft
Minimum Front Yard (3)(5)	35 ft
Minimum Rear Yard (4)	35 ft
Minimum Side Yard (2)(4)	20 ft

In the R-4 residential district where multiple-family dwellings are permitted, the required floor space per unit shall be as follows:

Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet

(plus 80 square feet for each bedroom over three bedrooms in a dwelling unit)
However, not more than five percent of the units may be of the efficency type.

Maximum Building Height	35 ft
Maximum Lot Coverage	40%



Sec. 90-420A SPECIFIC REQUIREMENTS

(1) Minimum land area for each dwelling unit in the R-4 residential district shall be:

	Land Area in Square Feet	
Dwelling Unit Size	No Second Floor Hallway for Common Use	With Second Floor for Common Use
Efficiency or one-bedroom	3,800	2,600
Two-bedroom unit	4,200	3,000
Three-bedroom unit	4,600	3,400
Four-or more bedroom	5,000	4,000

(2) In the R-4 residential district for every lot on which a multiple, row or terrace dwelling is erected, there shall be a yard space on each side of the lot. This yard space shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof, by which the length or width of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension, along with the adjoining side lot line. Where two or more multiple, row or terrace dwellings are erected upon the same lot, there shall be a minimum of 20 feet in width between structures. This yard width shall be increased by two feet for each ten feet or part thereof, by which each multiple, row or terrace dwelling structure, having common yards, exceeds 40 feet in length on that side of the dwelling structure facing the common yard, or this yard space shall be increased by two feet for each five feet or part thereof, by which each permitted multiple dwelling structure, having common yards, exceeds 40 feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

(3) In the R-4 residential district parking shall not be permitted in the 25 feet of the front yard depth closest to the abutting street.

(4) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(5) In the R-4 residential district and for uses other than one- and two-family there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

Sec. 90-421A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6

(3) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

R-5 Residential District

Sec. 90-422A PRINCIPAL PERMITTED USES

In the R-5 residential district, the following uses are permitted:

(1) All principal permitted uses in the R-4 residential district.

(2) High-rise, multiple-family residential structures, subject to the following conditions:

(a) The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from such thoroughfare.

(b) The entire area of the site shall be designed to serve the residents of the site; and any accessory buildings, uses or services shall be developed primarily for the use of residents of the site. Uses considered as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas and other similar uses.

(3) Accessory buildings and uses customarily incidental to the above uses.

(4) All permitted uses after special approval in the R-4 residential district.

(5) Off-street parking.

(Code 1983, § 60.48)

Sec. 90-423A PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the R-5 residential district, subject to the approval of the planning commission: Retail and service uses located within high-rise multiple-family structures.

(Code 1983, § 60.49)

Sec. 90-424A SCREENING REQUIREMENT

Where required, parking lots of any use permitted in an R-5 residential district are erected such that the headlights of the cars in the parking lot will face any residentially zoned property, a solid masonry or concrete wall or other barrier of material approved by the planning commission, which shall be a minimum of three feet in height, shall be required along the parking lot boundary line.

(Code 1983, § 60.50)

Sec. 90-425A DEVELOPMENT STANDARDS

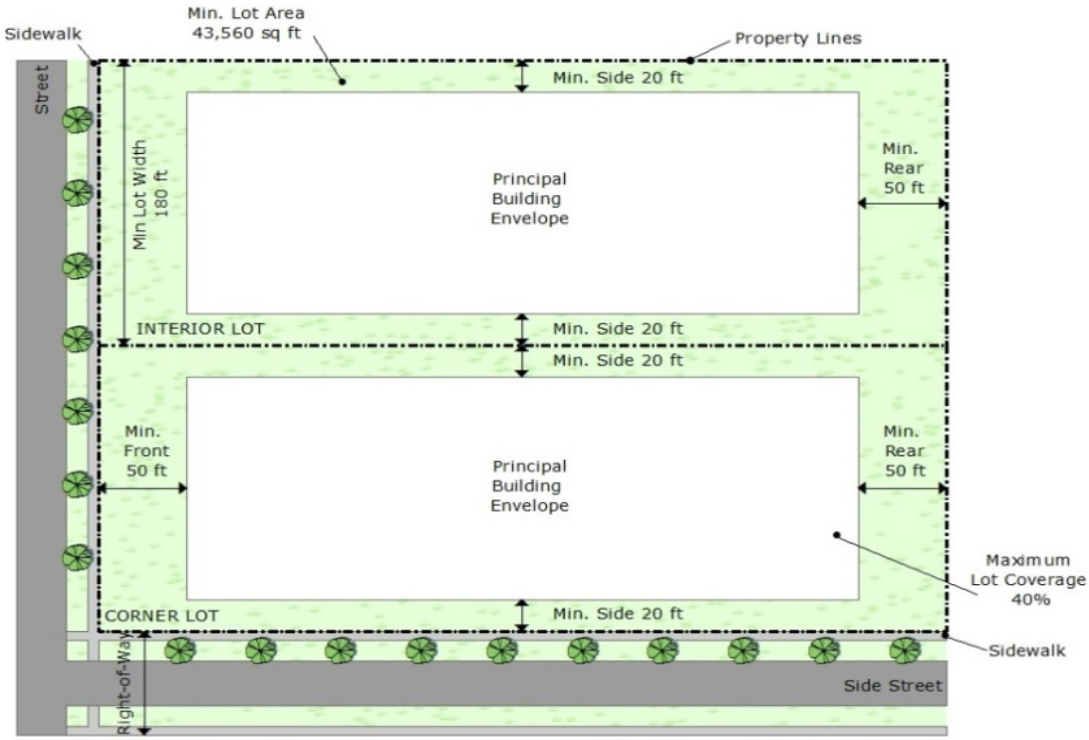
Minimum Lot Area (1)	87,120 sq ft
Minimum Lot Width	180 ft
Minimum Front Yard (3)(5)	50 ft
Minimum Rear Yard (4)	50 ft
Minimum Side Yard (2)(4)	20 ft

In the R-5 district where multiple-family dwellings are permitted, the required floor space per unit shall be as follows:

Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet

(plus 80 square feet for each bedroom over three bedrooms in a dwelling unit)
However, not more than five percent of the units may be of the efficency type

Maximum Building Height	120ft
Maximum Lot Coverage	40%



Sec. 90-426A SPECIFIC REQUIREMENTS

(1) Minimum land area required for each dwelling unit in the R-5 residential district shall be the same as required in the R-4 district for buildings less than four stories in height. Where building height is four stories or greater, minimum land area per dwelling unit shall be based upon dwelling unit size and building height as follows:

Height of Building (in Residential Stories)	Land Area in Square Feet per Habitable Room*
4	600
5	550
6	500
7	450
8	400
9	350
10	300

(2) In the R-5 residential district for every lot on which a multiple, row or terrace dwelling is erected, there shall be a yard space on each side of the lot. This yard space shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof, by which the length or width of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension, along with the adjoining side lot line. Where two or more multiple, row or terrace dwellings are erected upon the same lot, there shall be a minimum of 20 feet in width between structures. This yard width shall be increased by two feet for each ten feet or part thereof, by which each multiple, row or terrace dwelling structure, having common yards, exceeds 40 feet in length on that side of the dwelling structure facing the common yard, or this yard space shall be increased by two feet for each five feet or part thereof, by which each permitted multiple dwelling structure, having common yards, exceeds 40 feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

(3) In the R-5 residential district parking shall not be permitted in the 25 feet of the front yard depth closest to the abutting street.

(4) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(5) In the R-5 residential district and for uses other than one- and two-family there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

Sec. 90-427A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

R-6 Residential District

Sec. 90-428A PRINCIPAL PERMITTED USES

In the R-6 residential district, the following uses are permitted:

(1) Mobile homes.

(2) Mobile home parks, which shall be subject to the requirements as established and regulated by Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., as amended.

(3) Public, parochial or private elementary, intermediate and high schools offering courses in general education, not operated for profit.

(4) Churches and church facilities normally incidental thereto, provided that ingress and egress from such site is into a major thoroughfare or collector street. The minimum site size shall be three acres.

(5) Accessory uses and buildings customarily incidental to the above uses.

(6) Off-street parking. Article 6

(Code 1983, § 60.51)

Sec. 90-429A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10

(b) Permits. Section 90-1008

(c) Non-conforming lot and uses. Article 9

R-7 Residential District

Sec. 90-430A PURPOSE OF ARTICLE

The R-7 residential district is intended to provide areas for development of higher quality multiple-family housing, including condominiums, which, based on greater setbacks, varying building styles and lower overall density, will be more compatible with adjoining single-family zoning districts than conventional multiple-family housing.

(Code 1983, § 60.260)

Sec. 90-431A PRINCIPAL PERMITTED USES

In the R-7 residential district, the following uses are permitted:

(1) All principal permitted uses in the R-3 district.

(2) Multiple-family dwellings, including apartments, townhouses and row houses, provided all such dwellings shall have at least one property line abutting a major thoroughfare or have vehicular access to a major thoroughfare through property zoned R-4, R-5 or R-7. All ingress and egress shall be directly onto such major thoroughfare.

(Code 1983, § 60.260)

Sec. 90-432A PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted subject to the approval of the planning commission:

(1) All permitted uses after special approval in the R-1, R-2 and R-4 residential districts.

(2) Private educational facilities.

(3) Convalescent and nursing homes.

(4) Foster care group homes.

(5) Boardinghouses (rooming houses).

(Code 1983, § 60.261)

Sec. 90-433A SCREENING REQUIREMENT

Where required parking lots for any use permitted in an R-7 residential district are erected, a solid masonry or concrete wall or other barrier of material approved by the planning commission, which shall be minimum of three feet in height, shall be required along such parking lot boundary line to prevent car headlights from shining into other residential zones.

(Code 1983, § 60.262)

Sec. 90-434A DEVELOPMENT STANDARDS

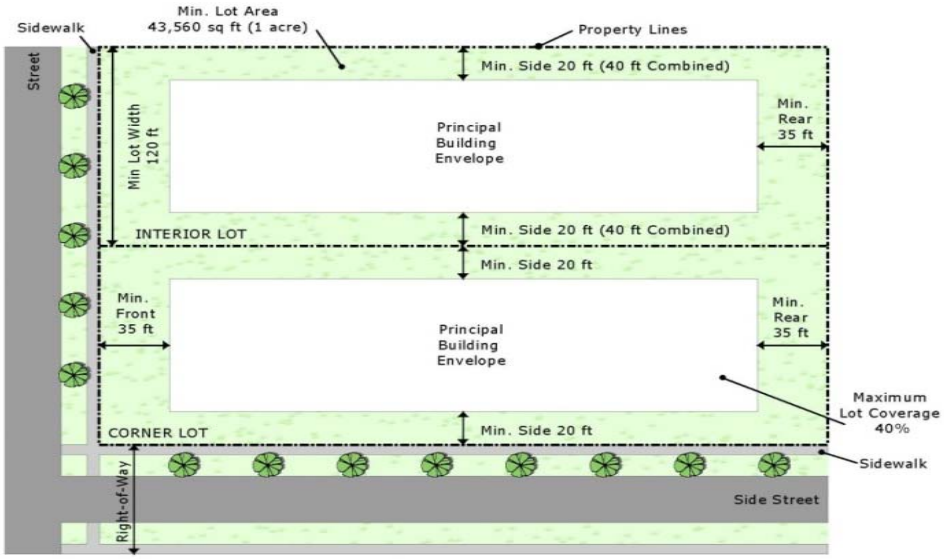
Minimum Lot Area (1)	43,560 sq ft
Minimum Lot Width	120 ft
Minimum Front Yard (3)(5)	35 ft
Minimum Rear Yard (4)	35 ft
Minimum Side Yard (2)(4)	20 ft
Minimum Combined Side Yard (5)	40 ft

In the R-7 residential district where multiple-family dwellings are permitted, the required floor space per unit shall be as follows:

Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet

(plus 80 square feet for each bedroom over three bedrooms in a dwelling unit)
However, not more than five percent of the units may be of the efficency type

Maximum Building Height 35 ft
Maximum Lot Coverage 40%



Sec. 90-435A SPECIFIC REQUIREMENTS

(1) Minimum land area for each dwelling unit in the R-7 residential district shall be:

	Land Area in Square Feet	
Dwelling Unit Size	No Second Floor Hallway for Common Use	With Second Floor for Common Use
Efficiency or one-bedroom unit	5,400	3,600
Two-bedroom unit	6,000	4,200
Three-bedroom unit	6,600	4,800
Four- or more bedroom units	7,200	5,400

(2) In the R-7 residential district for every lot on which a multiple, row or terrace dwelling is erected, there shall be a yard space on each side of the lot. This yard space shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof, by which the length or width of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension, along with the adjoining side lot line. Where two or more multiple, row or terrace dwellings are erected upon the same lot, there shall be a minimum of 20 feet in width between structures. This yard width shall be increased by two feet for each ten feet or part thereof, by which each multiple, row or terrace dwelling structure, having common yards, exceeds 40 feet in length on that side of the dwelling structure facing the common yard, or this yard space shall be increased by two feet for each five feet or part thereof, by which each permitted multiple dwelling structure, having common yards, exceeds 40 feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

(3) In the R-7 residential district parking shall not be permitted in the 25 feet of the front yard depth closest to the abutting street

(4) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(5) In the R-7 residential district and for uses other than one- and two-family there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

(6) Screening requirement. Where required parking lots for any use permitted in an R-7 residential district are erected, a solid masonry or concrete wall or other barrier of material approved by the planning commission, which shall be minimum of three feet in height, shall be required along such parking lot boundary line to prevent car headlights from shining into other residential zones (Code 1983, § 60.262).

Sec. 90-436A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Refuse Disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

ER Estate Residential District

Sec. 90-437A PRINCIPAL PERMITTED USES

(1) Single-family detached dwellings. For mobile home standards see section 90-307.

(2) Churches and church facilities normally incidental thereto, provided that ingress and egress from the site is onto a major thoroughfare or collector street. Church sites shall be a minimum of three acres.

(3) Publicly owned facilities.

(3) Off-street parking.

(4) Accessory buildings and uses customarily incidental to the principal permitted uses.

(5) Foster care facilities, nursery schools, day nurseries and child care facilities for the care of not more than six people as defined by the Michigan Family Independence Agency.

(6) Home occupations.

(Code 1983, § 60.41; Ord. No. 15-97, § 2, 6-16-97; Ord. No. 18-98, § 3, 8-17-98) **(Code 1983, § 60.230)**

Sec. 90-438A SPECIAL PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the approval of the planning commission:

(1) Private parks, country clubs, golf courses and golf driving ranges adjoining a golf course or country club.

(2) Telephone exchange buildings, electric transformer stations and substations and gas regulator stations.

(3) Nursery schools, day nurseries and child care facilities for the care of seven or more people.

(4) Cemeteries.

(5) Mineral extraction, borrow pit and topsoil removal.

(6) Commercial greenhouses.

(7) Adult education facilities not operated for profit.

(8) Agricultural uses.

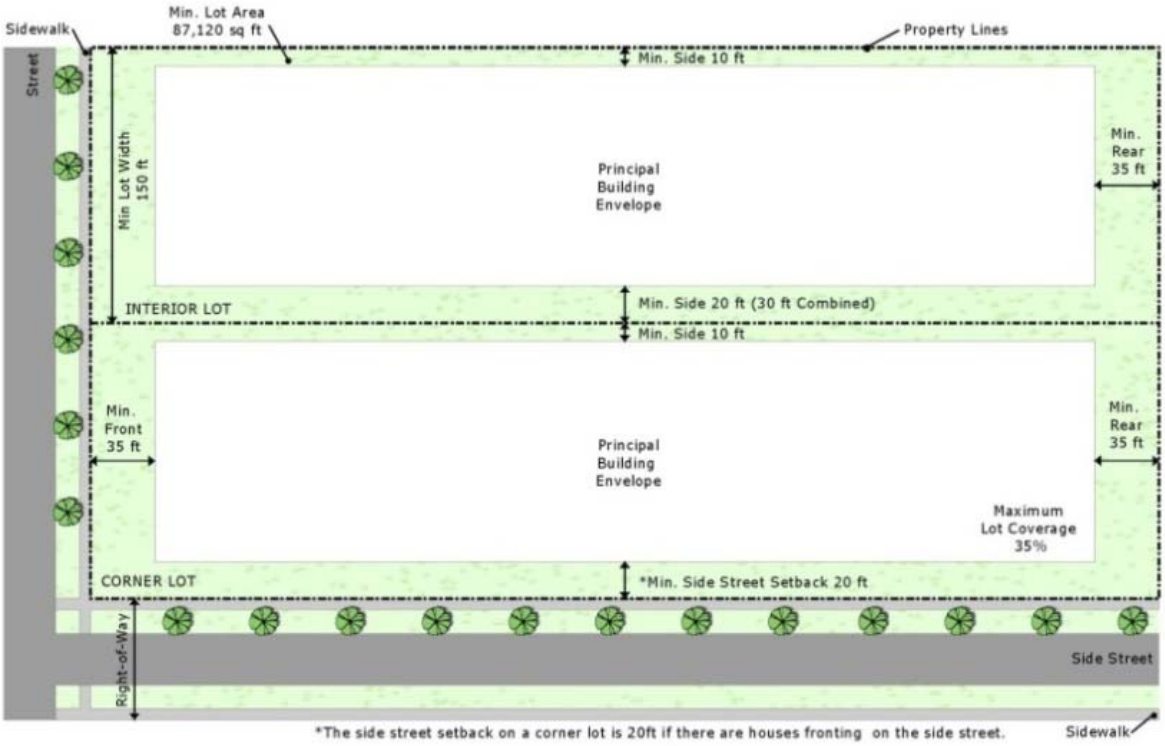
(9) Community centers.

(10)Public, parochial or private elementary, intermediate or high schools.
(Code 1983, § 60.42; Ord. No. 18-98, § 1, 8-17-98; Ord. No. 7-09, §§ 1, 5, 12-21-09) **(Code 1983, § 60.231)**

Sec. 90-439A DEVELOPMENT STANDARDS

Minimum Lot Area (2)	87,120 sq ft
Minimum Lot Width	150 ft
Minimum Front Yard (3)(7)	35 ft
Minimum Rear Yard (4)	35 ft
Minimum Side Yard (4)(5)	10 ft
Minimum Combined Side Yard (6)	30 ft

Minimum Ground Floor Building Size (8)	
One-Story	1,500 sq ft
1 ½-Story	1,100 sq ft
Two-Story	864 sq ft
Bi-Level	960 sq ft
Split Level	1,280 sq ft
Tri-Level	1,280 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	35%
Minimum Number of Parking Spaces/Unit	2
Greenbelts (3)	



Sec. 90-440A SPECIFIC REQUIREMENTS

(1) In the ER estate residential district, for subdivisions with a minimum of five lots platted subsequent to the effective date of the section, all the minimum requirements of Section 90-403A that apply to the R-1 district may be substituted for those of the ER district, provided the appropriate piping and related facilities for water and sewer systems are supplied by the developer for the plat and approved by the engineering department. Internal streets which meet city requirements shall be constructed for access to the lots. If hookups to the city water or sanitary sewer are unavailable to the plat, individual lot wells and/or septic systems may be added

However, minimum lot size shall be 20,000 square feet if the water system cannot be connected to the city water systems. In addition, in the ER district, property owners may establish an open space preservation development. For each whole two-acre parcel that, under the applicable regulations of the city, could otherwise be created on up to 80 percent of the parent parcel, the landowner may create parcels at a lesser size if all of the following are established.

(a) All lots shall have a minimum of 20,000 square feet.

(b) All lots shall have a minimum of 150 feet in width along a public street.

(c) A minimum of 20 percent of the overall land area shall perpetually remain in an undeveloped state by means of a conservation easement or restrictive covenant that runs with the land.

(d) The development of land under this option is subject to the other applicable ordinances, laws and rules, including rules relating to suitability of groundwater for on-site water supply, suitability of soils for on-site sewage disposal, and restriction of development due to floodplains or designated wetlands.

(e) This option may be utilized once within the boundary of the original parcel.

(f) Approval of the open space preservation development shall be subject to site plan approval by the planning commission. All required information, including a yield plan showing the maximum number of housing units under the ER district's standard provisions, shall be submitted to the planning department prior to review.

(2) Regardless of any smaller minimum lot area requirement, for subdivisions platted subsequent to January 31, 1989, where both operable public water and public sewer are not provided, the minimum lot area for single-family housing shall be 12,000 square feet, with a minimum lot width of 75 feet, except that minimum lot area shall be 20,000 square feet if public water is not provided to the lot.

(3) Where 25 percent or more of the lots in a block frontage are occupied by buildings, the average setback line of the existing buildings on both of the adjacent lots, when there are existing buildings on both of the adjacent lots, shall be the minimum required setback for any new building or for a new addition to an existing building.

(4) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(5) Side yard building setback for principal non-residential buildings shall be a minimum 25 feet.

(6) Side yard requirements shall not be less than 20 feet if the side yard abuts a street having residences fronting.

(7) For uses other than one- and two-family in all the residential districts, there shall be a 25-foot wide front yard greenbelt and a 25-foot wide secondary front yard greenbelt. The greenbelt shall be landscaped in accordance with the provisions of section 90-64.

(8). Minimum habitable floor area per dwelling unit shall be 1,500 square feet in the ER district zone. Habitable floor area shall be living area as defined in the Michigan Building Code and shall include hallways, closets and bathrooms

(9) Attached garages and basements are required for all single-family dwellings in the ER district with the following exceptions, as determined by the chief building official:

(a) Basements are not required for bi-level or tri-level structures.

(b) Basements are not required if the existing water table makes such construction infeasible.

(c) Basements and attached garages are not required for structures built on lots existing prior to August 2, 1988, the effective date of this subsection.

Sec. 90-441A ADDITIONAL REGULATIONS

(1) General Requirements

(a) Accessory Buildings. Section 90-311
(b) Fence Regulations. Section 90-312
(c) Landscaping for non-residential uses. Section 90-328
(d) Projections into yards. Section 90-306
(e) Parking of recreational vehicles. Section 90-314
(f) Commercial vehicles in residential districts. Section 90-315
(g) Signs. Article 7

(h) Off-street parking. Article 6

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Appeals and Administration

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

ARTICLE 4B
BUSINESS, OFFICE, INDUSTRIAL, AND PARKING ZONING DISTRICTS

B-1 Local Business District

B-2 General Business District

B-3 Planned Shopping Business District

RO-1 Restricted Office District

I-1 Light Industrial District

I-2 General Industrial District

I-3 Restricted Industrial District

P-1 Vehicular Parking District

Michigan Zoning Map", together with all notations, which map is hereby adopted and made a part of this chapter. The zoning map may be maintained by the city in such form as shall from time to time be deemed appropriate including an electronic database or information system. Unless otherwise shown on the zoning map, the district boundary lines follow lot lines or the centerlines of streets or alleys or such lines extended and the corporate limits of the city as they existed on January 3, 1979, and as subsequently revised. If the exact location of any district boundary line cannot be determined by the zoning map, it shall be resolved by the board of zoning appeals.
(Code 1983, § 60.3; Ord. No. 20-06, § 1, 7-3-06)

B-1 Local Business District

Sec. 90-401B PRINCIPAL PERMITTED USES

In the B-1 business district, the following uses are permitted:

(1) Banks.

(2) Savings and loans.

(3) Mortgage companies.

(4) Uses similar to the above.

(5) Clothing services as follows:

(a) Laundry agency.

(b) Self-service laundry and dry cleaning.

(c) Dry cleaning establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonexplosive and nonflammable.

(d) Dressmaking.

(e) Millinery.

(f) Tailor and pressing shop.

(g) Shoe repair shop.

(6) Equipment services as follows:

(a) Radio or television shop.

(b) Electric appliance shop.

(c) Watch repair shop.

(d) Shoe repair shop.

(e) Uses similar to the above.

(7) Food service (excluding drive-in type businesses), the business of which shall be conducted entirely within an enclosed building, except that outdoor seating areas shall be permitted (such seating areas may be located in required yard setbacks, provided that such seating shall not impede pedestrian walkways or parking lots, and shall not include table service; all such seating shall be removed when out of season), as follows:

(a) Grocery, baked goods and delicatessen.

(b) Restaurant.

(c) Ice cream stand or shop.

(d) Uses similar to the above.

(8) Offices as follows:

(a) Business.

(b) Medical.

(c) Professional.

(9) Personal services as follows:

(a) Barbershop.

(b) Beauty shop.

(c) Health salon.

(d) Photographic studio.

(e) Uses similar to the above.

(10) Retail service and retail stores generally as follows:

(a) Drugstore.

(b) Hardware store, paint and wallpaper.

(c) Stationer.

(d) News dealer.

(e) Apparel shop.

(f) Household appliances.

(g) Flower shop.

(h) Gift shop.

(i) Variety stores.

(j) Bookstores, recordings and videos for sale or rental, except those defined as an adult bookstore.

(11) Accessory buildings and uses customarily incidental to the above uses.

(12) Off-street parking.

(13) Municipal buildings and uses.

(Code 1983, § 60.52; Ord. No. 2-96, § 1, 2-20-96; Ord. No. 8-00, § 2, 5-15-00; Ord. No. 3-11, § 2, 5-2-11)

Sec. 90-402B PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the B-1 business district subject to the approval of the planning commission:

(1) Public utility buildings, telephone exchange buildings, electric transformers.

(2) Radio and television towers.

(3) Secondhand dealer.

(4) Drive through restaurants.

(Code 1983, § 60.53; Ord. No. 02-08, § 1, 2-4-08; Ord. No. 02-09, § 1, 4-6-09; Ord. No. 3-11, § 3, 5-2-11; Ord. No. 17-14, § 1, 8-4-14)

Sec. 90-403B REQUIRED CONDITIONS

The following conditions are required for all uses in the B-1 business district:

(1) All business, service, processing or storage shall be conducted wholly within a completely enclosed building. All lighting in connection with permitted business uses shall be so arranged as to reflect away from all adjoining residence buildings or residentially zoned properties.

(2) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced or processed on the premises shall be sold at retail on the premises where produced or processed.

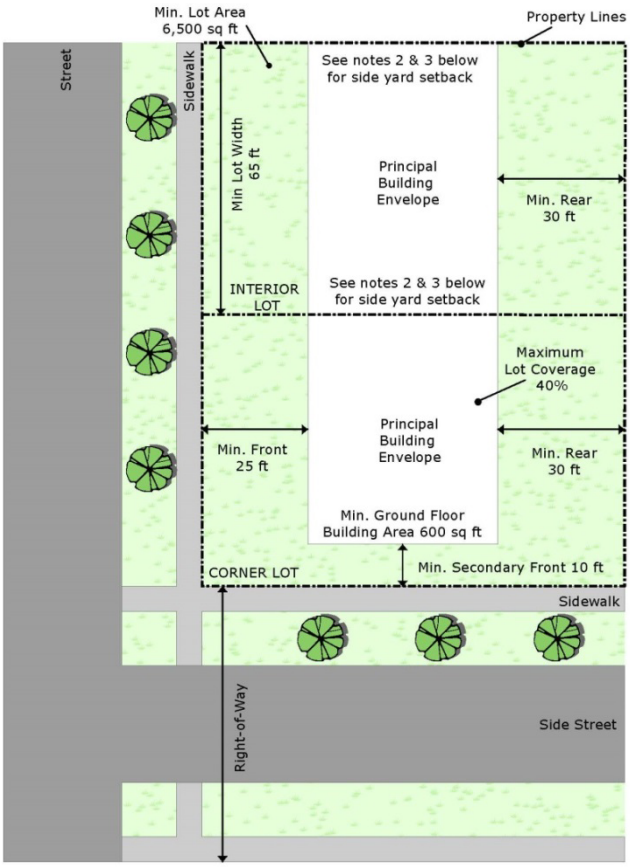
(Code 1983, § 60.54)

Sec. 90-404B DEVELOPMENT STANDARDS

Minimum Lot Area (1)(5)	6,500 sq ft
Minimum Lot Width (1)(5)	65 ft
Minimum Front Yard (4)(5)	25 ft
Minimum Rear Yard (3)	30 ft
Minimum Side Yard (2)(3)	
Minimum Ground Floor Building Area	600 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%

Sec. 90-405B SPECIFIC REQUIREMENTS

(1) Lots existing prior to June 3, 1991 may be utilized for building purposes provided that they are at least 40 feet in width, 4,000 square feet in area and that minimum required yard setbacks can be met.



(2) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.

(3) Where a B-1 business district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-1 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-1 business district and the residentially zoned district, no fence is required.

(4)

(a) For the secondary front yard, there shall be a minimum front yard setback of ten feet except for along major thoroughfares where the minimum setback shall be 25 feet.

b) A landscaped greenbelt, as described in section 90-64, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

Sec. 90-406B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10

(b) Permits. Section 90-1008

(c) Non-conforming lot and uses. Article 9

B-2 General Business District

Sec. 90-407B PRINCIPAL PERMITTED USES

(1) All uses permitted in the B-1 business district.

(2) Retail businesses whose principal activity is the sale of new merchandise within a completely enclosed building. Up to 15 percent of the sales area may be used for the sale of used merchandise.

(3) Business service establishments, such as office machine, printing and copying.

(4) Any service establishment of an office, showroom or workshop nature, such as a decorator, upholsterer, caterer, exterminator, building contractor and similar establishments that require outlet, except that no outdoor storage yards shall be permitted.

(5) Physical culture facilities, such as gymnasiums and reducing salons.

(6) Automobile, truck, motorcycle, trailer, recreation vehicle or boat showrooms, excluding outdoor storage or display of sales product.

(7) Business schools or private schools operated for a profit.

(8) Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations.

(9) Hotels and motels.

(10) Printing and publishing.

(11) Bus passenger station.

(12) Funeral homes or mortuaries.

(13) Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens and other similar uses.

(14) Commercial greenhouses of less than 1,000 square feet in floor area.

(15) Business recreation uses as follows:

(a) Indoor theater.

(b) Bowling alley.

(c) Dancehall.

(d) Skating rink.

(16) Accessory buildings and uses customarily included incidental to the above uses.

(17) Off-street parking.

(18) Reserved.

(19) Reserved.

(20) Nursery schools, day nurseries and child care facilities for the care of seven or more people.

(21) Reserved.

(22) Athletic training facility.

(Code 1983, § 60.55; Ord. No. 15-99, § 2, 11-15-99; Ord. No. 03-07, § 1, 2-5-07; Ord. No. 7-09, § 6, 12-21-09; Ord. No. 14-12, §§ 2, 3, 1-7-13; Ord. No. 12-13, § 5, 9-3-13; Ord. No. 5-14, § 1, 3-17-14)

Sec. 90-408B PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the B-2 business district, subject to the approval of the planning commission:

(1) All principal permitted uses after special approval in the B-1 business district.

(2) Amusement machine parlors.

(3) Automobile car wash establishments.

(4) Drive through restaurants.

(5) Automobile gasoline and automobile service stations.

(6) Wholesale stores, storage facilities, warehouses, distributing plants, freezers and lockers. Not permitted in the downtown development authority area.

(7) Open air business uses. Not permitted in the downtown development authority area, with the exception of outdoor dining with table service.

(8) New or used motor vehicles, except those trucks exceeding 5,500 pounds in vehicle weight, or recreation vehicles, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment sales or rental, wherein motor vehicles or recreation vehicles are stored or displayed outside.

(9) New or used mobile homes, excavation equipment, machinery or farm implement sales. Not permitted in the downtown development authority area.

(10) Commercial greenhouses exceeding 1,000 square feet of floor area. Not permitted in the downtown development authority area.

(11) College or university.

(12) Radio or television tower.

(13) Uses similar to the principal permitted uses of section 90-448 and not listed elsewhere in this chapter as a principal permitted use or special approval use.

(14) Boardinghouses. Not permitted in the downtown development authority area.

(15) Cocktail lounges, nightclubs and taverns.

(16) Adult businesses as defined in section 14-88 of this Code. Not permitted in the downtown development authority area.

(17) Billiard rooms and pool halls. Not permitted in the downtown development authority area.

(18) Sales of used merchandise, pawnshop or secondhand dealers, and rental of new or used merchandise excluding motor vehicles.

(19) Multiple family.

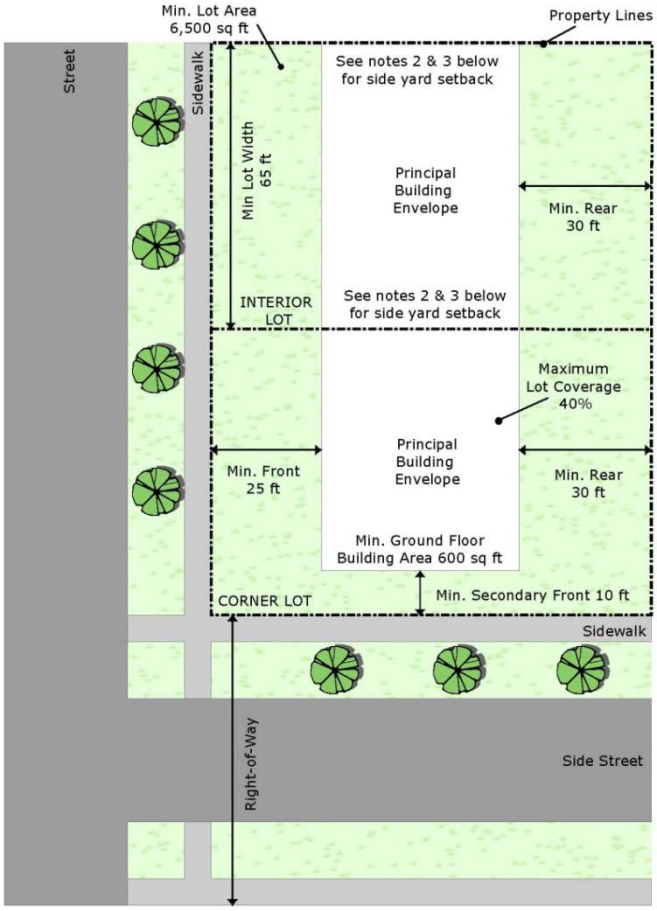
(20) Assembly halls and churches.

(21) Community centers.

(Code 1983, § 60.56; Ord. No. 15-97, §§ 3, 4, 6-16-97; Ord. No. 21-98, § 2, 10-5-98; Ord. No. 15-99, § 3, 11-15-99; Ord. No. 12-00, § 2, 7-17-00; Ord. No. 10-01, § 3, 5-21-01; Ord. No. 15-01, § 2, 8-6-01; Ord. No. 19-03, § 1, 10-6-03; Ord. No. 02-07, § 1, 1-8-07; Ord. No. 03-07, § 2, 2-5-07; Ord. No. 7-09, § 6, 12-21-09; Ord. No. 3-11, §§ 4, 5, 5-2-11; Ord. No. 17-14, § 2, 8-4-14)

Sec. 90-409B DEVELOPMENT STANDARDS

Minimum Lot Area (1)(5)	6,500 sq ft
Minimum Lot Width (1)(5)	65 ft
Minimum Front Yard (4)(5)	25 ft
Minimum Rear Yard (3)	30 ft
Minimum Side Yard (2)(3)	
Minimum Ground Floor Building Area	600 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%



Sec. 90-410B SPECIFIC REQUIREMENTS

(1) Lots existing prior to June 3, 1991 may be utilized for building purposes provided that they are at least 40 feet in width, 4,000 square feet in area and that minimum required yard setbacks can be met.

(2) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.

(3) Where a B-2 district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-2 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-2 business district and the residentially zoned district, no fence is required.

(4)

(a) For the secondary front yard, there shall be a minimum front yard setback of ten feet except for along major thoroughfares where the minimum setback shall be 25 feet.

(b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of property which abuts 28th Street.

(c) A landscaped greenbelt, as described in section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

(5) For all properties which border 28th Street, the front lot line shall be deemed as bordering 28th Street, the minimum front yard shall be 50 feet, the minimum lot width shall be 100 feet and the minimum lot depth shall be 200 feet.

Sec. 90-411B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

B-3 Planned Shopping Business District

Sec. 90-412B PRINCIPAL PERMITTED USES

In the B-3 business district the following uses are permitted:

(1) Uses permitted in the B-1 district.

(2) Department, variety and general merchandise stores.

(Code 1983, § 60.57; Ord. No. 14-12, § 4, 1-7-13)

Sec. 90-413B SPECIAL USES

The following uses shall be permitted in the B-3 business district, subject to the approval of the planning commission:

(1) All principal permitted uses allowed in the B-2 district.

(2) Radio, television, microwave or wireless communication towers.

(3) Community centers.

(4) Secondhand dealers.

(5) Drive through restaurants.

(Code 1983, § 60.58; Ord. No. 15-97, § 5, 6-16-97; Ord. No. 21-98, § 3, 10-5-98; Ord. No. 02-09, § 2, 4-6-09; Ord. No. 7-09, § 7, 12-21-09; Ord. No. 3-11, § 9, 5-2-11; Ord. No. 17-14, § 3, 8-4-14)

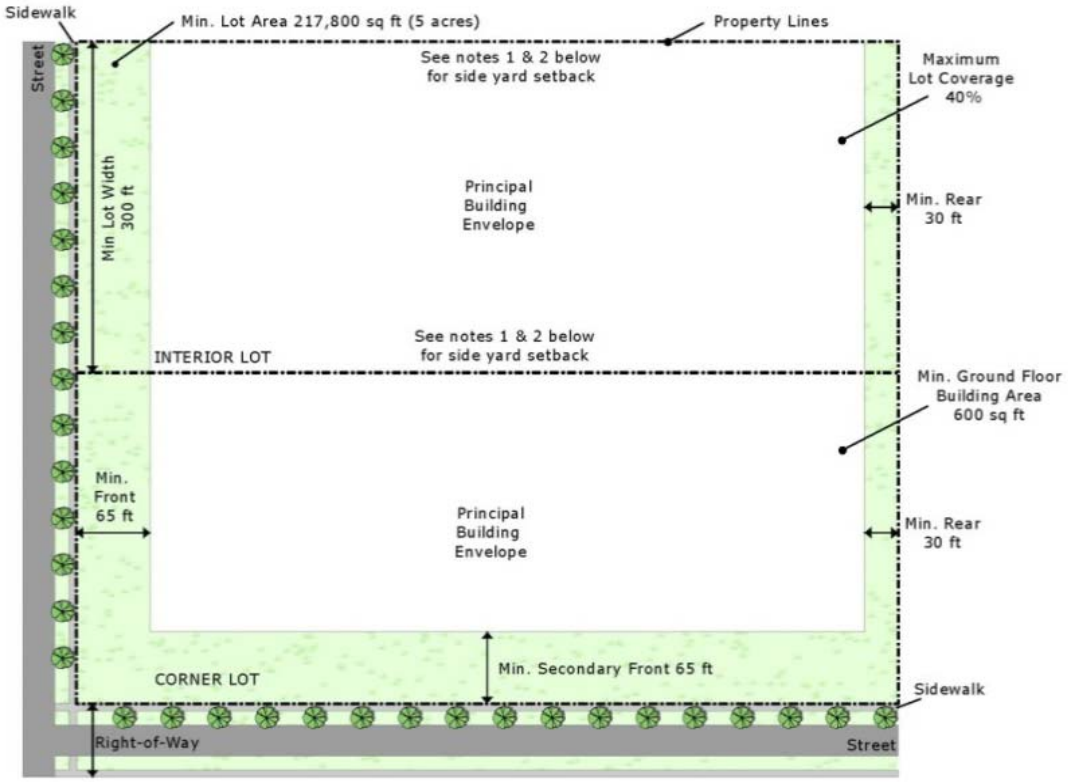
Sec. 90-414B SITE PLAN REVIEW AND SPECIAL CONDITIONS

Site plan review is required of all principal uses in accordance with this chapter. The submitted site plan must encompass the total property of the applicant that is zoned B-3 business district. All designs in the site plan must be compatible with the designs of the adjoining sites.
(Code 1983, § 60.59)

Sec. 90-415B DEVELOPMENT STANDARDS

Minimum Lot Area	217,800 sq ft
Minimum Lot Width (4)	300 ft
Minimum Front Yard (3)(4)	65 ft
Minimum Rear Yard (2)	30 ft
Minimum Side Yard (1)(2)	

Minimum Ground Floor Building Area	600 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%



Sec. 90-416B SPECIFIC REQUIREMENTS

(1) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.

(2) Where a B-3 business district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-3 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-3 business district and the residentially zoned district, no fence is required.

(3)

(a) For the secondary front yard, there shall be a minimum front yard setback of 65 feet.

(b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of all property in the B-3 business district.

(c) A landscaped greenbelt, as described in Section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

Sec. 90-417B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10

(b) Permits. Section 90-1008

(c) Non-conforming lot and uses. Article 9

RO-1 Restricted Office District

Sec. 90-418B PRINCIPAL PERMITTED USES

In the RO-1 restricted office district, the following uses are permitted:

(1) Office buildings for any of the following occupations: Executive, administrative, professional, accounting, clerical, stenographic, drafting and office equipment and supply sales;

(2) Medical offices, including clinics;

(3) Financial institutions; and

(4) Accessory buildings and uses customarily incidental to the above uses.

(Code 1983, § 60.220)

Sec. 90-419B LOT AND AREA REQUIREMENTS

All uses permitted in the RO-1 restricted office district as principal or special use approvals shall be subject to the same lot and area requirements as for B-1 business district as indicated in section 90-404B.

(Code 1983, § 60.222; Ord. No. 10-14, § 1, 6-2-14)

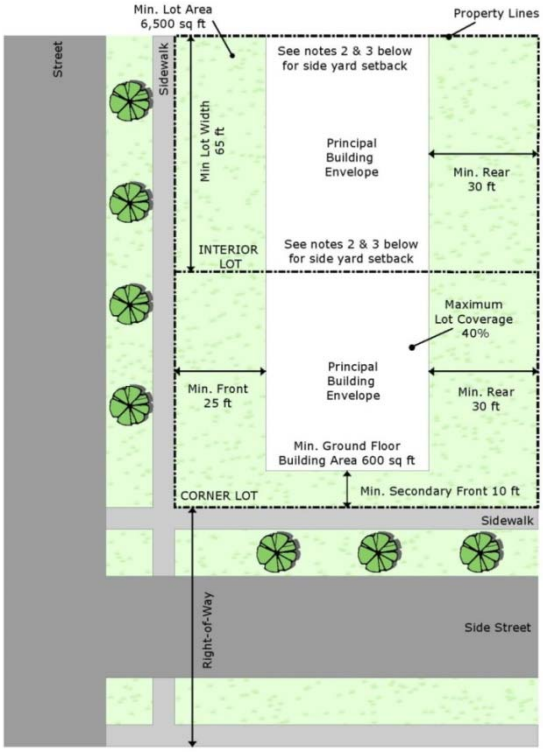
Sec. 90-420B PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted in the RO-1 restricted office district, subject to the approval of the planning commission: all permitted uses in the B-1 business district. Uses allowed under this provision must be located within office buildings and are restricted to no more than 25 percent of the building's first floor square footage. Drive-through services are not permitted, except for financial institutions.

(Ord. No. 11-07, § 1, 4-2-07)

Sec. 90-421B DEVELOPMENT STANDARDS

Minimum Lot Area (1)(5)	6,500 sq ft
Minimum Lot Width (1)(5)	65 ft
Minimum Front Yard (4)(5)	25 ft
Minimum Rear Yard (3)	30 ft
Minimum Side Yard (2)(3)	
Minimum Ground Floor Building Area	600 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%



Sec. 90-422B SPECIFIC REQUIREMENTS

(1) Lots existing prior to June 3, 1991 may be utilized for building purposes provided that they are at least 40 feet in width, 4,000 square feet in area and that minimum required yard setbacks can be met.

(2) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.

(3) Where a B-1 business district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-1 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-1 business district and the residentially zoned district, no fence is required.

(4) (a) For the secondary front yard, there shall be a minimum front yard setback of ten feet except for along major thoroughfares where the minimum setback shall be 25 feet.

(b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of property which abuts 28th Street.

(c) A landscaped greenbelt, as described in Section 90-328 shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

(5) For all properties which border 28th Street, the front lot line shall be deemed as bordering 28th Street, the minimum front yard shall be 50 feet, the minimum lot width shall be 100 feet and the minimum lot depth shall be 200 feet.

Sec. 90-423B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

I-1 Light Industrial District

Sec. 90-424B PERMITTED USES

The following uses are permitted in the I-1 light industrial district within an enclosed building:

(1) The wholesaling or warehousing of any item except for the sale or leasing of motor vehicles.

(2) Industrial establishments as follows:

(a) The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering and animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.

(b) The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, felt, fibre, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.

(c) Tool and die shops; metal-working machine shops involving the use of grinding or cutting tools, manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton and cardboard products.

(d) Laboratories, research or testing.

(e) Central dry cleaning plants and laundries.

(3) Public utility buildings, telephone exchange buildings and electric transformers.

(4) Accessory buildings and uses customarily incidental to the above uses.

(5) Off-street parking.

(6) Office type uses.

(7) Billboards, when abutting a freeway or major thoroughfare.

(8) Municipal buildings and uses.

(9) Building and construction contractors with no outside storage.

(Code 1983, § 60.60; Ord. No. 2-96, § 2, 2-20-96; Ord. No. 06-06, § 1, 2-6-06; Ord. No. 03-07, § 3, 2-5-07)

Sec. 90-425B PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the I-1 light industrial district subject to the approval of the planning commission.

(1) Truck terminals.

(2) Trucks exceeding 5,500 pounds in vehicle weight and truck trailer sales and display, rental and repair.

(3) Recreational vehicle storage yards.

(4) Mineral extraction, borrow pit or topsoil removal.

(5) Radio, television, microwave or wireless communication towers.

(6) Service stations, including accessory restaurant uses within the building. Drive-through window access may be permitted.

(7) Athletic training facility.

(Code 1983, § 60.61; Ord. No. 21-98, § 6, 10-5-98; Ord. No. 8-12, § 1, 7-2-12; Ord. No. 12-13, § 2, 9-3-13)

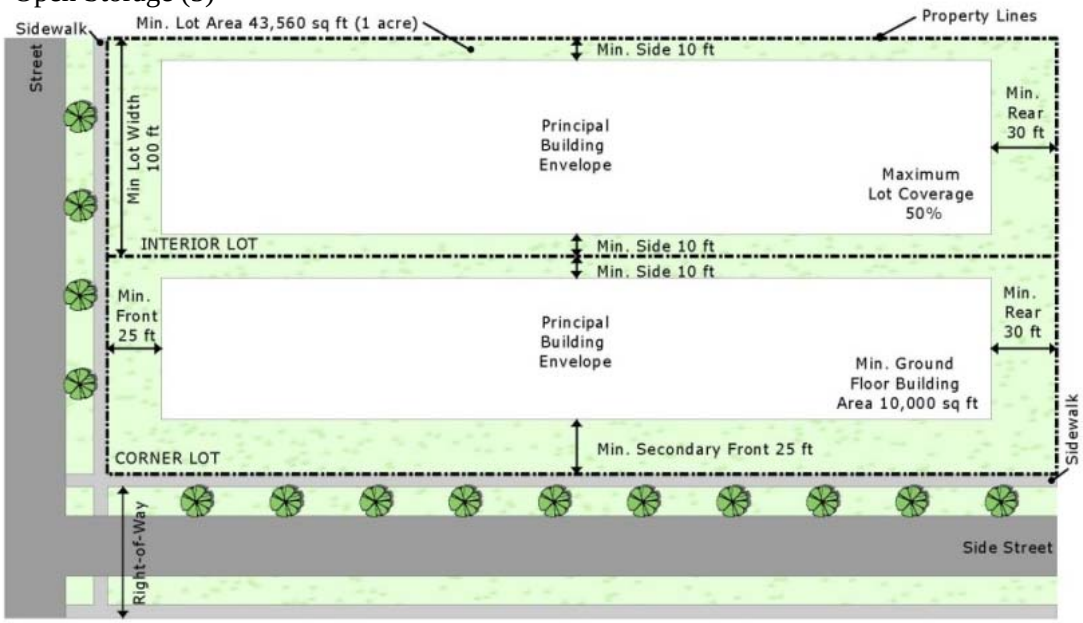
Sec. 90-426B OPEN STORAGE

All manufacturing activities in the I-1 light industrial district shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visibly screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen, at least five feet in height and at least 80 percent solid, and of such design and constructed of such material and maintained in such a manner as shall be in keeping with the character of the area. In instances where the building inspector determines that any wall required by this chapter will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.

(Code 1983, § 60.62)

Sec. 90-427B DEVELOPMENT STANDARDS

Minimum Lot Area	43,560 sq ft
Minimum Lot Width (3)	100 ft
Minimum Front Yard (1)(3)	25 ft
Minimum Rear Yard (4)	30 ft
Minimum Side Yard (2)(4)	10 ft
Minimum Ground Floor Building Area	10,000 sq ft
Maximum Building Height	45 ft
Maximum Lot Coverage	50%
Open Storage (5)	



Sec. 90-428B SPECIFIC REQUIREMENTS

(1)

(a) For the secondary front yard, there shall be a minimum setback of 25 feet.

(b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of property which abuts 28th Street.

(c) A landscaped greenbelt, as described in Section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

(2) For the side yard property which abuts a residentially zoned district, the minimum side yard setback shall be 25 feet of which a minimum of ten feet shall be landscaped.

(3) For all properties which border 28th Street, the front lot line shall be deemed as bordering 28th Street, the minimum front yard shall be 50 feet, the minimum lot width shall be 100 feet and the minimum lot depth shall be 200 feet.

(4) Where an I-1 light industrial district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the I-1 light industrial district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the I-1 light industrial district and the residentially zoned district, no fence is required.

(5) All manufacturing activities in the I-1 light industrial district shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visibly screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen, at least five feet in height and at least 80 percent solid, and of such design and constructed of such material and maintained in such a manner as shall be in keeping with the character of the area. In instances where the building inspector determines that any wall required by this chapter will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.

Sec. 90-429B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

I-2 General Industrial District

Sec. 90-430B PRINCIPAL PERMITTED USES

In the I-2 industrial district, the following uses are permitted:

(1) All principal permitted uses in the I-1 light industrial district.

(2) All permitted uses after special approval in the I-1 light industrial district except radio, television, microwave or wireless communication towers, service stations, including accessory restaurant uses within the building. and athletic training facilities.

(3) The assembly or manufacture of automobiles, automobile bodies, automotive engines, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.

(4) Metal stamping, pressing and buffing plants.

(5) Plastering and polishing shops, painting and sheet metal shops, tire vulcanizing and recapping shops, undercoating and rustproofing shops, welding shops, and millwork lumber and planing mills.

(6) Any other uses similar to any of the above uses.

(7) Accessory buildings and uses customarily incidental to the above uses.

(8) Off-street parking.

(9) Billboards, when abutting a freeway or major thoroughfare.

(Code 1983, § 60.63)

Sec. 90-431B PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the I-2 industrial district subject to the approval of the planning commission:

(1) Open storage yards of building and construction contractors and lumberyards.

(2) Breweries, distilleries, canning factories, chemical plants, and handling, storage, processing or disposal of solid or liquid waste materials.

(3) Junkyards.

(4) Kennels.

(5) Outdoor theaters.

(6) Mining, excavating or other removal of sand, earth, minerals or other material naturally found in the earth.

(7) Body shops.

(8) Sanitary landfill sites.

(9) Radio, television, microwave or wireless communication towers.

(10) Residential facilities to house persons on parole or probation.

(11) Service stations, including accessory restaurant uses within the building. Drive-through window access may be permitted.

(12) Athletic training facility.

(Code 1983, § 60.64; Ord. No. 21-98, § 7, 10-5-98; Ord. No. 2-12, § 3, 1-16-12; Ord. No. 8-12, § 2, 7-2-12; Ord. No. 12-13, § 3, 9-3-13)

Sec. 90-432B OPEN STORAGE

Front yard areas and side yard areas adjacent to street frontage in the I-2 industrial district shall not be used for the external storage of materials.

(Code 1983, § 60.65)

Sec. 90-433B AUTO PLANT PROPERTY DEVELOPMENT

(1) *General.* Auto plant property may be used, developed, redeveloped or improved, including the demolition of any building, only as provided in this section.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(a) *Auto plant property* means a parcel of property located within the I-2 industrial district (industrial, general) that exceeds 85 acres in size, or which contains a building that exceeds 1,000,000 square feet in area, 40 percent of such property or building having not been used for manufacturing for at least a consecutive 12 month period.

For purposes of this section, parcels of property that were under common ownership and that functioned as a unified unit when last in full productive use will be treated as a single parcel of property.

(3) *Purpose.* In recognition of the unique characteristics comprising an auto plant property, including:

(a) The infrastructure on and around the property, including highway access, railroad connection and industrial water and sewer facilities;

(b) The business community surrounding such properties that have been specifically established to provide support services; and

(c) The environmental challenges often associated with such properties, the purpose of this section is to ensure that auto plant properties are used for industrial purposes that will:

1. Prevent such properties from falling into deterioration and blight;

2. Provide an anchor for the surrounding area by providing support to the businesses that have developed to accommodate such properties; and

3. Create jobs for the city's highly skilled workforce.

(4) *Permitted uses.* Subject to the requirements of this section, the requirements of this article, and applicable provisions of this zoning code, an auto plant property shall be used for permitted uses, but no special approval uses, allowed in the I-2 industrial district.

(5) *Procedure.*

(a) Where the building(s) on an auto plant property:

1. Is more than 40 years in age;

2. Has minimal insulation;

3. Has areas with ceilings less than 35 feet in height;

4. Has over 500,000 square feet of overall space;

5. Lacks the plumbing, HVAC, electrical or other services distributed throughout the building as reasonably needed to continue its use as a manufacturing facility, or

6. Shows other indicia of functional obsolescence, partial or complete demolition shall be required unless a plan for complete re-use of such building, which includes all renovation needed to eliminate the functional obsolescence, is presented.

(b) Site plan review is required prior to the proposed development, redevelopment, improvement or reuse of, or the demolition of any building on, any auto plant property. Site plans shall be prepared showing the changes to result from the entirety of any intended development project.

In accordance with Section 90-500 of this zoning code, a site plan submitted under this section shall contain the following items of information:

1. A legal description of the property.

2. The gross land area and the zoning of the surrounding area, including the location of structures and other improvements.

3. A full-dimensioned map of the land showing topographic information at a contour interval of two feet or less.

4. Location of existing and proposed buildings and structures in the development area, the uses to be contained therein, the number of stories, gross building areas, distances between the lot line, setback lines and approximate location of vehicular entrances and loading points.

5. Streets, driveways, easements, service aisles and parking areas, including the general layout and design of parking lot spaces.

6. Pedestrian walks, malls and open areas for parks and recreation.

7. A location and height of walls, fences and screen planting, including a general plan for landscaping.

8. Types of surfacing, such as paving, turfing or gravel to be used.

9. Grading plan.

10. Existing and proposed utilities.

11. Elevations of any proposed buildings and structures indicating the architecture.

12. Such other information as may be required to assist in the consideration of the proposed development.

(c) Site plans submitted under this section shall be reviewed by the planning commission in accordance with Section 90-500 of this zoning code. Upon completion of its review, the planning commission shall provide a recommendation to the city council.

(d) The city council shall review the planning commission's recommendation and approve, deny, or approve with conditions a site plan submitted under this section.

(e) The planning commission, with the approval of the city council, may alternatively allow for multiple preliminary site plans for phases of a proposed project if a concept plan is first approved that meets the criteria determined by the planning commission to meet the spirit and intent of this section and if, due to development uncertainty, it is impractical to require a complete site plan.

(6) *Architectural/design standards.*

(a) The development, redevelopment or improvement of any building(s) located on an auto plant property shall use an architectural style that reflects a common theme or pattern that is aesthetically consistent and is compatible with surrounding properties.

(b) Buildings of up to 60 feet in height shall be permitted.

(c) All walls exposed to public view from a public street or adjacent residential area shall be constructed of not less than 75 percent brick, face brick, stone, cast stone, or other quality materials as determined by the planning commission from finished grade to roof level. High quality materials on other exposed exterior surfaces such as brick, stone, wood or stucco are encouraged.

(7) *Landscaping standards.*

(a) A 25-foot-wide minimum greenbelt, landscaped with trees and plantings compatible with surrounding properties, shall be provided along public streets currently abutting or running through an auto plant property.

(b) A 15-foot-wide minimum landscaped greenbelt shall be provided along all internal streets in accordance with Section 90-328 of this zoning code.

(8) *Parking requirements.* The required number of parking spaces for an auto plant property shall comply with standards established within the zoning code. The parking space requirements may be reduced by up to 25 percent, as part of site plan approval, where the following condition is met:

(a) The applicant has provided a parking study, conducted by a qualified traffic engineer, that demonstrates that another standard would be more appropriate based on an actual number of employees, expected level of customer traffic, availability of transit, or actual counts at a similar establishment.

Parking spaces shall be at least 9 feet wide and 18 feet in depth.

(9) *Additional requirements.*

(a) Except for required yards adjoining a public street, all required yards may be used for off street parking, loading or the outdoor storage of equipment, excluding supplies and inventory.

(b) Outdoor storage areas shall be screened from view from public streets by a six foot high opaque fence. To the extent possible, stored items shall not exceed the height of the fence.

(c) Dumpster areas shall be screened from view in accordance with section 90-58 of this zoning code.

(d) Signs shall be permitted as provided in the I-3 restricted industrial district.

(10) *Waiver.* The planning commission, with the concurrence of the city council, may waive the requirements of subsections (6) and (7) above, under the following circumstances:

(a) The presence of existing natural vegetation provides suitable landscaping or screening.

(b) The building is LEED-NC silver certified/rated and proposed facade materials are compatible with surrounding buildings.

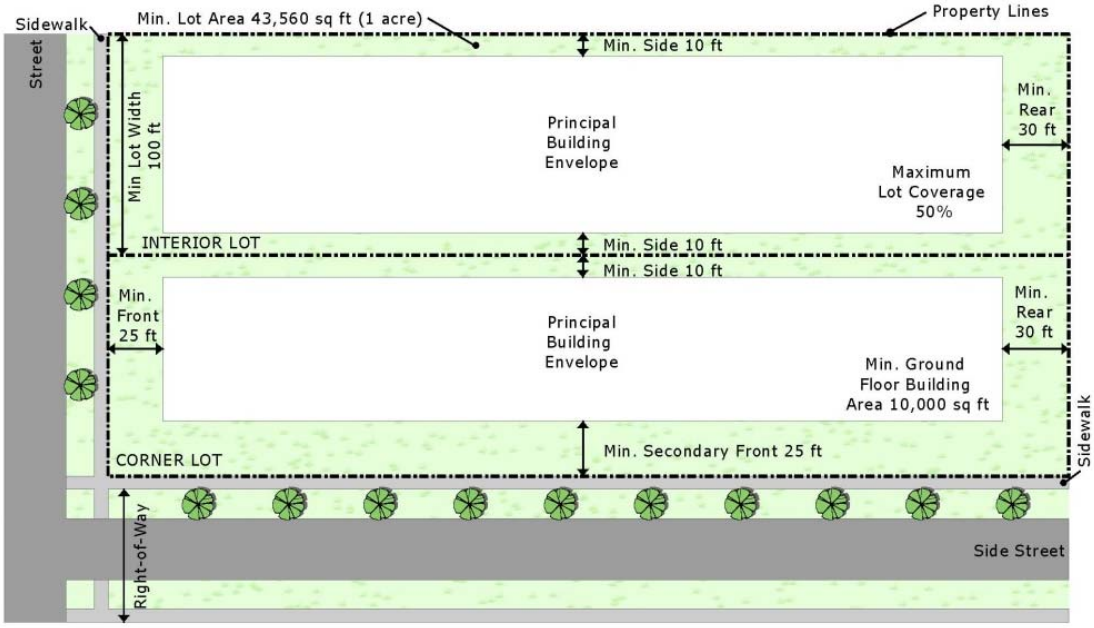
(c) There are architectural features or design standards incorporated into a proposed development plan that differ from the requirements of this section but that generally achieve the objectives of this section.

(d) For other good reasons where open space, special care of landscaping on areas adjacent to or across the street from residentially zoned or used property, the overall site design, special architectural features, or other unique aspects of the site plan might together be determined to comply with the general intent of this section and merit such waiver.

(Ord. No. 9-10, § 1, 10-4-10; Ord. No. 3-12, §§ 4, 5, 3-5-12)

Sec. 90-434B DEVELOPMENT STANDARDS

Minimum Lot Area	43,560 sq ft
Minimum Lot Width (3)	100 ft
Minimum Front Yard (1)(3)	25 ft
Minimum Rear Yard (4)	30 ft
Minimum Side Yard (2)(4)	10 ft
Minimum Ground Floor Building Area	10,000 sq ft
Maximum Building Height	45 ft
Maximum Lot Coverage	50%
Open Storage (5)	



Sec. 90-435B SPECIFIC REQUIREMENTS

(1)

(a) For the secondary front yard, there shall be a minimum setback of 25 feet.

(b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of property which abuts 28th Street.

(c) A landscaped greenbelt, as described in section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

(2) For the side yard property which abuts a residentially zoned district, the minimum side yard setback shall be 25 feet of which a minimum of ten feet shall be landscaped.

(3) For all properties which border 28th Street, the front lot line shall be deemed as bordering 28th Street, the minimum front yard shall be 50 feet, the minimum lot width shall be 100 feet and the minimum lot depth shall be 200 feet.

(4) Where an I-2 industrial district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the I-2 industrial district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the I-2 industrial district and the residentially zoned district, no fence is required.

(5) All manufacturing activities in the I-2 industrial district shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visibly screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen, at least five feet in height and at least 80 percent solid, and of such design and constructed of such material and maintained in such a manner as shall be in keeping with the character of the area. In instances where the building inspector determines that any wall required by this chapter will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.

Sec. 90-436B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319

(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

I-3 Restricted Industrial District

Sec. 90-437B PRINCIPAL PERMITTED USES.

The following uses are permitted in the I-3 restricted industrial district within an enclosed building. All uses permitted in the I-1 light industrial district except billboards.
(Code 1983, § 60.250)

Sec. 90-438B PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the I-3 restricted industrial district, subject to the approval of the planning commission:

(1) Uses containing more than ten truck bays, except that all truck terminals, truck tractor and trailer sales and display, rental and repair are prohibited.

(2) Radio, television, microwave or wireless communication towers.

(3) Athletic training facility.

(Code 1983, § 60.251; Ord. No. 21-98, § 4, 10-5-98; Ord. No. 12-13, § 4, 9-3-13)

Sec. 90-439B OPEN STORAGE

All manufacturing activities in the I-3 restricted industrial district shall be conducted within an enclosed building. External storage of materials is prohibited. Equipment may be located within the rear and side yard, provided it is completely screened from all streets and adjoining properties, except for drive openings, with a solid fence six feet in height. In instances where the building inspector determines that any fence or screening required by this chapter will satisfy any portion of this equipment fencing requirement, the building inspector may waive such applicable portion of this equipment fencing requirement. The storage of motor vehicles is permitted in the rear and side yards without the equipment fencing requirement.

(Code 1983, § 60.252)

Sec. 90-440B LIMITATION ON TRAFFIC MOVEMENT

No driveway access is allowed from industrially zoned property to Burlingame Avenue or 56th Street.

(Ord. No. 20-96, § 1, 10-7-96; Ord. No. 29-97, § 1, 12-15-97; Ord. No. 17-02, § 1, 9-3-02; Ord. No. 21-02, § 1, 11-4-02)

Sec. 90-441B BUILDING MATERIALS

The front of each building and sides of buildings facing streets shall be finished with face brick, or its equivalent, from finished grade to roof level, except that the planning commission may approve a proportion of differing materials if submitted with a building elevation.

(Code 1983, § 60.254; Ord. No. 29-97, § 1, 12-15-97)

Sec. 90-442B YARD SCREENING REQUIREMENTS

Wherever property borders a major thoroughfare in the I-3 restricted industrial district, there shall be provided a combination berm/landscaping screen along the bordering area, except for driveway openings. Berming shall be undulating, with a minimum height of four feet. Landscaping shall be a minimum of 80 percent solid and a minimum of six feet high wherever there is no berming. The berming/landscaping screen is primarily intended to screen parking lots, truck bay areas, and rear yards and as such is not necessarily required to be solid for the entire bordering area. The berming/landscaping plan shall be subject to approval by the planning commission.

(Ord. No. 20-96, § 2, 10-7-96)

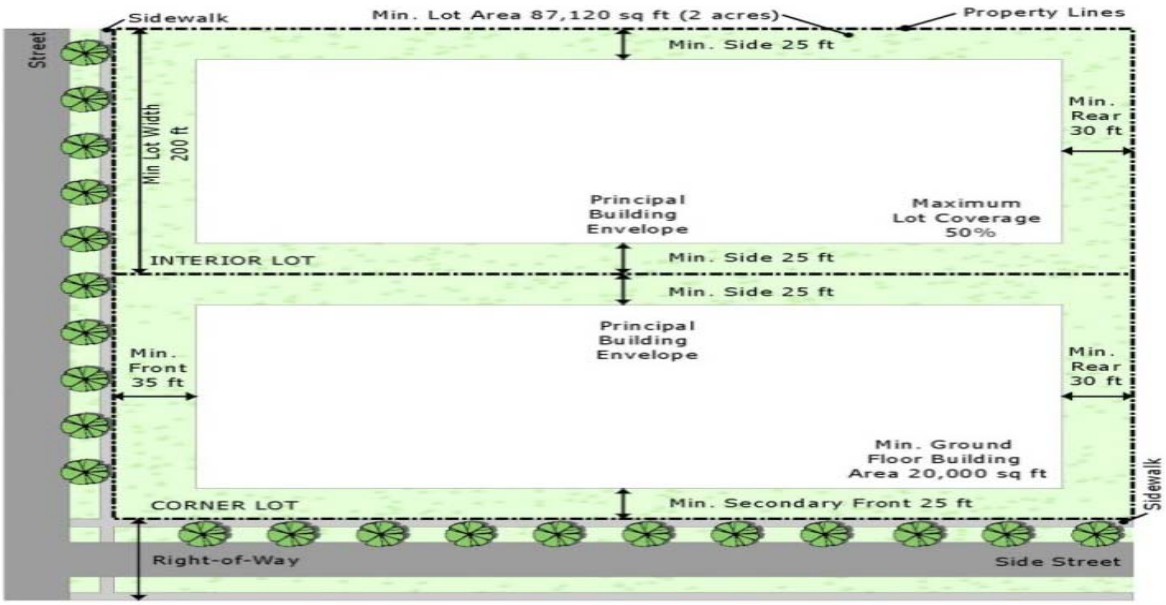
Sec. 90-443B LOADING DOCK AREAS

Loading dock areas may not face the front yard of a site. All loading dock areas shall be adequately screened from any adjoining streets with all screening to be included in the site design.

(Ord. No. 29-97, § 1, 12-15-97)

Sec. 90-444B DEVELOPMENT STANDARDS

Minimum Lot Area	87,120 sq ft
Minimum Lot Width	200 ft
inimum Front Yard (1)(2)(4)	35 ft
Minimum Rear Yard (6)	30 ft
Minimum Side Yard (4)(6)	25 ft
Minimum Ground Floor Building Area	20,000 sq ft
Maximum Building Height	45 ft
Maximum Lot Coverage	50%



Sec. 90-445B SPECIFIC REQUIREMENTS

(1)

(a) For the secondary front yard, there shall be a minimum setback of 25 feet.

(b) A landscaped greenbelt, as described in Section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

(2) Wherever a residential zoning district is across the street from the I-3 restricted industrial district, there shall be provided along the bordering area a 24-foot-wide landscaped greenbelt containing one or a combination of berming, shrubbery and tree growth of materials approved by the planning department, to provide screening to a minimum height of five feet and at least 80 percent solid.

(3) Regardless of any smaller minimum setback requirements in the I-3 restricted industrial district, no building may be closer than 50 feet to Gezon Parkway, as existing or planned; a 25-foot-wide landscaped greenbelt is required adjoining the existing or proposed Gezon Parkway, except for driveways; and minimum side yard setbacks for lots fronting on Gezon Parkway shall be 25 feet.

(4) Where an I-3 restricted industrial district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the I-3 restricted industrial district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the I-3 restricted industrial district and the residentially zoned district, no fence is required.

(5) Open Storage. All manufacturing activities in the I-3 restricted industrial district shall be conducted within an enclosed building. External storage of materials is prohibited. Equipment may be located within the rear and side yard, provided it is completely screened from all streets and adjoining properties, except for drive openings, with a solid fence six feet in height. In instances where the building inspector determines that any fence or screening required by this chapter will satisfy any portion of this equipment fencing requirement, the building inspector may waive such applicable portion of this equipment fencing requirement. The storage of motor vehicles is permitted in the rear and side yards without the equipment fencing requirement. (Code 1983, § 60.252)

(6) Limitation on Traffic Movement. No driveway access is allowed from industrially I-3 zoned property to Burlingame Avenue or 56th Street. (Ord. No. 20-96, § 1, 10-7-96; Ord. No. 29-97, § 1, 12-15-97; Ord. No. 17-02, § 1, 9-3-02; Ord. No. 21-02, § 1, 11-4-02)

(7) Building Materials. The front of each building and sides of buildings facing streets shall be finished with face brick, or its equivalent, from finished grade to roof level, except that the planning commission may approve a proportion of differing materials if submitted with a building elevation. (Code 1983, § 60.254; Ord. No. 29-97, § 1, 12-15-97)

(8) Yard Screening Requirements. Wherever property borders a major thoroughfare in the I-3 restricted industrial district, there shall be provided a combination berm/landscaping screen along the bordering area, except for driveway openings. Berming shall be undulating, with a minimum height of four feet. Landscaping shall be a minimum of 80 percent solid and a minimum of six feet high wherever there is no berming. The berming/landscaping screen is primarily intended to screen parking lots, truck bay areas, and rear yards and as such is not necessarily required to be solid for the entire bordering area. The berming/landscaping plan shall be subject to approval by the planning commission. (Ord. No. 20-96, § 2, 10-7-96)

(9) Loading dock areas. Loading dock areas may shall not face the front yard of a site. All loading dock areas shall be adequately screened from any adjoining streets with all screening to be included in the site design.

Sec. 90-446B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) Special land uses. Section 90-507
(b) Site Plan. Section 90-500
(c) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

P-1 Vehicular Parking District

In the P-1 vehicular parking district, only automobile parking is permitted.

(Code 1983, § 60.66)

Sec. 90-446B LIMITATION OF THE USE

The following shall apply to the use of the P-1 vehicular parking district:

(1) Parking areas shall be used for parking of private passenger vehicles only.

(2) No business involving the repair or servicing of vehicles, or sale or display thereof, or other storage shall be permitted from or upon such premises.

(3) Not more than two buildings for shelter of attendants may be erected upon the premises and each such building shall be not more than 50 square feet in area and not more than 15 feet in height.

(4) No outdoor advertising signs shall be erected on the premises. One directional sign at each point of ingress or egress may be erected which may also bear the name of the operator of the lot and enterprise it is intended to serve. Such sign may also include any charge for use of the parking area. Such sign shall not exceed 15 square feet in area, shall not extend more than ten feet in height above the nearest curb and shall be entirely upon the parking area.

(Code 1983, § 60.67)

Sec. 90-447B GREENBELT

A yard space of not less than five feet in width between the street property line and parking area in the P-1 vehicular parking district shall be preserved as a greenbelt and maintained with grass, shrubbery or a combination thereof.

(Code 1983, § 60.68)

Sec. 90-448B PROTECTIVE WALL

Where the P-1 vehicular parking district has a common boundary with residentially zoned property, there shall be a continuous solid masonry or concrete wall four feet in height or solid fence six feet in height or planted screen six feet in height and 80 percent dense. The planning commission shall have the right of approval of which of these options shall be used.

(Code 1983, § 60.69)

Sec. 90-449B BUMPER RAIL

There shall be a bumper rail of either wood, metal or concrete, not more than two feet in height and securely anchored into the ground, on all sides of the parking area in the P-1 vehicular parking district where there is a protective wall required. Such bumper rail shall be located at such a distance so that vehicles will not strike the protective wall.

(Code 1983, § 60.70)

Sec. 90-450B LIGHTING

Lighting shall be arranged so as to reflect away from residentially zoned properties which are adjacent to the P-1 vehicular parking district.

(Code 1983, § 60.71)

Sec. 90-451B ADDITIONAL REGULATIONS

(1) General Requirements

(a) Off-street parking. Article 6

(2) Development Procedures

(a) Site Plans. Section 90-500

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 19

ARTICLE 4C
PLANNED UNIT DEVELOPMENT ZONING DISTRICTS

PUD-1 Low Density Planned Unit Development

PUD-2 Commercial Planned Unit Development

PUD-3 Planned Health Care District

The location and boundaries of the districts are hereby established on a map entitled "City of Wyoming, Michigan Zoning Map", together with all notations, which map is hereby adopted and made a part of this chapter. The zoning map may be maintained by the city in such form as shall from time to time be deemed appropriate including an electronic database or information system. Unless otherwise shown on the zoning map, the district boundary lines follow lot lines or the centerlines of streets or alleys or such lines extended and the corporate limits of the city as they existed on January 3, 1979, and as subsequently revised. If the exact location of any district boundary line cannot be determined by the zoning map, it shall be resolved by the board of zoning appeals.
(Code 1983, § 60.3; Ord. No. 20-06, § 1, 7-3-06)

PUD-1 Low Density Planned Unit Development

Sec. 90-401C PRINCIPAL PERMITTED USES

(1) Detached single-family dwellings.

(2) Zero-lot-line detached single-family dwellings.

(3) Two-family dwellings.

(4) Multiple-family dwellings, including apartments, condominiums and townhouses.

(5) Convalescent and nursing homes.

(6) Boardinghouses (rooming houses).

(7) Off-street parking.

(8) Accessory buildings and uses customarily incidental to the above principal permitted uses.

(9) Any principal permitted use in the B-1 local business district, provided the following:

(a) The commercial node is located adjacent to or near the intersection of two major thoroughfares as identified in the city thoroughfare plan.

(b) The minimum size of the entire PUD shall be 80 acres, of which no more than ten percent or ten acres, whichever is less, may be devoted to commercial uses.

(c) Area and yard requirements shall meet or exceed those as listed in the B-1 local business district.

(10) Foster care facilities, nursery schools, day nurseries and child care facilities for the care of not more than six people.

(11) All principal permitted uses in the R-1 and R-2 districts. For mobile homes, see Section 90-329.

(Code 1983, § 60.240)

Sec. 90-402C PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted in the PUD-1 low-density planned unit development district subject to the approval of the planning commission:

(1) Private parks, country clubs, golf courses and golf driving ranges adjoining a golf course or country club.

(2) Telephone exchange buildings, electric transformer stations and substations and gas regulator stations.

(3) Nursery schools, day nurseries and child care facilities for the care of seven or more people.

(4) Adult education facilities not operated for profit.

(5) Home occupations.

(6) Agricultural uses.

(7) Secondhand dealers.

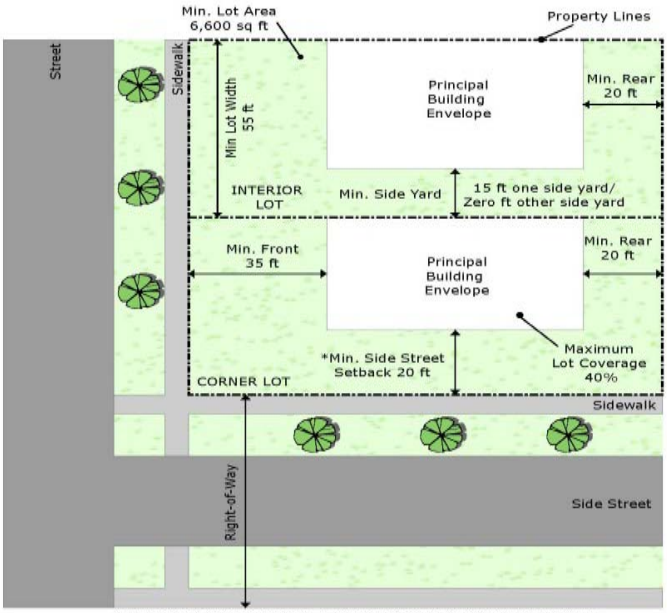
(8) Drive through restaurants.

(Code 1983, § 60.241; Ord. No. 7-09, § 3, 12-21-09; Ord. No. 3-11, § 10, 5-2-11; Ord. No. 17-14, § 4, 8-4-14)

Sec. 90-403C DEVELOPMENT STANDARDS

*for zero lot line detached dwellings within a PUD-1 low-density planned unit development district

Minimum Lot Area (2)	6,600 sq ft
Minimum Lot Width	55 ft
Minimum Front Yard	35 ft
Minimum Rear Yard (3)	20 ft
Minimum Side Yard (3)(4)	15 ft/Zero ft
Minimum Combined Side Yard (5)	15 ft
Minimum Ground Floor Building Area	
One-Story	1,040 sq ft
1 ½-Story	864 sq ft
Two-Story	672 sq ft
Bi-Level	672 sq ft
Split Level	1,040 sq ft
Tri-Level	1,040 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%
Minimum Number of Parking Spaces/Unit	2



*The side street setback on a corner lot is 20 ft if there are houses fronting on the side street.

Minimum Lot Area	20 acres
Minimum Lot Width	500 ft
Minimum Front Yard	35 ft
Minimum Rear Yard	35 ft
Minimum Side Yard	35 ft
Maximum Building Height	35 ft
Minimum Number of Parking Spaces/Unit	2

Sec. 90-404C SPECIFIC REQUIREMENTS

(1) In the PUD-1 low-density planned unit development district, the following additional regulations apply:

(a) Density shall not exceed four units per acre in the entire development. A mix of housing is allowed; however, no less than 50 percent of the total units shall be single-family detached, except if the single-family housing is built at R-1 zoning standards, then the minimum is 35 percent.

(b) Unless otherwise specified, single-family detached dwellings shall comply with the same area and yard requirements as an R-2 district.

(c) Multiple-family dwellings shall comply with the same area and yard requirements as an R-4 district.

(d) Designated common open space shall be no less than 15 percent of the total area of the PUD. Such areas shall be utilized for the recreational needs and enjoyment of the residents of the development and shall consist of play areas, open fields, pathways and woodland. Other natural areas such as wetlands, drainage areas, bodies of water and steeply sloped areas, may also be included as designated common open space, but shall not exceed 35 percent of the total area designated to meet the minimum open space standard.

(e) In the case of large developments, the following recreational amenities must be provided:

1. 200 units or more: In-ground swimming pool or two tennis courts.

2. 500 units or more: The above, plus a community building not less than 1,000 square feet in area.

(2) Minimum lot size may be reduced to 5,500 square feet if the rear of such lots border designated open spaces.

(3) Nonresidential uses shall contain ten-foot wide greenbelt adjoining the side and rear lot lines, with a minimum three-foot high berm or fencing provided in the greenbelt area where adjoined by both on-site parking and off-site residences. The berming or fencing requirements may be waived by the planning director in instances where existing property line solid fencing, natural features or other site or land use factors make this requirement unnecessary.

(4) Side yard building setback for principal non-residential buildings shall be a minimum 25 feet.

(5) Side yard requirements shall not be less than 20 feet if the side yard abuts a street having residences fronting.

Sec. 90-405C Additional Regulations

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Signs. Article 7
(g) Off-street parking. Article 6
(h) Mechanical Appurtenances. Section 90-310
(i) Dwellings in non-residential zones. See Section 90-319
(j) Parking of recreational vehicles. Section 90-314
(k) Commercial vehicles in residential districts. Section 90-315
(l) Refuse disposal. Section 90-321

(2) Development Procedures

(a) PUD Procedures. Section 90-510
(b) Special land uses. Section 90-507
(c) Site Plan. Section 90-500
(d) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

PUD-2 Commercial Unit Development

Sec. 90-406C PRINCIPAL PERMITTED USES

(1) All principal permitted uses in the B-3 district.

(2) Retail businesses whose principal activity is the sale or rental of merchandise within a completely enclosed building.

(3) Business service establishments, such as office machine, computer and typewriter repair, printing and blueprinting.

(4) Physical culture facilities, such as gymnasiums and reducing salons.

(5) Business schools or private schools operated for a profit.

(6) Hotels and motels.

(7) Assembly halls.

(8) Business recreation uses:

(a) Indoor theater.
(b) Bowling alley.
(c) Dance hall.
(d) Skating rink.

(9) Accessory buildings and uses customarily included incidental to the above uses.

(10) Off-street parking.

(Ord. No. 10-99, § 1, 6-21-99)

Sec. 90-407C PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted, subject to the approval of the planning commission:

(1) Cocktail lounges, night clubs, taverns, when clearly accessory to a principal permitted use, and in the same building.

(2) Residential and institutional care facilities.

(3) Secondhand dealers.

(4) Drive through restaurants.

(Ord. No. 10-99, § 2, 6-21-99; Ord. No. 3-11, § 11, 5-2-11; Ord. No. 17-14, § 5, 8-4-14)

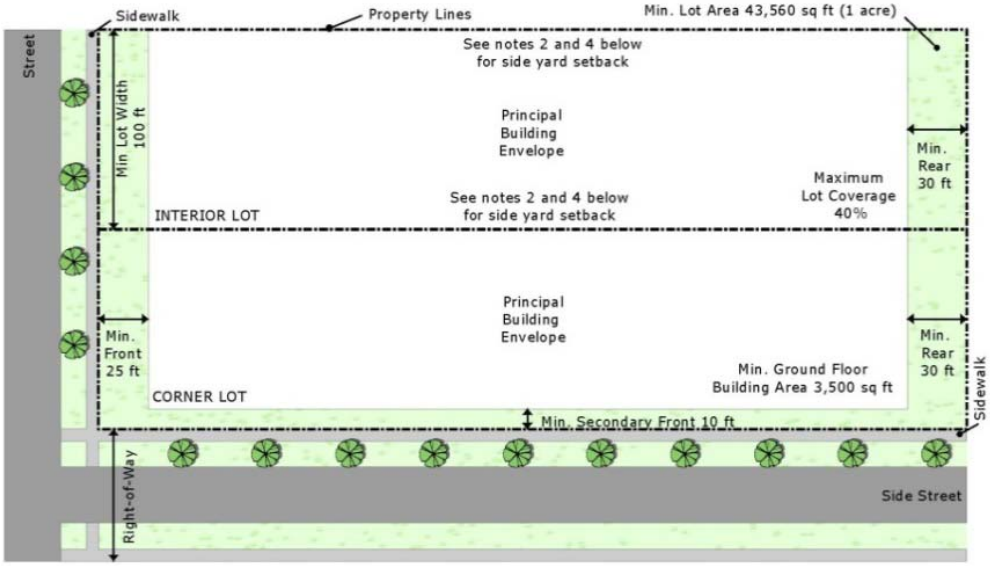
Sec. 90-408C DEVELOPMENT STANDARDS

*for individual parcels within a PUD-2 zoned development

Minimum Lot Area	43,560 sq ft
Minimum Lot Width	100 ft
Minimum Front Yard	25 ft
Minimum Rear Yard (1)	30 ft
Minimum Side Yard (1)	
Minimum Ground Floor Building Area	3,500 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%

*for overall PUD-2 zoned development

Minimum Lot Area	435,600 sq ft (10 acres)
Minimum Lot Width	400 ft
Minimum Front Yard	65 ft
Minimum Rear Yard	30 ft
Minimum Side Yard	25 ft
Greenbelts (1)	



Sec. 90-409C SPECIFIC REQUIREMENTS

(1) Wherever a PUD-2 district adjoins a single-family zoned residential district, except where there is a public street located between the districts, there shall be provided and maintained along the adjoining property line(s) a greenbelt having a minimum width of 100 feet. Any fencing required by this Code may be considered for locating along the inside of the greenbelt. Said greenbelt shall contain grass and landscaping, with the landscape to include a combination of hardwood and evergreen trees, averaging at least one per each 50 linear feet, but located in a pattern to be approved as part of site plan review. Hardwoods shall be a minimum of 2.5 inches in caliper; evergreens shall be at least six feet in height. However, in instances where existing topographic/woodland or other natural or manmade features are deemed by the planning commission to not necessitate these improvements, the planning commission may alter or waive the requirements. Minimum building setback shall be 200 feet.

Sec. 90-410C ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) PUD Procedures. Section 90-510
(b) Special land uses. Section 90-507
(c) Site Plan. Section 90-500
(d) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

PUD-3 Planned Health Care District

Sec. 90-411C PRINCIPAL PERMITTED USES

(1) General hospitals.

(2) Outpatient diagnostic and treatment centers, day surgery centers and urgent care facilities.

(3) Offices.

(4) Diagnostic or medical laboratories.

(5) Educational facilities for the training of interns, nurses and allied health care personnel.

(6) Ambulance service and maintenance facilities.

(7) Assisted living, convalescent and nursing homes.

(8) Foster care group homes.

(9) Day nurseries and child care centers.

(10) Private recreational facilities (indoor and outdoor) provided such facilities are for employees and patients and not available to the public.

(11) Health clubs and fitness centers.

(12) Chapels.

(13) Accessory retail and personal service establishments within the hospital and primarily intended to serve employees, residents and visitors to the health care district including pharmacies, greeting card sales, florists, optical sales, financial institutions, cafeterias and restaurants.

(14) Health care district accessory uses such as laundry, service buildings, emergency generators and related electromechanical systems.

(15) Parking structures of up to three levels above grade.

(16) Accessory transit facilities such as bus stops, shelters and taxi stands.

(17) Municipal buildings and uses.

(18) Colleges or universities.

(19) Electric transformer stations, gas regulation stations and telephone exchange buildings.

(20) Community centers not operated for profit.

(21) Business schools or private schools operated for profit.

(22) Uses permitted in the B-1 zoning district.

(Ord. No. 13-01, § 4, 6-4-01; Ord. No. 11-03, § 3, 7-7-03)

Sec. 90-412C SPECIAL USES

The following uses shall be permitted in the PUD-3 planned health care district, subject to the approval of the planning commission:

(1) Psychiatric or substance abuse centers.

(2) Accessory incinerators used only for waste generated on the site and which meet all local, state and federal regulations.

(3) Helipads and heliports accessory to a hospital.

(4) Multiple family housing for use by physicians, interns, nurses and allied health professionals. Development provisions for the R-4 Low Density Multiple Family Residential district shall apply.

(5) Hotels and motels.

(6) Retail and wholesale sales, distribution, storage, repair and service of medical equipment; storage of medical, dental and surgical supplies.

(7) Radio, microwave or wireless communication towers accessory to a hospital.

(8) Secondhand dealers.

(9) Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens or similar use.

(10) Funeral homes or mortuaries.

(11) Gasoline/convenience store associated with a supermarket.

(12) Drive through restaurants.

(Ord. No. 13-01, § 4, 6-4-01; Ord. No. 11-03, § 4, 7-7-03; Ord. No. 14-08, § 1, 8-18-08; Ord. No. 3-11, § 6, 5-2-11; Ord. No. 17-14, § 6, 8-4-14)

Sec. 90-413C DEVELOPMENT STANDARDS

*for individual parcels within a PUD-3 zoned development

Minimum Lot Area	43,560 sq ft
Minimum Lot Width (4)	100 ft
Minimum Front Yard (1)	35 ft
Minimum Rear Yard (1)	30 ft
Minimum Side Yard (1)	25 ft
Minimum Ground Floor Building Size	3,500 sq ft
Maximum Building Height (1)	45 ft
Greenbelts (3)	

*for overall PUD-3 zoned development

Minimum Lot Area	3,484,800 sq ft (80 acres)
Minimum Lot Width (4)	400 ft
Minimum Front Yard (1)	35 ft
Minimum Rear Yard (1)	30 ft
Minimum Side Yard (1)	25 ft
Maximum Building Height (1)	45 ft

Sec. 90-414C SPECIFIC REQUIREMENTS

(1) In the PUD-3 planned health care district, the following additional regulations shall apply, superseding any lesser standards in the Code.

(a) Hospitals may be erected to 115 feet in height with a spire height up to 140 feet. Related medical facilities adjacent to the hospital, and hotels, may be erected up to 70 feet. All other buildings are limited to 45 feet in height.

(b) Building setbacks shall be a minimum of 35 feet from Byron Center Avenue and 50 feet from Gezon Parkway. The planning commission may allow a lesser setback down to a zero yard setback on other public streets. Side and rear yard setbacks may also be waived by the planning commission.

(c) Individual lots shall provide a minimum 25-foot greenbelt along major thoroughfares, exclusive of freeways, with a four-foot high berm along Byron Center Avenue, except that the planning commission can waive the berm in instances of topographic or other natural features. No parking shall be permitted within the required greenbelts.

(d) A landscaped greenbelt, as described in section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

Sec. 90-415C ADDITIONAL REGULATIONS

(1) General Requirements

(a) Façade Standards. Section 90-322
(b) Accessory Buildings. Section 90-311
(c) Fence Regulations. Section 90-312
(d) Landscaping for non-residential uses. Section 90-328
(e) Projections into yards. Section 90-306
(f) Screening of roof top equipment. Section 90-318
(g) Signs. Article 7
(h) Off-street parking. Article 6
(i) Mechanical Appurtenances. Section 90-310
(j) Dwellings in non-residential zones. See Section 90-319
(k) Refuse disposal. Section 90-321

(2) Development Procedures

(a) PUD Procedures. Section 90-510
(b) Special land uses. Section 90-507
(c) Site Plan. Section 90-500
(d) Site Condominiums. Section 90-509

(3) Administration and Enforcement

(a) Board of Zoning Appeals. Article 10
(b) Permits. Section 90-1008
(c) Non-conforming lot and uses. Article 9

ARTICLE 5
DEVELOPMENT REVIEW

- **Sec. 90-500 - Site Plan Requirements and Procedures**
- **Sec. 90-501 - Statement of purpose**
- **Sec. 90-502 - Uses requiring site plan/sketch plan review**
- **Sec. 90-503 – Sketch plan/full site plan procedures and requirements**
- **Sec. 90-504 - Submittal requirements**
- **Sec. 90-505 - Site plan review standards**
- **Sec. 90-506 - Amended plans**
- **Sec. 90-507 - Procedures for Special Land Uses**
- **Sec. 90-508 - Requirements for permitted uses after special approval**
- **Sec. 90-509 - Procedures for Condominium Projects**
- **Sec. 90-510 - Procedures for Planned Unit Developments**

Sec. 90-500 SITE PLAN REQUIREMENTS AND PROCEDURES

Sec. 90-501 STATEMENT OF PURPOSE

(1) Site plan review is required to provide city staff and the planning commission with the opportunity to review the proposed use of a site in relation to surrounding uses, planned future development, accessibility, pedestrian and vehicular circulation, roadway traffic, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics and other site elements which may affect the public health, safety, and general welfare, and its relationship and harmony with city ordinances and plans.

(2) Further, it is the intent of this article to require the eventual upgrade of redevelopment sites that do not conform with current standards of this article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the city and the goals and design guidelines in the City of Wyoming Land Use Plan.

(Ord. No. 3-12, § 8, 3-5-12)

Sec. 90-502 USES REQUIRING SITE PLAN/SKETCH PLAN REVIEW

(1) There shall be two levels of site plan review:

(a) Sketch plan. A sketch plan level review is required for certain activities of a less intensive nature. Small-scale expansions of structures and change of uses may be eligible for sketch plan review.

(b) Full site plan review. A full site plan level review is required for all new nonresidential uses and multiple-family residential uses.

(c) Full site plan and sketch plan reviews and approvals shall be required for the activities or uses listed in table 90-502, plan review requirements.

(d) Specific site plan detail requirements, and review processes, for particular land uses identified within this ordinance (i.e., wind energy turbines, communication towers, auto plant development), shall have precedent over the more general regulations of this article.

(2) Approvals are obtained from the planning commission (PC), city council (CC), city planner (CP), or building official (BO) depending upon the nature of the proposal. Site plan reviews by the city planner or building official shall be administrative.

Table 90-502: USES REQUIRING SITE PLAN/SKETCH PLAN REVIEW		
Activity/Use	Full Site Plan	Sketch Plan
Construction of an initial building or structure on properties of two acres or more	PC	
Construction of an initial building or structure on properties less than two acres with no special use approval	CP	
Multiple-family developments	PC	
Construction of a new special use approval (see Section 90-507)	PC	
Change in use to a special use approval with no new building construction (see Section 90-507)		PC
Expansion of 50% or more from the square footage of a building or structure on properties of two acres or more with no special use approval	PC	
Expansion of between 10% and less than 50% from the square footage of a building or structure with no special use approval	CP	
Expansion of less than 10% from the square footage of a building or structure with no special use approval		CP
Planned Unit Development	PC	
Condominium or Site Condominium Projects (see Section 90-509)	PC	
Auto plant development (see Section 90-433B)	PC/CC	
Subdivisions (see Code of Ordinances Chapter 74	PC/CC	
Wind energy turbines (see Section 90-804)	PC/CP	
Nonresidential accessory structures		CP
Residential accessory structures		BO
Accessory industrial outdoor storage		BO
New parking lot/loading area	CP	
Construction, relocation or erection of signs, retaining walls, fences, walls, waste receptacle, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment		BO
Modifications to comply with accessibility requirements		BO

(Ord. No. 3-12, § 8, 3-5-12)

Sec. 90-503 SKETCH PLAN/FULL SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

Sketch plans and full site plans and must be submitted in accordance with the following procedures and requirements:

(1) *Submittal.* The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner. The application shall include a complete sketch plan or full site plan that includes the information required by section 90-1003. The plans shall be of the required size, format, and of the appropriate number, as set by city policy. The applicable review fees shall also be provided as set by the city council. Applicants are encouraged to obtain a pre-application conference with the city planner for the purpose of determining the approval type and process that shall be followed to obtain project approval. The meeting is a nonbinding and informal review of the proposal. It is intended to provide information to the applicant on the procedures, ordinance requirements, and policies of the city. It does not confer upon the applicant any development approvals or other rights.

(2) *Administrative review by the city planner or building official.* The city planner or building official shall conduct administrative reviews, with consideration by other city departments or agencies, as appropriate. Following the administrative review, the applicant shall revise the plan as necessary and provide revised plans for follow-up review. Once the city planner or building official determines the plans to be compliant, the plans shall be certified as approved with any conditions noted. The applicant shall have the right of appeal to the planning commission from any decision made on the sketch/ full site plan by the city planner or building official.

(3) *Planning commission review.*

(a) *Application and review.* Where planning commission review is required, the planning commission shall review the plans, together with the report and recommendations from staff, and any other agencies, as appropriate.

(b) *Planning commission action.* The planning commission shall make a determination based on the requirements and standards of this article to approve, approve with conditions, postpone a decision, or deny approval of the plan. If approved, any conditions shall be made part of the motion, and documented in the planning commission's minutes.

(4) *Recording of site plan review action.* The site plan shall be revised to reflect any conditions of approval and resubmitted to the planning department. The city planner shall review the revised plans for compliance with conditions of site plan approval. The city planner may grant final approval if he finds the site plan to properly address the required revisions and conditions and otherwise complies with this article. Copies of the approved site plan will be filed with the planning department, building department, and the engineering department.

(5) *Board of zoning appeals.* In any instance where the need for a variance from the board of zoning appeals is determined to be required, the plan review process shall be completed prior to BZA review.

(6) *Building permit.* An application for a building permit may be submitted at any time during the sketch/full site plan review process. A building permit shall not be issued until final approval of the site plan, sketch plan or special use, and any other plans as required. The applicant is responsible for obtaining all other applicable federal, state, county, city or utility permits. These permits shall be provided to the appropriate city departments prior to the issuance of building permits and before substantial development activity takes place.

(7) *Expiration.* If construction encompassing a minimum of 25 percent of the gross floor area of new buildings or additions, or site development areas involving no building construction, has not commenced within two years of site plan approval, approval becomes null and void and a new application for site plan review shall be required. The applicant may request, and the appropriate reviewing authority may grant, up to a one-year extension, provided a written request is received prior to the expiration date.

(8) *Property maintenance.* The owner of a property shall be responsible for maintaining the property on a continuing basis as required by the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which site approval was based, or until a new site plan approval is sought. Changes to the property that are determined by the city to be detrimental or inconsistent with the original design authorization shall require approval of the city under the requirements of this article. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to maintain a property in compliance with an approved site plan shall be deemed in violation of this article and a nuisance per se.

(Ord. No. 3-12, § 8, 3-5-12)

Sec. 90-504 SUBMITTAL REQUIREMENTS

The data listed in table 90-504, site plan submittal requirements, shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review unless waived in writing by the city planner or building official. Uses requiring site plan/sketch plan review are identified in table 90-502.

(1) *Items not provided.* If any of the items are missing and have not been waived by the city planner or building official, the site plan shall list each missing item and the reason(s) why each listed item is not considered applicable. The city planner or building official shall determine if the missing item(s) must be included before allowing the application to move forward. An application shall not be considered complete and shall not move forward unless all items have been submitted and any waivers have been approved by the city planner or building official.

(2) *Additional requirements.* The city planner or the planning commission may require additional data to be included with the site plan(s) or sketch plan(s) where determined necessary by the nature of the proposed use or site conditions.

Table 90-504
SITE PLAN SUBMITTAL REQUIREMENTS

Site Plan Data	Required for:	
	Site Plan	Sketch Plan
(a) Application Form: The application form provided by the planning department shall be completed in full with the following information:		
Name, address and phone number of the applicant and property owner	X	X
Address and property identification number of all properties	X	X
Name, address and phone number of firm or individual who prepared the site plan	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Date of application	X	X
(b) Site Plan Descriptive and Identification Data:		
Site plans shall consist of a plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size.	X	X
Sheet size shall be a maximum of 24 x 36 inches and collated according to sheet number. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included	X	X
Title block with sheet number/title; name, professional seal, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)	X	X
Scale and north-point	X	X
Location map drawn to a separate scale with north-point, showing surrounding land, and streets, within a quarter mile	X	
Dimensions of land and total acreage, with boundary survey and improvements	X	
Zoning classification of petitioner's parcel and all abutting parcels	X	
Proximity to section corner and major thoroughfare	X	

Site Plan Data	Required for:	
	Site Plan	Sketch Plan
Net acreage (minus rights-of-way) and total acreage	X	
Proposed number of employees, if applicable	X	
(c) Site Data:		
Existing lot lines, building lines, structures, parking areas and other improvements on the site	X	X
Building footprints	X	X
Finished floor elevation of all proposed buildings	X	X
On parcels of more than one acre, topography on the site and within 100 feet of the site at two-foot contour intervals	X	
Proposed lot lines, lot dimensions, property lines, required and proposed setback dimensions, structures, and other improvements on the site	X	
Location of existing drainage courses, floodplains, lakes and streams, wetlands with elevations, and woodlands	X	X
All existing and proposed easements	X	X
Location of waste receptacle(s), transformer pad(s), ground-mounted mechanical equipment, and method of screening	X	
Dimensions and area of any outdoor sales display or storage area	X	X
(d) Access and Circulation:		
Existing and planned right-of-way for all streets	X	X
Dimensions, curve radii and centerlines of existing and proposed access points, road rights-of-way, private roads or access easements	X	
Opposing driveways and intersections within 100 feet of site	X	
Dimensions and location of existing and proposed driveways, parking lots, sidewalks and non-motorized paths	X	X
Dimensions of acceleration, deceleration, and passing lanes	X	
Dimensions of parking spaces including barrier free, islands, circulation aisles and loading zones (including loading dock/door orientation and screening)	X	X
Dimension and location of all clear vision areas	X	
Calculations for required number of parking and loading spaces	X	X

Site Plan Data	Required for:	
	Site Plan	Sketch Plan
Access easements, if shared access is proposed	X	X
Designation of fire lanes	X	X
Truck circulation plan showing turning templates for delivery trucks and emergency vehicles	X	X
Traffic impact analysis meeting the requirements of subsection 90-504(3), if applicable	X	
(e) Landscape Plans:		
General location of existing plant materials, with an identification of materials to be removed and materials to be preserved	X	
Calculations of all landscape requirements, as set forth in section 90-328	X	
Landscape plan, including location and type of all existing and proposed shrubs, trees, and other live plant material	X	
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required	X	
Planting list for proposed landscape materials with container size, caliper size or height of material, botanical and common names, and quantity	X	
(f) Building and Structure Details:		
Building elevations for all facades. Elevation drawings shall indicate the height of building, materials, and architectural quality, and shall detail any rooftop or building mounted screening.	X	
Location, height, and outside dimensions of all proposed buildings or structures	X	X
Building floor plans for multiple-family buildings and gross floor area	X	
Details on accessory structures and any screening	X	X
(g) Information Concerning Existing and Proposed Utilities, Drainage and Related Issues:		
Location of existing and proposed sanitary sewers, water mains, fire hydrants, storm sewers and other utilities that are proposed to serve the project	X	X
Location of existing above and below ground gas, electric and telephone lines	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls with calculations (for details refer to Wyoming's Stormwater Ordinance Sections 86-351 through 18-436)	X	
Indication of site grading, drainage patterns and other storm water management	X	X

Site Plan Data	Required for:	
	Site Plan	Sketch Plan
(h) Additional information required for Residential Development		
The number and location of each type of residential unit	X	X
Density calculations by type of residential unit (dwelling units per acre)	X	X
Garage or carport locations and details, if proposed	X	X
Location and design of mailbox clusters, if applicable	X	
Location, dimensions, and elevations of common building(s), if applicable	X	X
Location, size and facilities within, of recreation and open space areas, if applicable	X	
(i) Other Requirements		
Applicable fees, as set by the City Council	X	X

(3) *Traffic impact analysis.* For projects expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily, the application shall include a traffic impact analysis, unless waived in whole or in part under the requirements of subparagraph (i), below. Contents of the traffic impact study shall include:

(a) Illustrations and a narrative which describes the study area and existing operations for the street system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, driveways on both sides of streets adjacent to the site, current traffic conflicts, etc.).

(b) An evaluation for the a.m. and p.m. peak hour of both the use(s) and adjacent street system. This level of service evaluation shall be conducted for representative uses allowed under both the current and requested zoning districts. For uses expected to generate more than 100 peak hour directional trips or 750 trips daily, an evaluation of operations at major signalized or non-signalized intersections in proximity to the site is required in addition to site access points.

(c) A table that describes the peak hour and daily trips for representative uses under both the current and requested zoning district. The city may require concept or schematic drawings or other information to confirm the size of development permitted under each scenario.

(d) The traffic impact analysis shall be developed in accordance with accepted practices in Michigan. The preparation shall be conducted by a qualified traffic engineering professional. Traffic count data shall be collected using accepted practices and shall not be over two years old. The forecasts shall be based on the data and procedures outlined in the most recent edition of trip generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three projects in similar locations in Michigan.

(e) The traffic study shall provide at least three levels of analysis: current conditions, project impacts (projects permitted under requested zoning + existing), and future conditions (existing + project traffic + background traffic growth + traffic associated with other developments in the immediate area approved or under construction). The city may require corridor level computer modeling when multiple uses or projects are being considered.

(f) Any trip reduction for pass by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the city. The community may elect to reduce the trip reduction rates used.

(g) The report shall evaluate the design of proposed access including: any sight distance limitations, proper spacing, and relationship to other access points, and potential for shared access facilities.

(h) The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures must be acceptable to the applicable road agency (city, Kent County, or MDOT). The responsibility, timing of roadway improvements, and relationship to available right-of-way shall be described.

(i) The requirement for a traffic impact study, or the specific study elements required may be waived or modified by the city. Reasons for the waiver or modification shall be documented. Factors to be considered include:

1. Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.

2. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.

3. A similar traffic study was previously prepared for the site and is still considered applicable.

(Ord. No. 3-12, § 8, 3-5-12)

Sec. 90-505 SITE PLAN REVIEW STANDARDS

Site plan or sketch plan approval shall be granted only if the site plan or sketch plan meets all applicable standards set forth in this article and as outlined below:

(1) *Adequacy of information.* The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).

(2) *Buildings.* Buildings and structures shall meet the minimum dimensional requirements of this article. Redevelopment of nonconforming structures shall bring the site into closer conformity to the extent deemed practical by the review authority. Expansions to nonconforming buildings shall be as provided for in section 90-903.

(3) *Privacy.* The site design shall provide reasonable visual and sound privacy for dwelling units located adjacent to the site. Walls, berms, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of adjacent uses.

(4) *Preservation of natural areas.* The landscape shall be preserved in its natural state, insofar as practicable, by strategic building placement, minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.

(5) *Drainage.* Stormwater management system and facilities shall preserve natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or watercourse, or cause alterations which could increase flooding or water pollution on or off the site.

(6) *Soil erosion.* Measures are included to prevent soil erosion and sedimentation.

(7) *Ingress and egress.* Every structure and dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. Access to the site shall be located and designed to ensure minimal impact on the safety and efficiency of traffic flow along all adjoining roadways. All access points shall comply with the access management requirements of section 90-603.

(8) *Emergency vehicle access.* All buildings and site circulation shall be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site.

(9) *Vehicular circulation layout.* The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian pathways in the area.
Public streets adjacent or through the proposed development shall be required when it is essential to promoting and protecting public health, safety and general welfare and to provide continuity to the public road system.

(10) *Pedestrian circulation.* The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

(11) *Traffic impact.* The expected volume of traffic to be generated by the proposed use shall not adversely affect existing roads and traffic patterns. Roadway access shall minimize excessive vehicle traffic on local residential streets to reduce the possibility of any adverse effects upon adjacent property. Projects expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily shall provide a traffic impact study, as outlined in subsection 90-504(3), above.

(12) *Public services.* The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the city or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control and administrative services.

(13) *Site redevelopment.* Redevelopment of existing sites shall conform to the site improvement provisions of this article to the extent deemed practical by the reviewing authority. The extent of upgrade to site improvements shall be relative to and proportionate with the extent of redevelopment or expansion in accordance with the nonconforming site requirements of section 90-903.

(Ord. No. 3-12, § 8, 3-5-12)

Sec. 90-506 AMENDED PLANS

(1) *Minor changes.* Prior to making any change to an approved site plan the applicant or property owner shall notify the city planner of any desired change. The city planner shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes:

(a) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.

(b) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.

(c) Changes of building materials to another of higher quality, as determined by the city planner.

(d) Changes required or requested by the city, county, state or federal agency for safety reasons or for compliance with applicable laws.

(e) Revisions that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

(f) Situations the city planner deems similar to the above.

(2) *Major changes.* All other changes not considered minor shall be considered a major change requiring a new application.

(Ord. No. 3-12, § 8, 3-5-12)

Sec. 90-507 PROCEDURES FOR SPECIAL LAND USES

All special uses as provided in this chapter shall be approved by the planning commission in accordance with the following procedures and standards:

(1) The procedure for a special use shall be as follows:

(a) An application for a special use shall be submitted to the city planner, accompanied by development plans, which shall conform to all requirements of this chapter.

(b) The planning commission shall conduct a public hearing on the application in accordance with the normal procedure for public hearings before the commission.

(c) Following the hearing the planning commission may grant approval for said application, provided it shall find that the proposed use meets with the requirements of this section.

(2) In granting approval for a special use, the planning commission may impose such requirements and conditions as may be necessary to protect neighboring property; promote public convenience, health, safety and welfare; or make the use conform more closely with the spirit, purpose and intent of this chapter.

(3) In determining other requirements and whether the proposed use is essential and desirable, the following standards shall be followed by the planning commission:

(a) The possible substantial and permanent adverse effect on neighboring property.

(b) The consistency with the spirit, purpose and intent of this chapter.

(c) The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

(d) The tendency of the proposed use to create any type of blight within the immediate area.

(e) The economic feasibility for the area.

(f) Any other factor as may relate to the public health, safety and welfare for persons and property.

(g) That all other provisions of this chapter are met for the proposed use.

(4) Prior to granting approval for or denying a special use application, the planning commission shall make findings of fact as to the above standards. If the planning commission fails to make findings of fact as required by this section, the special use shall be null and void and no building or occupancy permit shall be issued.

(5) If any property functioning under a special use approval status ceases to be utilized for said special use for a continuous period of more than one year, then said special use status shall automatically be voided. Any application to reintroduce said special use must be processed in the same manner as a new special use, as required in this section.

Sec. 90-508 REQUIREMENTS FOR PERMITTED USES AFTER SPECIAL APPROVAL

The following conditions shall be met for all special use approvals granted by the planning commission:

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Adult business	B-2	—	—	—	Not permitted in locations within 500 feet of a church, synagogue or other regular place of religious worship, public or private elementary, preschool or secondary school, public park, childcare center, entertainment business that is oriented primarily toward children or family entertainment; boundary of any residentially zoned district or any legal residential use not located within a residentially zoned district. Not permitted within 1,000 feet of any other adult business. The distance shall be measured from the location of the building or structure housing the adult business to the nearest point of the other building, structure or use or from the nearest lot line of properties in a residentially zoned district or residentially used property.
Amusement machine parlors and pool parlors	B-2	—	—	—	Not permitted within 500 feet of any church.
Automobile car wash establishments	B-2	—	Minimum front yard setback of 40 feet for all structures.	—	Required off-street storage space for at least 4 automobiles per stall for manual or self-service establishments, 10 automobiles per stall for unattended and automatically attended establishments.
Automobile service stations	B-2	14,000 square feet	Minimum lot width of 140 feet	—	Site must be a corner lot abutting at least one major thoroughfare. No drive or curb opening may be located nearer than 20 feet to any interior lot line.

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Breweries, distilleries, canning and chemical plants	I-2	—	—	—	Special consideration of potential odor and pollution nuisances.
Cemeteries	R-1, R-2, R-3, ER, R-7	40 acres	All structures to be minimum of 100 feet from any lot line.	—	
Cocktail lounges, night clubs, taverns	B-2, B-3	—	—	—	Not permitted within 500 feet of any church or school.
Commercial greenhouses exceeding 1,000 square feet (see "Commercial greenhouses" & "of less than 1000 sq. ft.")	R-1, R-2, R-3, ER, R-7, B-2, B-3	1 acre	All structures to be minimum of 40 feet from all lot lines.	—	—
Community centers	ER, R-1, R-2, R-3, R-4, R-7, B-2, B-3	—	—	—	Must be located on a major thoroughfare or collector street.
Junkyards	I-2				Junk may not be stacked higher than height of screening wall.
Kennels	I-2	5 acres	—	—	All outdoor runs or breeding areas to be enclosed on all sides by an obscuring wall or fence not less than 4 feet in height and located at least 50 feet from any property line.
Mineral extraction, borrow pit, topsoil removal	I-2	—	All structures to be minimum of 100 feet from all property lines.	Submission of screening plan required except for topsoil.	—

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Motor vehicles sales and rental, outdoors	B-2	15,000 square feet	Minimum 7 feet wide greenbelt in front and secondary front yards in Instances where existing buildings on the same lot are devoted to the business and are not expanded. Bumper blocks must be positioned in the adjoining vehicle display area so as to allow no more than 2 feet of vehicle overhang into the greenbelt.	—	—
Nursery schools, day nurseries and child care centers	R-1, R-2, R-3, ER, R-7, B-3, PUD-1	15,000 square feet	Outdoor play of 100 square feet per child for which the facility is designed to care for with a minimum yard area of 1,500 square feet.	Fence at least 4 feet in height to enclose the rear yard.	Lot must front upon a major thoroughfare with drive access directly thereto.
Open air business uses	B-2	10,000 square feet	—	—	—

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Pawnshops	B-2	—	—	—	Not permitted in locations within 500 feet of an existing pawnshop or secondhand dealer, as measured between property lines.
Private parks, country clubs, golf courses, and golf driving ranges	R-1, R-2, R-3, ER, R-7, PUD-1	5 acres	All structures to be minimum of 100 feet from any lot lines of adjacent residentially zoned districts.	—	—
Public, parochial or private elementary, intermediate or high schools	R-1, R-2, R-3, R-7, ER	5 acres elementar y or K-8, 10 acres intermedia te or high schools	Structure to be minimum of 50 feet from all property lines except for additions to existing school buildings having a setback of less than 50 feet, the existing building may be extended along the current setback line	—	Site must abut and have all ingress and egress directly to major thoroughfares. Student drop off areas required away from street right-of-way. Site location sizing and design to minimize impact on adjacent residential uses to degree feasible.
Public utility buildings, telephone exchange buildings, former stations electric trans-and sub-stations, gas regulator stations	All districts	—	—	—	Application must provide evidence of necessity of proposed location.
Radio, television, microwave or wireless communication towers	B-1, B-2, B-3, I-1, I-2 and I-3	—	See sections 90-304 and 90-329	See sections 90-304 and 90-329	See sections 90-304 and 90-329

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Recreation vehicle storage	I-1	5 acres	—	—	Storage area to be enclosed by a solid fence 5 feet in height. Additional height may be permitted for barbed wire cardling.
Secondhand dealers	B-1, B-2, B-3, PUD-1, PUD-2, PUD-3	—	—	—	Business location must be a minimum of 250 feet from another use in this category.
Sanitary landfill sites	I-2	30 acres	—	Submission of screening plan required.	—

Note—The requirements noted in this section are in addition to, or, where in conflict, supersede those general requirements for each zoning district. For all permitted uses after special approval, the planning commission shall conduct a public hearing. Following such hearing, the planning commission may grant approval for such application, provided it shall find the proposal is essential and desirable.

The planning commission may impose such requirements and conditions as may be necessary to protect neighboring property, promote public convenience, health, safety and welfare, or make the use conform more closely with the spirit, purpose and intent of this chapter. In determining other requirements and whether the proposed use is essential and desirable the following information shall be considered by the planning commission:

(1) The possible substantial and permanent effect on neighboring property.

(2) The consistency with the spirit, purpose and intent of this chapter.

(3) The possible effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

(4) The tendency of the proposed use to create any type of blight within the immediate area.

(5) The economic feasibility for the area.
(6) Any other factor as may relate to the public health, safety and welfare for persons and property.

(Code 1983, § 60.75; Ord. No. 15-97, §§ 10, 11, 14, 6-16-97; Ord. No. 18-98, § 2, 8-17-98; Ord. No. 21-98, § 9, 10-5-98; Ord. No. 11-99, § 1, 7-6-99; Ord. No. 15-99, § 4, 11-15-99; Ord. No. 12-00, § 3, 7-17-

00; Ord. No. 10-01, § 2, 5-21-01; Ord. No. 15-01, § 3, 8-6-01; Ord. No. 06-06, § 3, 2-6-06; Ord. No. 7-09, § 8, 12-21-09; Ord. No. 3-11, §§ 7, 8, 5-2-11; Ord. No. 17-14, § 8, 8-4-14) _____

Sec. 90-509 PROCEDURES FOR CONDOMINIUM PROJECTS

The following provisions shall apply to all condominium projects:

(1) *Site plan review.* Prior to recording of the master deed required by the Condominium Act, State of Michigan Public Act 59 of 1978, as amended, the condominium project shall undergo site plan review and approval pursuant to Article 5 herein. This section applies also to single-family site condominiums except that only the condominium project and not each individual house is subject to site plan review. A description of the common elements and use and occupancy restrictions as will be contained in the master deed shall be included in the submittal. The expansion of the condominium project shall also undergo site plan review and approval pursuant to Article 5 prior to recording the master deed or master deed amendment establishing such expansion of conversion.

(2) *Site condominium unit standards.* For the purposes of this chapter, each condominium unit in a site condominium shall be considered a single lot and shall comply with all the regulations of the zoning district in which located.

(3) *Site condominium design standards:* The design and planning standards of chapter 74 shall apply to all site condominium; and all references to the term "subdivision" and "lot" in chapter 74 shall be deemed to refer to the terms "site condominium" and "site condominium unit", respectively. However, the street and sidewalk improvements in a site condominium must be private, rather than public. This section shall not be construed as requiring a site condominium to obtain plat approval under chapter 74 of this Code or the state Subdivision Control Act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.) as amended.

(4) *Site condominium master deed contents.* All provisions of the site condominium plans which are approved by the planning commission shall be incorporated, as approved, in the master deed for the site condominium. Any proposed changes to the approved site condominium plans must be reviewed and approved by the planning commission, as per Article 5. A copy of the master deed, as filed with the county register of deeds for recording, must be provided to the city within ten days after recording with the county.

(5) *Subdivisions of site condominium units.* All subdivisions of individual site condominium units shall conform to the requirements of this chapter for minimum lot width, lot area and building setback requirements and shall be approved by the city planning director. This requirement shall be made part of the condominium bylaws and recorded as part of the master deed.

(Code 1983, § 60.34; Ord. No. 07-07, § 1, 3-5-07; Ord. No. 3-12, § 3, 3-5-12)

Sec. 90-510 PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

The city has established provisions for creating planned unit developments (PUD's) in order to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city.

(1) Objectives. The objectives of PUD's are to:

(a) Provide opportunities for development where potential land use conflicts make traditional zoning techniques inadequate for protection from adverse impacts;

(b) Preserve existing on-site natural features while allowing development at the maximum permissible density;

(c) Encourage the use of creative, imaginative and innovative approaches to land development; and

(d) Require the developer to utilize architectural standards, quality building materials and site amenities when deemed appropriate.

(2) Administration. Administrative procedures are as follows:

(a) Preapplication consultation. Communication between the developer and city staff prior to PUD application is encouraged. The meeting is intended to ensure that the developer is aware of the community's standards and posture on PUD's. Such consultation should occur prior to any extensive outlay of funds on the part of the developer, since the meeting is intended to encourage cooperation and mutual understanding between the applicant and the city. The developer should submit a preliminary sketch plan outlining general existing site characteristics, external and proposed internal land uses, and special relationships between plan features. To obtain information, the developer shall confer with planning department staff and other appropriate department heads in connection with the application for the PUD. The planning staff will offer advice to the applicant regarding his proposal and aid in his understanding of these requirements.

(b) Application for PUD zoning. Following a preliminary consultation, the developer may apply for PUD rezoning. Such application must be made at least 30 days before the planning commission meeting, to allow for sufficient review and notice of affected property owners. As part of the rezoning request, the applicant shall submit 16 copies of the following:

1. A drawing at a scale of at least one inch equals 100 feet, including the following:

   a. A recent map of the site, reflecting area size and boundary line dimensions.

   b. Existing and proposed topography of the site.

   c. Existing floodplains, bodies of water and other unbuildable areas.

   d. Existing and proposed land uses and their approximate locations (general physical design plan).

   e. Any proposed public use areas, including schools, parks, recreational facilities, etc.

   f. Calculations showing the net residential density, area distribution of land uses and expected final population of the proposed PUD.

2. A written narrative containing the following:

   a. An explanation of the general character of the proposed PUD and how it relates to general requirements of this article.

   b. A statement indicating the need of the proposed project, along with a general schedule of development and marketing strategy, including size of housing units, estimated selling prices and rents.

   c. An outline stating the form of ownership of designated open spaces, establishment and role of a homeowners association, and any proposed restrictive covenants, including architectural controls, if any.

3. Photographs, architectural renderings or elevations of all proposed buildings other than single-family or two-family dwellings showing the general character of such development.

(c) Approval procedure. The approval procedure is as follows:

1. The planning commission shall conduct a public hearing prior to consideration for rezoning to PUD. It shall consider all aspects of the proposed development as required with the PUD application. It may approve, approve with modifications, deny or defer for additional information the PUD application. Each subdivision or development in the PUD area must receive separate planning commission approval as per the applicable city site plan approval and subdivision control requirements.

2. The city council shall act upon the PUD rezoning request in the same manner as a conventional rezoning.

3. The planning commission-approved general physical design plan, written narrative and illustrations required by subsection (2)b of this section shall be filed in the planning and inspections departments to ensure that the requirements prescribed by approval of the PUD request are fulfilled.

(d) Changes or amendments. Minor changes or amendments to a particular PUD may be acted upon by the director of planning/community development. Changes deemed major by the director shall be referred to the planning commission.

ARTICLE 6
OFF-STREET PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Editor's note— Sec. 1 of Ord. No. 10-11, adopted Oct. 3, 2011, amended Art. XIX in its entirety to read as herein set out. Former Art. XIX pertained to a similar subject matter, consisted of §§ 90-646—90-650, and derived from the 1983 Code.

Sec. 90-600 OFF-STREET PARKING REQUIREMENTS

(1) *Applicability of parking requirements.* For all buildings and uses established after the effective date of this article, off-street parking shall be provided as required by this article.

(a) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this article.

(b) If the intensity of use of any building (other than a single- or two-family residence) or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided for such increase in intensity of use.

(c) Off-street parking facilities in existence on the effective date of this article shall not be reduced below the requirements of this article.

(d) An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.

(2) *Location.*

(a) Off-street parking facilities required for all uses shall be located on the same lot or within 300 feet of the use(s) they are intended to serve, as measured from the nearest point of the parking facility to the nearest entry of the building(s) served.

(b) Parking facilities shall be in the same zoning district as the use to be served, except as otherwise permitted in subsection 90-600(6).

(3) *Shared/common parking.*

(a) Two or more buildings or uses may use a common parking facility; provided the total number of parking spaces is equal to the required number of spaces for all of the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced in conjunction with site plan approval where it can be determined that one or more of the factors listed in subsection (4) below apply.

(b) Parking facilities dedicated to and on the same site as a place of worship may be used to meet not more than 50 percent of the off-street parking requirement for theaters, stadiums, and other places of public assembly, stores, office buildings and industrial establishments lying within 300 feet of the place of worship, provided that the other uses are not normally operating between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that the place of worship, through written agreement, makes the spaces available. A copy of this agreement shall be furnished to the city. Should the agreement be voided or expire for any reason, the uses utilizing the parking facility of the place of worship shall provide all required parking spaces in accordance with the requirements of this article, or shall be in violation thereof.

(4) *Modification of parking requirements.* The parking space requirements may be reduced by no more than 25 percent, as part of the site plan approval, based upon one or more of the following conditions:

(a) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. For separate lots, they shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots. Shared parking agreements shall be filed with the city planning department after approval.

(b) Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building.

(c) Availability of other forms of travel such as transit. To qualify, the site design must incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities, as applicable.

(d) Where the applicant has provided a parking study, conducted by a qualified professional, that demonstrates that another standard would be more appropriate based on actual number of employees or expected level of customer traffic. Actual counts at a similar establishment provided by the applicant may also be acceptable.

(e) A parking study may be required as part of site plan review to document that any one of the criteria a. through c. above would be met.

(5) *Banked parking.*

(a) Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the site plan review authority may defer ("bank") some of the required parking. The site plan shall designate portions of the site for future construction of the required parking spaces. This banked area shall be maintained in a landscaped appearance and not be located within required greenbelts or parking lot setback areas and shall not be used for any other purpose.

(b) The site plan shall show the area proposed to be banked, with all required site plan elements, but shall indicate with hatching, dashed lines, or other means the area to be banked. The site plan shall include parking space requirements, with the number of spaces required, number proposed at initial construction, and number of spaces banked.

(c) Construction of part or all of the additional spaces designated for the banked parking area may be initiated by the owner or required by the city, based on parking needs or observation of parking deficiencies, and shall require administrative approval of an amended site plan.

(6) *Parking lots serving adjacent commercial and industrial uses.* A parking lot may be constructed in a different zoning district from the use being served, if approved by the planning commission. A parking lot constructed under this subsection must meet the following requirements:

(a) The area proposed for the parking lot shall be contiguous to, or immediately across a street right-of-way from, the property containing the use to be served. This parking shall not be located across a major thoroughfare.

(b) The proposed parking area shall be intended only to accommodate parking of passenger vehicles serving employees or customers of the use served. Outdoor storage of material or parking of equipment or vehicles other than passenger vehicles of employees or customers is prohibited.

(c) The parking area shall retain the requirements of the zoning district in which it is located. No use, other than accessory parking, shall be permitted upon the lot that is not otherwise permitted in that zoning district.

(d) The parking lot shall conform to the landscaping requirements of section 90-328. More extensive buffering or screening may be required during site plan review, if necessary, to protect adjacent uses, particularly if the lot is located within or adjacent to a residential district.

(7) *Required off-street parking spaces.* The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, on the basis of the following and the specific requirements of table 90-646.

(a) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.

(b) In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar shall apply, as determined by the city planner.

(c) Each 24 inches of bench, pew or similar seating facilities shall be counted as one seat.

(d) Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the Building Code and the Fire Code.

(e) In order to minimize excessive areas of pavement, which reduces aesthetics and contributes to high rates of stormwater runoff, the minimum parking space requirements shall not be exceeded by more than 20 percent, except as approved by the site plan approval authority. In granting additional spaces, the site plan approval authority shall determine that the parking is needed, based on documented evidence of use and demand provided by the applicant.

Table 90-600 Required Minimum Number of Parking Spaces by Use	
Use	Number of Parking Spaces
Residential Uses	
Single- and two-family dwellings	2 spaces for each dwelling unit.
Multiple-family residential dwellings	2 spaces for each dwelling unit.
Senior apartments and senior independent living	1 space for each unit, and 1 space for each employee. Should units revert to general occupancy, 2 spaces per unit shall be provided.

Table Required Minimum Number of Parking Spaces by Use	90-600
Use	Number of Parking Spaces
Manufactured home parks	2 for each manufactured home plus 1 for each employee of the manufactured home park. No motorized recreational vehicles shall be parked on individual home sites.
Dormitories or fraternities	1 space for every 2 beds, plus 2 additional spaces for owner or employees.
Bed and breakfast dwellings	2 for the owner and operator and 1 for each leasable room.
Institutional Uses	
Auditorium, assembly halls, meeting rooms, theaters and similar places of assembly	1 space for every 3 seats based on maximum seating capacity in the main place of assembly therein.
Elementary and middle schools	1 for each 1 teacher, employee or administrator, in addition to the requirements of the auditorium.
Nursing and convalescent homes	2 for every 3 beds or occupants and 1 space for each staff member or employee on the largest shift.
Hospitals and similar facilities for human care	1 for each 2 beds, plus 1 for each employee on the largest shift.
Nursery schools and child care centers	1 for every 350 square feet of gross floor area (GFA), plus 1 per employee. Sufficient area shall be designated for drop-off of children in a safe manner that will not result in traffic disruptions.
Places of worship	1 for every 3 seats in the main place of assembly or 1 for every 6 feet of pew.
High schools	1 for each 1 teacher, employee, or administrator, and 1 for every 10 students, in addition to the requirements of the auditorium.
Retail Uses	
Retail stores except as otherwise specified herein	1 for every 250 square feet of gross floor area (GFA).
Multi-tenant shopping centers	1 for every 250 square feet of retail gross floor area (GFA), plus the number of parking spaces required for restaurants.
Greenhouses and nurseries	1 for each 1 employee plus 1 for every 100 square feet of area devoted primarily to sales.
Animal grooming, training and boarding	1 for every 300 square feet of gross floor area (GFA).

Table Required Minimum Number of Parking Spaces by Use	90-600
Use	Number of Parking Spaces
Furniture and appliance, household equipment, showroom of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses	1 for every 800 square feet of gross floor area (GFA).
Grocery store/supermarket	1 for every 200 square feet of gross floor area (GFA).
Home improvement centers	1 for every 300 square feet of gross floor area (GFA).
Motor vehicle sales establishment, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats	1 for every 400 square feet of floor space of sales room and 1 for each automobile service stall, plus 1 for each employee.
Open air businesses, except as otherwise specified herein	1 for every 500 square feet of lot area for retail sales, uses and services.
Service Uses	
Motor vehicle service stations (gas stations)	1 for each employee, plus additional parking required for other uses within an automobile service station, such as the retail floor area, restaurants or automotive repair stalls. Each automobile fueling position shall count as one-half of a required space for the spaces required for other uses within an automobile service station.
Vehicle repair establishment, major or minor	2 for each service stall, plus 1 for each employee.
Vehicle quick oil change	2 stacking spaces for each service stall, rack or pit plus 1 for each employee.
Vehicle wash: Self-service (coin operated)	4 spaces plus stacking spaces as required in section 90-508
Vehicle wash: Full-Service	4 spaces, plus 1 per employee, plus stacking spaces as required in section 90-508
Banks and other financial institutions	1 for each 200 sq. ft of gross floor area for the public, plus 3 for each walkup ATM. Drive-up windows shall be provided 4 stacking spaces for each window.

Table Required Minimum Number of Parking Spaces by Use	90-600
Use	Number of Parking Spaces
Beauty parlor or barber shop	3 parking spaces for each chair/station.
Dry cleaners	1 per 500 square feet of gross floor area
Laundromats	1 for each washer, plus 1 space for each employee.
Mortuary establishment, funeral home	1 for every 50 square feet of assembly room or parlor floor space.
Restaurants, Bars and Clubs	
Motel, hotel or other commercial lodging establishment	0.75 for each unit, plus 1 for each employee. Spaces required for ancillary uses such as lounges, restaurants or conference areas shall be determined on the basis of the individual requirements for that use.
Standard sit-down restaurants	1 for each 100 square feet of gross floor area (GFA).
Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 for each employee.
Drive-through restaurant	1.25 for every 3 persons allowed within the maximum occupancy as established by the city fire and building code, plus a minimum of 5 stacking spaces for each pickup window. The queuing of vehicles shall not interfere with public rights-of-way or with on- or off-site circulation and parking.
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 for every 3 persons allowed within the maximum occupancy load as established by the city fire and building codes.
Private clubs, lodge halls or banquet halls	1 for every 3 persons allowed within the maximum occupancy load as established by the city fire and building codes.
Recreation	
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	1 for each 3 persons allowed within the maximum occupancy load as established by city fire and building codes, plus 1 per employee. In those instances where memberships are provided for, not less than 1 per each 5 memberships shall be provided plus 1 per employee or 1 for each 2 clothing lockers, plus 1 per employee, whichever is the larger.
Billiard parlors	1 for each 3 persons allowed within the maximum occupancy load as established by city building and fire codes or 1 for each 300 square feet of gross floor area (GFA), whichever is greater.

Table Required Minimum Number of Parking Spaces by Use	90-600
Use	Number of Parking Spaces
Bowling alleys	5 for each bowling lane plus additional for accessory uses such as bars.
Indoor recreation establishments including gymnasiums, tennis courts and handball, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls	1 space for every 3 persons allowed within the maximum occupancy load as established by the city fire and building codes.
Golf courses, excepting miniature or "par-3"	6 for each 1 golf hole plus 1 for each employee plus additional for any bar or restaurant.
Miniature or "par-3" courses	3 for each 1 hole plus 1 for each employee.
Stadium, sports arenas, or similar place of outdoor assembly	1 for every 3 seats or 1 for every 6 feet of bench, plus 1 for each employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Offices	
Business offices, post offices or professional offices of lawyers, architects or similar professionals	1 for every 400 square feet of gross floor area (GFA), but no less than 5 parking spaces.
Medical offices of doctors, dentists, veterinarians or similar professions	1 for every 200 square feet of gross floor area (GFA).
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical work-shops	1 for every 1½ employees in the largest working shift or 1 for every 2,000 square feet of gross floor area (GFA), whichever is greater. Plus spaces for office use.
Warehouses and storage buildings	1 for each employee computed on the basis of the greatest number of persons employed at any one time during the day or night, or 1 for every 1,500 square feet of useable floor area (UFA), whichever is greater. Plus spaces for office use.

Table Required Minimum Number of Parking Spaces by Use	90-600
Use	Number of Parking Spaces
Mini warehouses/self-storage	Unobstructed parking area equal to 1 for every employee, plus parking for other uses on site such as truck rental, but no less than 5 spaces.
Truck terminal	1 automobile space for each employee plus 2 truck spaces of 10 by 70 feet for each truck berth or docking space.

(Ord. No. 10-11, § 1, 10-3-11; Ord. No. 5-13, § 1, 6-3-13; Ord. No. 15-14, § 7, 7-21-14)

Sec. 90-601 OFF-STREET PARKING FACILITY DESIGN

(1) *Off-street parking location and setbacks.* Off-street parking lots shall meet the setback requirements of the zoning district in which they are located. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or parcel as the building they are intended to serve, and shall consist of a driveway and/or garage. All residential driveways shall provide a minimum width of at least eight feet. Driveways must be paved and shall be set back at least one foot from adjoining side lot lines. In the ER estate residential zone, portions of driveways located more than 50 feet from the public street may be graveled. All parking spaces shall be paved and no more than one parking space shall be located within the required front yard. Additions to existing single- and two-family dwellings shall not require the paving of an unpaved driveway.

(2) *Parking construction and development.* The construction of any parking lot shall require approval of a site plan in accordance with Article 5. Upon completion, the parking lot shall be inspected and approved by the building department before issuance of a certificate of occupancy.

(a) All parking lots and vehicle and equipment storage areas shall be paved with an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate. Alternative paving materials, such as permeable/grass pavers or porous pavement, may be approved for overflow, seasonal or low use parking areas, based upon the review and recommendation of the city engineer. For storage areas, a substitute for hard-surfaced pavement may be approved during site plan review upon a determination that there are no adverse effects on adjoining properties.

(b) Surface water from parking areas shall be detained on site in accordance with the City of Wyoming Engineering Standards.

(c) Parking space and aisle dimensions are in the following table. Angled parking between these ranges shall be to the nearest degree. All parking lots shall be striped and maintained showing individual parking bays and spaces, in accordance with the following minimum dimensions:

Table 90-601: Parking Space And Aisle Dimensions				
	90°	60°	45°	Parallel
Space width	9 ft.	9 ft.	9 ft.	8.5 ft.
Space length	18 ft.	21 ft.	21 ft.	22 ft.
One-way aisle width	15 ft.	13 ft.	12 ft.	12 ft.
Two-way aisle width	24 ft.	24 ft.	20 ft.	20 ft.

(d) Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes and oil change) shall be at least 24 feet long and ten feet wide. Required stacking spaces shall not block customer parking spaces. Where the drive-through waiting lane provides for a single lane of five or more vehicles an escape lane shall be provided to allow vehicles to exit the waiting lane.

(e) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles in accordance with section 90-601. All parking lots shall provide on-site circulation aisles and parking spaces shall be designed to not require vehicles to back into public right-of-way. Ingress and egress to a parking lot in a nonresidential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and nonresidential district.

(f) Off-street parking areas shall be landscaped in accordance with the requirements of section 90-328.

(3) *Parking structures.*

(a) *Dimensional requirements.* Parking stall and driving aisles shall meet the minimum dimensional requirements of subsection (2)(c), above.

(b) *Internal arrangement.* Internal arrangement and design shall be approved by the city engineer for appropriate grades, traffic circulation, aisle length, column spacing, ceiling height, exit stairwell and elevator location.

(c) *Access points/lanes.* Storage areas for entering and exiting traffic should be long enough to minimize backups of traffic onto surrounding streets or within the garage.

(d) *Lighting and security.* Adequate lighting is necessary for the safe movement of vehicles and pedestrians and for the security of patrons and parked vehicles.

(e) *Location and setback requirements.* Parking structures shall be set back the same distance as required for main buildings.

(f) *Architecture.* Parking structures shall be architecturally compatible with the buildings they serve. Landscaping improvements may be required to screen the structure.

(4) *Maintenance.* All parking lots shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

(5) *Limitations on use of parking lots.*

(a) It shall be unlawful for any person, firm, or corporation to use private property for vehicle parking without the express consent, authorization, or ratification of the owner, holder, occupant, lessee, agent or trustee of the property.

(b) Off-street parking areas are intended only for temporary vehicle parking for public safety by keeping parked cars off the streets. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance in the area.

(c) Loading spaces as required in section 90-602, and parking spaces required in section 90-600 shall be considered separate and distinct requirements and shall be considered separate components on the proposed site plan. In no case shall one component be construed as meeting the requirements of the other required components.

(d) Parking lots and loading areas shall not be used for the storage of trucks or trailers, except for uses approved for this in the industrial districts.

(e) Parking lots accessory to uses other than licensed vehicle sales lots shall not be used for private sales of vehicles.

(Ord. No. 10-11, § 1, 10-3-11; Ord. No. 3-12, § 6, 3-5-12)

Sec. 90-602 OFF-STREET LOADING REQUIREMENTS

(1) *Uses requiring loading area.* On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces.

(3) *Loading area requirements.* Loading and unloading spaces, unless otherwise adequately provided for, shall be ten feet by 50 feet, with 15-foot height clearance, according to the following schedule:

Table 90-602: Loading Area Requirements	
Useable Floor Area (UFA)	Minimum Truck Loading Spaces
0—2,000 square feet	None
2,001—20,000 square feet	1 space
20,001—100,000 square feet	1 space plus 1 space for each 20,000 square feet in excess of 20,000 square feet
100,001—500,000 square feet	5 spaces plus 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000 square feet	15 spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet

(3) *Loading deferment.*

(a) Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a parking lot plan can be administratively approved designating portions of required loading spaces and paving reserved for future use. Likewise, a loading deferment may be imposed upon a finding that the standard loading requirements would be initially excessive.

(b) The approval shall include conditions under which the reserved loading areas must be provided.

(c) Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required by the city planner, based on loading needs, and shall require the submission and approval of an amended site plan.

(d) The city planner may require the construction of additional loading within the deferred loading area if a change of use occurs for the building or property for which the deferred loading was approved.

(4) *Orientation of overhead doors.* Overhead doors for truck loading areas shall not face the front yard and shall be screened from view from a public street or an adjacent residential district.

(5) *Adjacency to residential districts.* No loading space shall be located closer than 55 feet to any residential zoning district unless adjoining a public alley or located within a completely enclosed

building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence five feet in height of a type approved by the planning commission.

(Ord. No. 10-11, § 1, 10-3-11)

Sec. 90-603 DRIVEWAY ACCESS MANAGEMENT

(1) *Purpose:* The regulations of this section are designed to accomplish the following purposes:

(a) Preserve the capacity of the city's major streets by limiting and controlling the number, location and design of access points and by requiring alternate means of access through shared driveways, service drives, and access via cross streets in certain locations.

(b) Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.

(c) Improve safety and reduce the potential for crashes.

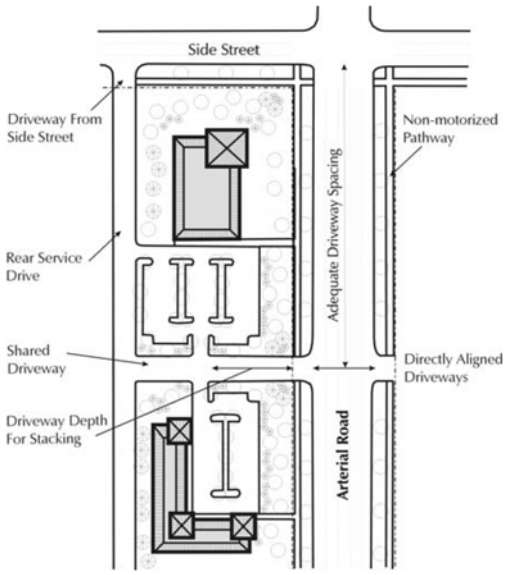


Figure 90-603-1: Driveway Types and Terms

(d) Avoid the proliferation of unnecessary curb cuts and driveways and, when the opportunities arise, eliminate or reconfigure existing access points that do not conform to the standards of this section.

(e) Implement the recommendations of the City of Wyoming Land Use Plan.

(f) Require longer frontages or wider minimum lot widths than required in underlying zoning districts to help achieve acceptable distances for separation of driveways.

(g) Require coordinated access among adjacent lands where possible.

(h) Avoid the need for unnecessary and costly reconstruction of roadways which disrupts business operations and traffic flow.

(i) Ensure efficient access by emergency vehicles.

(j) Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points at access crossings.

(k) Establish uniform standards to ensure fair and equal treatment among property owners.

(2) *Driveway location in general.*

(a) The requirements of this section shall apply to all commercial/industrial driveways.

(b) Driveways shall be located to minimize interference with the free movement of traffic, provide adequate sight distance, and provide the most favorable driveway grade.

(c) Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless approved by the city engineer and upon written agreement from the adjacent property owner agreeing to such encroachment.

(d) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum standards of this section, the city engineer may modify these requirements. Modifications shall be the minimum necessary, but in no case shall spacing of full-access driveways be less than 60 feet, measured centerline to centerline.

(3) *Driveway spacing standards.*

(a) Minimum spacing requirements between a proposed commercial/industrial driveway and an intersection, either adjacent or on the opposite side of the street, may be established on a case-by-case basis, but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Table 90-603-1: Minimum Commercial/Industrial Driveway Spacing From Street Intersections (b)

Location of Driveway	Minimum Spacing	
	Full Movement Driveway	Channelized Driveway Restricting Left Turns
Along arterial roadway, intersecting with arterial roadway	250 feet	125 feet
Along arterial roadway, intersecting nonarterial roadway	200 feet	125 feet
Along other roads	75 feet	50 feet

(b) For sites with insufficient street frontage to meet the above criterion, the driveway may be required to be located along a side street, shared with an adjacent property, constructed along the property line farthest from the intersection, or accessed from a service road.

(c) Minimum spacing, between two commercial/industrial driveways, measured from centerline to centerline, shall be determined based upon posted speed limits along the parcel frontage as indicated below.

Table 90-603-2: Minimum Spacing Between Commercial/Industrial Driveways		
Posted Speed (mph)	Driveway Spacing (in feet)[1]	
	Arterial Road	Other Roads
25	130	90
30	185	120
35	245	150
40	300	185
45	350	230
50 +	455	275

[1] Unless greater spacing is required by MDOT or required to meet other standards herein.

(d) To reduce left-turn conflicts, new commercial/industrial driveways shall be aligned with those across the street, where possible. If alignment is not possible along arterial streets, driveways shall be offset from those on the opposite side of the street a minimum of 150 feet. These standards may be reduced as part of site plan approval, based upon the recommendation of the city engineer, on a case-by-case basis. Longer offsets may be required depending on the expected volumes of left-turns into the driveways.

(4) *Number of commercial/industrial driveways.*

(a) The number of commercial/industrial driveways serving a property shall be the minimum necessary to provide reasonable access for traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway.

(b) Access shall be provided for each separately owned parcel. This access may be from an individual driveway, shared driveway or a service drive. The planning commission may permit additional driveways for property meeting the following requirements:

1. One additional driveway for properties with a continuous frontage of over 300 feet, and one driveway for each additional 300 feet of frontage.

2. A traffic impact study determines that additional access is justified without compromising traffic operations along the public street.

3. Two one-way driveways may be permitted where the frontage is at least 125 feet.

(5) *Commercial/industrial driveway design.*

(a) All commercial/industrial driveways shall be constructed according to the City of Wyoming or MDOT standards, as applicable. In commercial redevelopment areas, these standards shall be complied with to the maximum extent possible.

(b) For high traffic generators, or for commercial/industrial driveways along streets experiencing or expected to experience congestion, two egress lanes may be required.

(c) For a boulevard entrance, a fully curbed island, at least 180 square feet in area, shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway.

(6) *Shared driveways, frontage roads and service roads.*

(a) The number of access points may be reduced where it is determined by the site plan review authority that there may be a beneficial effect on traffic operations and safety, while preserving the property owner's right to reasonable access. In this case, a shared commercial/industrial driveway, frontage road or rear service drive connecting two or more properties or uses may be required. Service roads may be required near existing traffic signals or near locations having potential for future signalization; along arterial roadways with high traffic volumes; and where a relatively high number of crashes or limited sight distances are found.

(b) Shared commercial/industrial driveways and service roads shall be within a recorded access easement. A draft of the access easement shall be provided to the city engineer for review prior to filing.

(c) Service road and shared driveway design standards.

1. *Location.* Service roads shall generally be parallel or perpendicular to the front property line and may be in front of, adjacent to, or behind, principal buildings. The site plan review authority shall determine the most appropriate alignment, taking into account setbacks of existing buildings and anticipated traffic flow for the site and the corridor.

2. *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties.

This easement shall be 60 feet wide, except an access easement parallel to a public street right-of-way may be 40 feet wide, if approved by the city engineer. The required width shall remain free and clear of obstructions, unless otherwise approved.

3. *Construction and materials.* Service roads shall have a base, pavement and curb with gutter in accordance with the city engineer requirements. The minimum required width of the service road shall be 27 feet, measured back to back of curb.

4. *Parking.* The service road is not intended as a parking maneuvering aisle. The site plan review authority may require the posting of "no parking" signs along the service road. Temporary parking may be permitted in the easement area where a continuous service road is not yet available, provided that the layout provides for the removal of the parking to allow extension of the service road.

5. *Access to service road.* All access to the service road shall be in accordance with the driveway spacing standards of this section. The planning commission may allow additional driveways if recommended by the city engineer.

6. *Temporary access.* The site plan review authority, with concurrence of the city engineer, may approve temporary access where a continuous service road is not yet available and a performance guarantee is provided to assure elimination of temporary access when the service road is continued. Building permits shall not be issued until the performance guarantee has been deposited with the city.

7. *Elevation.* The site plan shall indicate the proposed elevation of the service road at the property line. The city engineer shall maintain a record of all service road elevations so that their grades can be coordinated.

8. *Maintenance.* Each property owner shall be responsible for maintenance of the easement and service drive across their frontage. The maintenance provisions shall be specified in the recorded access easement.

(Ord. No. 10-11, § 1, 10-3-11)

ARTICLE 7
SIGNS

Editor's note— Ord. No. 20-08, adopted January 5, 2009, amended art. XXIII in its entirety to read as herein set out. Former art. XXIII consisted of §§ 90-791—90-811 and pertained to similar subject matter. See Code Comparative Table for amendatory history.

Sec. 90-700 PURPOSE

The purpose of this article is to regulate signs within the City of Wyoming. The regulations and standards of this article are intended to be content neutral and are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values. These objectives are accomplished by establishing regulations concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:

(1) Protect the public right to receive messages and information protected by the First Amendment of the U.S. Constitution;

(2) Recognize that the principal intent of commercial signs is for identification of an establishment on the premises, and not for advertising off-premises activities;

(3) Recognize that the proliferation of signs unduly distracts motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents;

(4) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair;

(5) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs;

(6) Preserve and improve the atmosphere of the city by encouraging signs of consistent size and/or nature which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings; and

(7) Regulate portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 1-11, § 1, 2-7-11)

Sec. 90-701 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory sign: A sign that pertains to the use of the premises on which it is located.

Animated sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning: A roof-like structure attached to the side of a building that is intended to provide shelter from the elements over a doorway, window or other parts of a building façade. An awning may or may not be designed to be retractable, generally consists of thin or nonrigid materials and is generally fashioned upon a metal structure that is not an integral part of the building.

Awning sign: A sign which is painted on, printed on, or attached flat against the surface of an awning, including any writing, representation, symbol, logo or any other figure or similar character intended to be part of the display. The presence of any of the above shall cause the entire awning structure to be considered an awning sign.

Back-lit sign: A sign illuminated by an internal light source or lighting behind the sign lettering. An example of a back-lit sign is a ground sign that is illuminated by several fluorescent bulbs located within the sign cabinet.

Banner sign: A sign made of fabric, cloth, paper, or other taut material that is typically not enclosed in a frame. A ground-mounted banner is attached to a pole, frame or fence or any other similar device. A wall-mounted banner is attached to a building. Nongovernmental flags shall be considered banners.

Billboards: See "off-premises advertising sign."

Community special event sign: A temporary sign announcing a specific event of interest to the general public sponsored by a public, quasi-public, civic, religious, or nonprofit organization.

Construction sign: A sign that identifies the owner, lender, contractor, architect, and/or engineer associated with a project under construction.

Directional sign: A sign, typically installed at the driveway opening, to direct traffic flow, regulate traffic operations, and provide information to motorists entering and exiting a site in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Erect: To build, construct, attach, hang, place, suspend or affix.

Flashing sign: A sign that contains an intermittent or sequential flashing light source.

Freestanding sign: A sign attached to the ground by means of a base or pole.

Front-lit signs: A sign illuminated by an external light source. An example of a front-lit sign is a ground sign that is illuminated by a spotlight located in front of and directed toward the sign.

Gasoline price sign: A sign that is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground sign: A three-dimensional, base-mounted freestanding display sign, that is supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Illegal sign: A sign which does not meet the requirements of this article and which has not received legal nonconforming status.

Incidental sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

LED: Light-emitting diode (LED) utilizing technology of diodes arranged in pixels to create narrow spectrum light, sometimes called electroluminescence.

Mansard: A slope roof or roof-like facade.

Manual changeable copy sign: A sign on which the message is changed manually through the manipulation of individual letters.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building, generally constructed to be an integral part of the building.

Menu board (options board): A freestanding sign oriented to the drive-through lane for a restaurant or other business offering drive-through services that advertises the merchandise or services available, and which has no more than 20 percent of the total area of the sign utilized for business identification. The sign may also incorporate a speaker for ordering items.

Moving sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign. Moving signs include any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.

Moving image sign: An electronic changeable message sign that includes the presentation of text, animation, pictorials and graphics that are displayed, or are capable of being displayed, in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving text or objects, moving patterns or bands of light, or expanding or contracting shapes. This does not include signs that indicate only time, temperature or date, or a flashing sign as herein defined.

Mural: A design or representation which is painted or drawn on the wall of a structure and which does not advertise a business, product, service, or activity.

Nameplate: An on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

Nonconforming sign:

(1) A sign that is prohibited under the terms of this article, but was erected lawfully and was in use on the date of enactment of this article, or amendment thereto; or

(2) A sign that does not conform to the requirements of this article, but for which a variance has been granted.

Obsolete sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-premises advertising sign: A sign that contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located. A "billboard" is a type of off-premises advertising sign.

On-premises advertising sign: A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pedestrian sign: A temporary sign, including by way of example, placards, sandwich boards or costumes held or worn by a person, displayed to passing motorists along major streets, and calling attention to a business, product, service, or event.

Pole sign: A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.

Political sign: A sign expressing a political opinion or message or relating to matters to be voted on in a local, state, or national election or referendum.

Primary sign: A sign which has as its principal purpose the advertisement of the use or business conducted on the property.

Projecting sign: A sign other than a flat wall sign that is affixed to a building or structure, any part of which extends perpendicular more than 12 inches beyond the building wall.

Public sign: A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real estate sign: An on-premises temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.

Real estate development sign: A temporary sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is under construction on the parcel on which the sign is located. The sign may also identify the designer, contractors and subcontractor, and material suppliers participating in construction on the property on which the sign is located.

Roof line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof sign: A display sign that is erected, constructed and maintained above the parapet or the roof line of a building.

Secondary sign: A sign on the same property as a primary sign that serves a secondary purpose other than advertising the business or service conducted on the property.

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.

Sloping roof sign: A sign mounted on a mansard roof or other roof surface that exceeds 45 degrees in angle relative to horizontal and which is not erected, constructed or maintained above the roof line of a building.

Streamers and pennants: A long narrow line of material, comprised of numerous small flags or strips of material, of various shapes and sizes and used for ornamentation and/or attraction. String lights shall not be considered streamers or pennants.

Surface: The part of the sign upon, against or through which the message is displayed or illustrated.

Temporary sign: A display sign, banner or other advertising device not constructed or intended for long-term use constructed of cloth, canvas, paper, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display.

Trailer sign: A sign of light construction capable of being moved from one location to another usually (but not always) mounted to a chassis with wheels, used for directing attention to a business, commodity, service or entertainment that is conducted, sold or offered on the premises.

Vehicle sign: a sign painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

Wall sign: A display sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof or parapet shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

Window sign: A sign located in or on and affixed to a window, which is intended to be viewed from the outside.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 1-11, § 2, 2-7-11)

Sec. 90-702 SCOPE OF REQUIREMENTS

It shall be unlawful for any person, firm, or corporation to erect, repair, alter, relocate or maintain on any property within the city any sign, except in conformance with the provisions of this article, subject to issuance of a permit, except as otherwise provided herein.

(Ord. No. 20-08, § 1, 1-5-09)

Sec. 90-703 EXEMPT SIGNS

The following signs are specifically exempt from the permit requirements of this article, provided such signs are outside of the public street right-of-way and are located to ensure adequate sight distance:

TABLE 90-703: EXEMPT SIGNS	
Type of Sign	Requirements
Address sign	Numeral height no greater than six inches for residences and 18 inches for businesses.
Athletic field signs	Signs in athletic fields on school properties, not exceeding 32 square feet in display area, not permanently affixed, and oriented away from public streets. These may be off-premises signs.
Barber pole	No greater than 24 inches in any dimension.
Bulletin board	Not over 20 square feet in area for public, charitable or religious institutions; provided that if such signs are electrically illuminated an electrical permit must be obtained.
Community special event sign	May include ground or wall signs, banners, pennants, or similar displays. The number, size and height of such signs shall be subject to chief building official approval. Permitted for 14 days prior to and for duration of the event and not to exceed a total of 30 days. City-authorized banners may be displayed with no maximum duration.
Device sign	Permanent signs on vending machines, fuel dispensing unit, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three square feet in area, limit of one sign per vending machine, fuel dispensing unit, or ice container.
Flag	The maximum height of the flagpole is 35 feet, measured from the average surrounding grade. A maximum of three flags comprised of national, state and one community, school, university or corporate are allowed per lot. All other flags shall be regulated as banners. Flags may not exceed 60 square feet in area per flag.
Garage, yard, and estate sale	Garage sale and estate sale signs announcing the sale of household goods, provided the following: there is only one sign per premises; that they are on-premises only, entirely on private property; that they do not exceed six square feet in area; they are removed within one business day after the announced sale; and may be placed no more than six days per calendar year.
Historic marker	Historical marker including plaques or signs describing a property's official designation as a historical site or structure and containing narrative, not exceeding 12 square feet in area.
Employment sign	"Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six square feet with a maximum height of four feet.

TABLE 90-703: EXEMPT SIGNS	
Type of Sign	Requirements
Incidental sign	Incidental signs not exceeding a total of two square feet, a total of two signs per business indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.
Interior sign	Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
Memorial sign	Memorial signs or tablets not exceeding four square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
Nameplate	Signs identifying the occupants of the building, the professional or home occupation, provided such sign shall not exceed two square feet in area; the sign must be attached to an exterior building wall.
Painted wall sign	Signs painted on the exterior surfaces of a building or structure and less than twelve square feet in area. Such signs shall not have raised borders, letters, characters, decorations or lighting appliances.
Political sign	Limited to six square feet in residential districts; 32 square feet in nonresidential districts per street frontage. No more than one sign per candidate or issue. Political signs shall be removed within five days after the election.
Real estate sign	a. Sign shall be no taller than four feet in residential districts and eight feet in nonresidential districts;
	b. One sign permitted per lot. However, two signs are permitted if the lot is a corner lot;
	c. Size of each sign to be a maximum of six square feet for residential properties, ten square feet for multiple-family properties, and 32 square feet for nonresidential properties;
	d. Sign not to be affixed to other signs, utility poles, fire hydrants or trees;
	e. Sign must be located at least five feet from the public right-of-way; and
	f. Sign to be removed within five days of the property's sale or lease.
Real estate open house sign (on-premises)	a. Only one on-premises;
	b. Each sign shall be a maximum of six square feet in size and four feet in height above grade;
	c. Signs shall not to be affixed to other signs, utility poles, fire hydrants or trees; and

TABLE 90-703: EXEMPT SIGNS	
Type of Sign	Requirements
	d. Signs shall not be located in the public right-of-way.
Real estate open house sign (off-premises)	a. Only two signs placed off-premises and one on-premises;
	b. Each sign to be maximum of four square feet in size and three feet in height above grade;
	c. Signs not to be affixed to other signs, utility poles, fire hydrants or trees;
	d. Person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which such signs are placed;
	e. Signs allowed for a maximum of eight hours per day; and
	f. Sign to be removed within one hour following closing of open house.
Religious symbols	Recognized religious symbols such as, but not limited to, crosses, crucifixes, Star of David, and statuary.
Traffic control sign	Traffic or other municipal signs, legal notices, danger signs and such temporary emergency or non-advertising signs, or private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and as may be approved by the chief building official.
Vehicle sign	Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
Warning sign	Warning signs, such as no trespassing, high voltage, or dangerous animals; provided such signs shall not exceed two square feet in area and shall be spaced no closer than 100 feet apart. Governmental agencies and public utilities shall be exempt from these limitations.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 1-11, § 3, 2-7-11)

Sec. 90-704 PROHIBITED SIGNS

Unless otherwise permitted elsewhere in this article, the following signs are prohibited in all districts:

TABLE 90-704: PROHIBITED SIGNS

Any sign not expressly permitted.

Balloons exceeding 24 inches in diameter or other inflated advertisements, or any structure held erect or partially erect by stationary or moving air, except those less than 24 inches in diameter specifically permitted in [Table] 90-708-4.

Flags, except that a flag of any nation, government or political subdivision is permitted, not exceeding 60 square feet in area, except as specifically permitted in [Table] 90-708-4.

Flashing or intermittent lighting, except moving image signs, as permitted in this article.

Illegal signs. Any sign unlawfully installed, erected, or maintained.

Moving signs, except moving image signs, as permitted in this article.

Obsolete signs.

Projecting signs.

Roof signs, not including sloping roof signs.

Signs on public property without express permission of the city, including signs mounted to power poles, etc.

Signs that obstruct access. Signs which obstruct free access or egress from any building.

Signs that confuse traffic.

(1) Any sign that makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

(2) Signs that are representations of traffic control devices or signals, such as stop signs, railroad crossings, etc.

(3) Signs that in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.

Street furniture signs. Signs on street furniture, such as benches and trash receptacles.

String lights. String lights used for commercial purposes, other than holiday decorations between Thanksgiving and New Year's day.

Unsafe signs. Any sign or sign structure that:

(1) Is structurally unsafe;

(2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

(3) Is capable of causing electric shock to person who comes in contact with it; or

(4) Is not kept in good repair, such that it has broken parts, missing letters, missing panels, or nonoperational lights or is sagging, frayed or faded.

Vehicle signs where the primary purpose of the vehicle (including any trailer) is advertisement.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 1-11, § 4, 2-7-11)

Sec. 90-705 GENERAL STANDARDS FOR PERMITTED SIGNS

(1) *General provisions.*

(a) *Accessory signs.* All signs, except off-premises advertising signs shall advertise business transacted or goods sold or produced on the premises. All signs shall meet the requirements of this article and as required in the building code or in other ordinances of the city.

(b) *Surface of front.* No nails, tacks or wires shall be permitted to protrude in or from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors or other devices that may extend over the top and in front of the advertising structure.

(2) *Measurement of signs.*

(a) *Sign area.*

1. Sign area shall be measured as the square footage of the sign face within a single, continuous perimeter composed of any straight line or geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. However, for ground-mounted signs, the sign base shall be calculated as part of the sign area and for pole signs, any supports or shrouds whose width exceeds 18 inches, shall be calculated as part of the sign area.

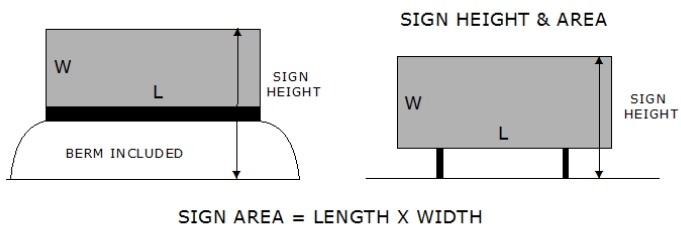
Pole shrouds shall be painted a neutral color and may only have address numbers placed thereon.

2. The area of a pole sign that has two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point, the area of one face shall be counted as the sign area. If two back-to-back sign faces are of unequal size, the larger of the two shall be counted as the area of the sign.

3. For buildings containing multiple tenants. When a sign consists of lettering or other sign elements printed, painted or mounted on a wall or a window, the sign area shall be measured by enclosing the edges of the sign elements (i.e. letters, logos) within a parallelogram or rectangle. The sign areas for wall signs and awning signs shall be determined by taking that portion of the wall applicable to each tenant and computing the allowable sign area for that portion of the total wall.

(b) *Sign height.*

1. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.



2. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

(3) *Clear vision area.* No sign shall be located within, project into, or overhang the clear vision area as required in section 90-324; provided a pole sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level.

(4) *Design and construction standards.*

(a) *Compliance with codes.* Signs shall be constructed in a safe and stable manner in accordance with the city's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.

(b) *Screening of supports.* All wall signs shall be designed so that the supporting framework is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

(c) *Clearance from utilities.* All signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole.

(d) Anchoring of temporary signs with cement blocks, tires and other materials not an integral part of the sign design is prohibited.

(5) *Illumination.*

(a) Unless otherwise permitted, a sign shall be illuminated only by steady, stationary, shielded light sources directed solely toward the sign (i.e., front lit signs), or internal to the sign or otherwise from behind the characters (i.e., back lit signs).

(b) The background of front lit signs may be any color, provided they are not reflective at night. However, such signs may use light reflecting lettering and messaging.

(c) Use of glaring undiffused lights or bulbs shall be prohibited, except that bare bulbs are permitted for holiday lighting.

(d) Illumination by bare bulbs, neon, luminous tubing or flames is prohibited. Signs shall have no exposed or flashing bulbs. Except as otherwise permitted in this article, no sign shall contain any visible moving parts or messages. All signs shall be limited to a maximum brightness of 2,000 units during daylight hours. In addition, they shall be reduced to a maximum of 500 units from one-half hour before sunset to one-half hour after sunrise. Brightness shall be measured from the sign's face at maximum illumination.

(e) Exposed neon or LED lights are permitted, provided the neon or LED is used for lettering and/or images, but not for borders to roofs, walls, or similar architectural features.

(f) Lights shall be shielded so as not to project directly onto adjoining properties or thoroughfares.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 4-10, § 1, 5-17-10; Ord. No. 1-11, § 5, 2-7-11; Ord. No. 14-13, § 1, 9-3-13)

Sec. 90-706 SIGNS IN PLANNED UNIT DEVELOPMENTS

Signs in planned unit developments shall be subject to a sign plan attached to the site plans approved by via the planned unit development process. Where no sign plan is proposed, signs shall conform to the requirements of this article, based upon the use or uses within the approved planned unit development.

(Ord. No. 20-08, § 1, 1-5-09)

Sec. 90-707 SPECIFIC SIGN REQUIREMENTS: RESIDENTIAL DISTRICTS

Signs for residential and nonresidential uses in the residential districts are subject to the following:

(1) *Sign setbacks for all uses:* All signs in a residential district shall be set back a minimum of five feet from any property line and shall be located so that clear vision is maintained at all intersections (see section 90-324).

(2) *Adjacent to properties within a residential district:*

(a) *Nonilluminated signs:* Ten feet from any side or rear property line in an adjacent residential district.

(b) *Illuminated signs:* Twenty-five feet from any side or rear property line in an adjacent residential district.

(3) *Real estate development and construction signs:* Real estate development signs or construction signs shall not exceed 32 square feet in area or ten feet in height. No more than one real estate development sign or construction sign shall be permitted per use. Real estate development signs and construction signs may not be illuminated.

(4) *Ground-mounted banners:* One banner, a maximum of 16 square feet and 12 feet in height, shall be permitted in all residential districts, for each street entrance of a parcel. Ground-mounted banners on single-family residential lots are prohibited. Permits are not required.

(5) *Illumination of signs in residential districts:* Signs for home occupations may not be illuminated.

(6) *Specific sign requirements by use:* For uses in residential districts, the following signs shall be permitted, subject to the requirements of Table 90-707.

TABLE 90-707: SIGNS IN RESIDENTIAL DISTRICTS					
Use	Sign Type	Maximum Area	Minimum Setback	Maximum Height	Maximum Number of Signs
School, place of worship, group day care, group human care, cemeteries, public buildings	Ground sign	60 sq. ft.	5 ft. from all property lines and outside the clear vision corner	8 ft.	1
	Wall sign	10 percent of the area of wall, up to a maximum of 100 sq. ft.	N/A	May not extend above the wall on which the sign is attached	1 per frontage
	Moving Image or Manual Changeable Copy sign as part of a ground sign	No more than 40 percent of the allowed area of the ground sign.	5 ft. from all property lines and outside the clear vision corner	N/A	1
	Trailer sign[1]	40 sq. ft.	5 ft. from all property lines and outside the clear vision corner	6 ft; may not extend above the wall on which the sign is attached	1 per frontage
Public buildings	Wall sign	10 percent of the area of wall, up to a maximum of 200 sq. ft.	May not extend above the wall on which the sign is attached	1	1

TABLE 90-707: SIGNS IN RESIDENTIAL DISTRICTS					
Use	Sign Type	Maximum Area	Minimum Setback	Maximum Height	Maximum Number of Signs
Public parks	Ground sign	60 sq. ft.	5 ft. from all property lines and outside the clear vision corner	8 ft.	1 per frontage
Residential developments, mobile home parks, apartment complexes	Ground sign	60 sq. ft.	5 ft. from all property lines and outside the clear vision corner	8 ft.	1 per street entrance
Allowed home occupations	Wall sign	2 sq. ft.	N/A	N/A	1
Real estate development and construction signs	Freestanding	32 sq. ft.	5 ft. from all property lines and outside the clear vision corner	10 ft.	1 per use
Directional signs for non-residential uses	Freestanding	6 sq. ft.	Outside clear vision corner	3 ft.	1 per driveway

[1] A trailer sign shall not be permitted if a changeable copy or moving image sign is located on the premises. A permit shall be obtained and placed on the sign for each week, or part thereof, that the sign is displayed. Permits may be obtained for one week or consecutive multiples thereof, except that no property shall contain temporary signs visible from the street for more than eight weeks per calendar year. After the expiration of the permit, the sign shall be removed from the property or stored in a location that is not visible from the street.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 1-11, § 6, 2-7-11; Ord. No. 14-13, § 2, 9-3-13)

Sec. 90-708 SPECIFIC SIGN REQUIREMENTS: NONRESIDENTIAL DISTRICTS

(1) *Permitted sign types.*

(a) *Permanent signs.* Each lot or use shall be permitted primary and secondary signs as listed in Tables 90-708 and 90-708-2. A sign permit is required for all permanent signs.

(b) *Temporary signs:* See Table 90-708-4. A permit shall be required for temporary signs. Temporary signs may not be illuminated.

(c) *Window signs:* See Table 90-708-2.

(2) *Specific sign requirements.*

(a) *Wall signs.*

1. One wall sign per principal building, occupied by one tenant, shall be permitted per street frontage on each parcel.

2. Multitenant building or shopping center:

a. One wall sign shall be permitted for each tenant having an individual means of public access and shall be placed on the tenant's entry wall space.

b. Tenants occupying a corner space in a multitenant structure shall be permitted to have one sign on each of their wall frontages.

c. Where several tenants share a common entrance in a multitenant structure, only one wall sign shall be permitted, with the total permitted sign area being allocated among the tenants.

(b) *Awning signs.* An awning sign may be provided in lieu of a wall sign. The area of an awning sign shall be considered as part of the permitted area for wall signs as shown in Table 90-708.

(c) *Sloping roof signs.* A sloping roof sign may be provided in lieu of an awning or wall sign. The area of a sloping roof sign shall be the same as the permitted area for wall signs as shown in Table 90-708.

(d) *Directional signs.* Directional signs are permitted as necessary to direct the public to entrances and exits, parking areas and activity areas, as approved on the required site plan. A freestanding directional sign shall not be located within the clear vision area.

(e) *Marquees.* For the purposes of this article, any fascia of a marquee shall be considered a wall, and any sign affixed to a marquee shall be subject to the requirements for wall signs.

(f) *Moving image signs and time and temperature signs.*

1. Except as otherwise permitted in this article, a moving image sign or time and temperature sign shall be permitted only as a secondary sign, subject to the limitation in Table 90-708-2.

2. Message changes may occur no less than seven seconds apart. The methods of change shall be limited to instantaneous, roll, splice, unveil, venetian, zoom and fade, as interpreted by the chief building official. Messages or images that scroll across the sign shall not be permitted.

3. Messages may not advertise off-site locations, events or products.

(g) *Off-premises advertising signs.* Off-premises advertising signs (billboards) shall only be permitted as outlined in section 90-709.

(3) *Permanent sign requirements.* Each use shall be permitted the primary and secondary signs as provided in Tables 90-708 and 90-708-2.

TABLE 90-708: PRIMARY SIGN REQUIREMENTS - NONRESIDENTIAL DISTRICTS								
Sign Type and Requirement (P = Permitted NP = Not Permitted)		Zoning District						
		B-1	B-2	B-3	RO-1	I-1	I-2	I-3
Wall, Awning, and Sloping Roof Signs	Wall Sign	P	P	P	P	P	P	P
	Awning Sign	P	P	P	P	P	P	P
	Sloping Roof Sign	P	P	P	P	P	P	P
Maximum Number (for each frontage per tenant or use)		1	1	1	1	1	1	1
		No more than 1 wall sign, OR 1 awning sign, OR 1 sloping roof sign for each frontage for each tenant wall area served.						
Wall, Awning, and Sloping Roof Signs (cont.) Maximum Total Area Per Use (whichever is less)	Percent of Wall area to which sign is attached	15%	15%	15%	10%	5%	5%	5%
	Area Square Feet Max.	150	150	150	150	100	100	100
Maximum Height per sign		No wall, awning or sloping roof sign shall extend above the wall, roof line, or fascia upon which [it] is attached. A sloping roof sign shall not extend above the roof line.						
Note: If an awning sign is internally illuminated, the entire area of the awning shall be considered a sign.								

TABLE 90-708: PRIMARY SIGN REQUIREMENTS - NONRESIDENTIAL DISTRICTS								
Sign Type and Requirement (P = Permitted NP = Not Permitted)		Zoning District						
		B-1	B-2	B-3	RO-1	I-1	I-2	I-3
Pole and Ground Signs	Pole Sign	P	P	P	P	P[2]	P	NP
	Ground Sign	P	P	P	P	P	P	P
Maximum Number (per lot or frontage)		1	1	1	1	1	1	1
		Multiple frontage corner lots are permitted 1 sign per street frontage; total aggregate sign area of all pole signs shall not exceed 120% of area requirements.						
		No more than 1 pole sign OR 1 ground sign per lot or frontage as permitted above.						
Maximum Area (square feet)	Pole Sign[3]	100	100	100	60	100	100	NP
	Ground Sign[4]	75	75	75	60	75	75	75
Maximum Height (feet)	Pole Signs[5]	30	30	30	20	30	30	NP
	Ground Sign	12	12	12	12	12	12	12
Setback from property lines (feet)	Pole Sign	0	0	0	0	0	0	NP
	Ground Sign	5	5	5	5	5	5	5
Expressway Business Pole Sign		NP	P	P	NP	P	P	P
Expressway Business Pole Signs shall be permitted only for those businesses abutting an expressway or freeway right-of-way.								
Maximum Number per lot		NP	1	1	NP	1	1	1
Maximum Area (square feet)		NP	300	300	NP	300	300	300
Minimum Height (feet) if sign area exceeds 100 square feet		NP	60	60	NP	60	60	60
Maximum Height (feet)		NP	90	90	NP	90	90	90
Location Requirements		The base of the sign shall not be located behind the building containing the use advertised within a required front or secondary front yard. The sign shall be set back at least 100 feet from any residentially zoned property.						

[2] Pole signs shall not be permitted within industrial parks.
[3] If the lot frontage along any one street exceeds 150 feet, additional display area may be added to a pole sign located along that street at a ratio of one square foot for each two feet of property frontage in excess of 150 feet, up to a maximum area of 200 square feet.
[4] The area of the ground sign may be increased to 100 square feet, if identifying a multitenant building or use.
[5] Pole signs shall have 8 feet of clearance to the ground.

TABLE 90-708-2: SECONDARY SIGN REQUIREMENTS - NONRESIDENTIAL DISTRICTS							
Sign Type and Requirement (P = Permitted NP = Not Permitted)	Zoning District						
	B-1	B-2	B-3	RO-1	I-1	I-2	I-3
Manual changeable copy sign as part of a wall, pole or ground sign	P	P	P	P	P	P	P
Maximum number (per use)	1	1	1	1	1	1	1
	A manual changeable copy sign is not permitted on a sign that also has a moving image display or a time and temperature sign.						
Maximum area	No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign.						
Time and temperature sign as a part of a wall, pole or ground sign	P	P	P	P	P	P	P
Maximum number (per use)	1	1	1	1	1	1	1
	A time and temperature sign is not permitted on a sign that also has a moving image display or a manual changeable copy sign.						
Maximum time and temp. area	No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign.						
Minimum display time maximum time and temp. area	The time and/or temperature message shall be displayed for a minimum of seven seconds before changing. No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign.						
Moving image sign as a part of a wall, pole or ground sign	P	P	P	P	P	P	P
Maximum number per lot	1	1	1	1	1	1	1
Maximum moving image display area	No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign.						
Directional sign	P	P	P	P	P	P	P
Maximum number (per entrance/exit) — Per driveway	1	1	1	1	1	1	1
Maximum number (per entrance/exit) — Site interior	As approved on the site plan by the building official.						
Maximum area (square feet)	6	6	6	6	6	6	6
Maximum height (feet)	3	3	3	3	3	3	3

TABLE 90-708-2: SECONDARY SIGN REQUIREMENTS - NONRESIDENTIAL DISTRICTS							
Sign Type and Requirement (P = Permitted NP = Not Permitted)	Zoning District						
	B-1	B-2	B-3	RO-1	I-1	I-2	I-3
Window sign (permanent)	P	P	P	P	P	P	P
Maximum total area for window signs (temporary and permanent)	Percent of wall frontage area	The total of all window signs and banners shall not exceed 15% of the total wall frontage area per business.					
Menu board or options board	P	P	P	P	NP	NP	NP
Maximum number per use	One menu/options board and one pre-menu/options board.						
Maximum height (feet)	7						
Maximum area (square feet)	The menu/options board shall not exceed 44 square feet; the pre-menu/options board shall not exceed 16 square feet.						
Location: Maximum total area for window signs; percent of window area	Signs shall not be located in the front yard; nor shall the display be visible from any principal street; nor shall the signs be closer than 100 feet to any residential district.						

(4) *Temporary sign requirements.* Temporary signs shall be permitted in the nonresidential districts per Table 90-708-4:

TABLE 90-708-4: TEMPORARY SIGNS - NONRESIDENTIAL DISTRICTS							
Temporary Sign	Type of Sign Permitted	Max. Size	Max. Height	Max. Number	Setback	Permit Required	Permitted Duration
Trailer sign	As defined	40	6 ft.	1	(b)	Y	(g)
Construction sign	Ground or wall	32 sq. ft. (a)	10 ft.	1	(b)	N	Date of building permit to 1 week after the last construction trade has left
Window sign (temporary)	Paper or fabric	(e) (i)				N	No maximum (f)

TABLE 90-708-4: TEMPORARY SIGNS - NONRESIDENTIAL DISTRICTS							
Temporary Sign	Type of Sign Permitted	Max. Size	Max. Height	Max. Number	Setback	Permit Required	Permitted Duration
Real estate; sale or lease of individual business or lot	Ground or wall	32 sq. ft.	6 ft.	1 (c)	(b)	N	During periods of rent, lease, sale or availability
Real estate development sign	Ground	32 sq. ft.	10 ft.	1 (c)	(b)	N	Until 75% of the units or sq. ft. of project are sold and/or leased, whichever comes first
Ground-mounted banner	Ground	16 sq. ft.	12 ft.	(h)	(b)	N (h)	(h)
Wall-mounted banner	Wall	(i)	Building height	(i)		Y	(i)
Streamers and pennants	As defined		Building height		(b)	Y	(j)
Balloons	As defined	24 inches each	Building height or 35 ft., whichever is less	50 (k)	(b)	N (k)	(k)
Pedestrian sign	As defined	16 sq. ft.	8 ft	1 (l)	Must be on private property	Y (l)	(l)
Community special event sign	(d)				(b)	Y	Up to 3 weeks prior to event and not to exceed a total of 30 days

Footnotes to Table 90-708-4:

(a) In the case of maintenance or repair (e.g., roofing, windows, or siding), the maximum sign area shall be six square feet.

(b) The temporary sign shall be set back at least five feet from any public right-of-way line, easement or private street and 25 feet from any residential district property line, and shall be placed to ensure clear sight distances at all intersections.

(c) On a corner parcel two signs, one facing each street, shall be permitted.

(d) Community special event signs may include ground signs and/or displays or wall signs, banners, pennants, or similar displays; the number, size and height of the sign(s) shall be subject to chief building official approval.

(e) The total of all window signs, temporary and permanent, shall not exceed 15 percent of the total wall frontage area.

(f) Temporary window signs that are faded, yellowed, ripped, non-taut or otherwise damaged shall be removed immediately.

(g) Trailer sign requirements. A permit shall be obtained and placed on the sign for each week, or part thereof, that the sign is displayed. Permits may be obtained for one week or consecutive multiples thereof, except that no property shall contain temporary signs visible from the street for more than eight weeks per calendar year. After the expiration of the permit, the sign shall be removed from the property or stored in a location that is not visible from the street.

(h) One ground-mounted banner shall be permitted per parcel for each 100 feet of frontage or portion thereof. Two additional ground-mounted banners shall be allowed by permit for up to a two-week period and up to four times annually. Ground-mounted banners shall be taut and kept in good repair, or shall be removed.

(i) Wall banners shall comprise a maximum of 15 percent of the wall frontage area for each business served. The total wall frontage area comprised of both window signs and wall banners may not exceed 15 percent. Wall banners are permitted by permit for a maximum of 12 weeks per year. Permits may be obtained for one week, or consecutive weeks thereof. Wall banners shall be taut and kept in good repair, or shall be removed.

(j) Streamers and pennants are allowed per parcel by permit for up to a two-week period and up to four times annually. Property owner or landlord approval is required for multiple tenant properties. Streamers and pennants shall be taut and kept in good repair or shall be removed.

(k) A maximum of 50 balloons are allowed per parcel without permit. Additional balloon displays are permitted by permit for up to a two-week period and four times annually.

(l) One pedestrian sign is permitted for each parcel, or up to two on multiple tenant properties, each with an annual permit. Property owner approval is required. Excessive driver distraction is prohibited and shall not constitute an unreasonable hazard to the public.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 4-10, §§ 1, 2, 5-17-10; Ord. No. 7-10, §§ 1—3, 5-17-10; Ord. No. 1-11, §§ 7—10, 2-7-11; Ord. No. 14-13, §§ 3—5, 9-3-13; Ord. No. 15-14, §§ 8, 9, 7-21-14)

Sec. 90-709 OFF-PREMISES ADVERTISING SIGNS

(1) Off-premises advertising signs shall be permitted only in the I-1 or I-2 districts on property abutting a freeway right-of-way.

(2) A drawing with specifications prepared and sealed by a registered engineer or architect of the state shall be filed with the city prior to the construction.

(3) Off-premises advertising signs may be constructed to a maximum size of 672 square feet per face, provided they are located within 100 feet of a freeway right-of-way. Any off-premises advertising sign placed farther than 100 feet from the freeway right-of-way shall not exceed 300 square feet per face.

(4) Off-premises advertising signs to be located on property abutting a freeway shall be placed within 100 feet of the freeway right-of-way, except a 300-foot setback shall be required from the intersection of any freeway access or egress and the intersecting street.

(5) Except as noted in subsection (9)(a), below, no off-premises advertising sign structure shall be constructed closer than 750 feet to another off-premises advertising sign structure in any direction, except that no two off-premises advertising sign structures located on the same side of a freeway may be closer than 1,500 feet. Distances are to be measured along the freeway right-of-way line.

(6) Off-premises advertising signs shall not exceed the building height restrictions for the zone where erected.

(7) Off-premises advertising signs located adjacent to a major thoroughfare shall be at least 500 feet from any residential district.

(8) Tri-vision off-premises advertising signs are allowed, but message changes may occur no less than seven seconds apart.

(9) Off-premises advertising signs may incorporate a moving image sign, subject to the following:

(a) No off-premises LED advertising sign structure utilizing a moving image display shall be constructed closer than 4,000 feet to another off-premises LED advertising sign structure utilizing a moving image display. Off-premises LED advertising signs may only be constructed to replace existing off-premises advertising signs.

(b) The entire sign face shall be a moving image display and shall only convey a single product or message at any one time.

(c) Except for the change from one display to the next, which shall be instantaneous, each individual sign display shall be stationary. No elements of the display may move, flash or scroll, except to change from one display to the next.

(d) Displays may change no less than seven seconds apart. Each change shall be a fade from one display to the next, with the duration of the transition (fade-out/fade-in) no less than one-half of a second.

(e) Maximum brightness of a video display or electronic graphic display sign shall not exceed illumination of 5,000 nits (candelas per square meter) during daylight hours, nor 540 nits between dusk and dawn, as measured from the sign's face at maximum brightness. The sign must have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one-half hour before sunset and one-half hour after sunrise. For those electronic signs equipped with automatic dimmer features to adjust brightness levels for ambient light, it shall be required that the sign software be set to "automatic" in order to comply with levels of brightness as set forth in this section.

(Ord. No. 20-08, § 1, 1-5-09; Ord. No. 4-10, §§ 3, 4, 5-17-10)

Sec. 90-710 NONCONFORMING SIGNS

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this Article, but were lawfully established prior to its adoption. The intent of this Article is to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the purpose of administering this Article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights.

(1) *Alteration or reconstruction.* A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with this Article, except that nonconforming signs shall comply with the following regulations:

(a) *Repairs and maintenance.* Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50 percent of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of surface panels provided the new panels are no larger than the existing panels; or, repair or replacement of electrical wiring or electrical devices.

(b) *Nonconforming manual copy change, moving image signs and time and temperature signs.* The message on a nonconforming manual copy change, moving image or time and temperature sign may be changed, provided that the change does not create any greater nonconformity.

(c) *Substitution.* No nonconforming sign shall be replaced with another nonconforming sign.

(d) *Discontinuance.* A nonconforming sign shall not be re-established after the activity, business, or use to which it is related has been discontinued for 90 days or longer.

(2) *Continued use of nonconforming sign structure.* Any new occupant or owner of the premises shall be required either to remove or bring the sign into compliance with this article.

(Ord. No. 20-08, § 1, 1-5-09)

Sec. 90-711 DANGEROUS, UNSAFE, ABANDONED AND ILLEGALLY ERECTED SIGNS

(1) *Unsafe signs.* Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official to the health or safety of the public shall be removed or repaired according to the process outlined in (5) below.

(2) *Dangerous signs.* Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.

(3) *Abandoned signs.* Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned, unless it is determined that business is temporarily suspended due to a change in ownership or management. In any case, however, if the structure remains vacant for at least six months, it shall be considered abandoned for purposes of this section. The owner or lessee of the premises shall take any one of the following alternatives relative to the abandoned sign: removal, replace the sign faces with blanks, or cover the sign faces. Any covering on a sign face shall be maintained, clean, and in good condition or the building official may require replacement of the covering, placement of sign blanks, or sign removal, as noted in paragraph (5) below.

(4) *Illegally erected signs.* The chief building official shall order the removal of any sign erected illegally in violation of this Article, according to the process outlined in (5) below.

(5) *Process for enforcing violations.* For violations of this Article, the building official shall send notice, by certified mail addressed to the property owner and to the owner of the sign if not the property owner, at their last known address. The notice shall describe the violation and require removal or repair.

Should the sign not be removed or repaired within the time specified, the city shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

(Ord. No. 20-08, § 1, 1-5-09)

Sec. 90-712. ADMINISTRATION

(1) *Sign permits.* Except where otherwise noted, permits shall be required for signs. Where required, permits shall be processed according to the following:

(2) *Application.* Applications for sign permits shall be made upon forms provided by the city, and shall contain or have attached thereto the following information:

(a) Name, address and telephone number of the applicant;

(b) Location of building, structure or lot to or upon which the sign or other advertising structure is to be attached or erected;

(c) Position of the sign or other advertising structure in relation to nearby buildings or structures;

(d) Two blueprints or ink drawings or the plans and specifications and the method of construction and attachment to the building or in the ground;

(e) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city; provided that where the building official deems it advisable, he may require the approval of the structural design by a registered professional engineer;

(f) Name of the person erecting the structure;

(g) Written consent of the owner as to where the sign is to be erected on vacant land; and

(h) Such other information as the building official shall deem necessary to show full compliance with this and all other laws and ordinances of the city.

(3) *Fee.* Every applicant, before being granted a sign permit, shall pay to the city treasurer a permit fee as shall be established by resolution of the city council from time to time.

(4) *Review of application and issuance of permits.*

(a) B*uilding official review.* The building official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

(b) *Issuance of a permit.* Following review and approval of a sign application, the chief building official shall have the authority to issue a sign permit.

(c) *Exceptions.* A sign shall not be enlarged or relocated except in conformity with the provisions of this article for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, changing sign panels, or changing of the message on the sign where the sign is designed for such changes (such as manual changeable copy lettering or numbers on a gasoline price sign).

(5) *Inspection and maintenance.*

(a) *Inspection of new signs.*

1. All signs for which a permit has been issued shall be inspected by the building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable zoning ordinance and building code standards.

2. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the chief building official when such fastenings are to be installed so that inspection may be completed before enclosure.

(b) *Inspection of existing signs.* The building official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the building official shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.

(c) *Correction of defects.* If the building official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make or cause the sign to be made safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.

(Ord. No. 20-08, § 1, 1-5-09)

ARTICLE 8
ALTERNATIVE & RENEWABLE ENERGIES

- **Sec. 90-800 - Solar Energy Equipment**
- **Sec. 90-801 - Purpose**
- **Sec. 90-802 - Definition**
- **Sec. 90-803 - Permitted uses**
- **Sec. 90-804 Wind Energy Turbines**
- **Sec. 90-805 - Purpose**
- **Sec. 90-806 - Definitions**
- **Sec. 90-807 - Temporary uses**
- **Sec. 90-808 - Permitted uses**
- **Sec. 90-809 - Special approval uses**
- **Sec. 90-810 - Outdoor Wood-Fired Boilers, Stoves and Furnaces**
- **Sec. 90-811 - Purpose**
- **Sec. 90-812 - Definitions**
- **Sec. 90-813 - Permitted uses**

Sec. 90-800 SOLAR ENERGY EQUIPMENT

Sec. 90-801 PURPOSE

The purpose of this article is to establish guidelines for siting solar energy equipment (SEE). The goals are as follows:

(1) To promote the safe, effective and efficient use of SEE in order to reduce the consumption of fossil fuels in producing electricity.

(2) To preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of SEE.

(3) To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of SEE shall be governed.

(Ord. No. 5-10, § 1, 5-17-10)

Sec. 90-802 DEFINITION

Solar Energy Equipment (SEE) is defined as a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for generation of electricity or transfer of stored heat.

(Ord. No. 5-10, § 1, 5-17-10)

Sec. 90-803 PERMITTED USES

SEE shall be permitted as an accessory use in all zoning districts subject to the following requirements:

(1) *General:*

(a) SEE shall be located in the least visibly obtrusive location where panels would be functional.

(b) SEE must comply with all setback and height requirements for the zoning district in which the property is located.

(c) Nonfunctioning SEE shall be repaired or replaced within three months of becoming inoperable.

(d) The SEE and any electrical, plumbing, mechanical or other apparatus in connection with the device, shall be installed, operated and maintained in conformance with the manufacturer's specifications. Applicable construction permits shall be required prior to installation.

(e) The city shall not be held responsible for approving SEE which becomes nonfunctioning due to a blockage of solar access. SEE property owners are advised to obtain a solar access easement from adjoining property owners if there is a possibility for solar access blockage.

(2) *Roof or wall-mounted solar energy equipment:*

(a) It is encouraged that roof-mounted SEE shall be installed in the plane of the roof (flush-mounted) or made a part of the roof (capping or framing is compatible with the color of the roof or structure). Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective.

(b) SEE shall be located on a rear or side facing roof, as seen from the fronting street, unless the applicant can demonstrate that such installation would be ineffective.

(c) SEE shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five feet above a flat roof.

(d) All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the material adjacent to the lines.

(3) *Ground-mounted solar energy equipment:*

(a) SEE shall only be located in the side or rear yard of a property.

(b) SEE must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, plantings or a combination thereof, as determined by the building official.

(c) All exterior electrical and/or plumbing lines must be placed in a conduit and buried below the surface of the ground.

(d) SEE shall not block any required parking areas, sidewalks or walkways.

(Ord. No. 5-10, § 1, 5-17-10)

Sec. 90-804 WIND ENERGY TURBINES

Sec. 90-805 PURPOSE

The purpose of this division is to establish guidelines for siting wind energy turbines (WETs). The goals are as follows:

(1) To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.

(2) Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.

(3) To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

(Ord. No. 8-10, § 1, 6-21-10)

Sec. 90-806 DEFINITIONS

(1) *Anemometer* is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

(2) *General common element* is defined as an area designated for use by all owners within condominium development.

(3) *Decommissioning* is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.

(4) *Large wind energy turbine (LWET)* is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET's main purpose is to supply electricity to off-site customers. The total height of a LWET exceeds 150 feet. LWETs are not permitted under this division.

(5) *Medium wind energy turbine (MWET)* is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed 250 kilowatts. The total height does not exceed 150 feet.

(6) *Nacelle* refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.

(7) *Net-metering* is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

(8) *Occupied building* is a residence, school, hospital, church, public library, business, or any other building used for public gatherings.

(9) *Operator* is the entity responsible for the day-to-day operation and maintenance of a WET.

(10) *Owner* is the individual or entity, including their respective successors and assigns that have an equity interest or own the WET in accordance with this division.

(11) *Rotor diameter* is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

(12) *Shadow flicker* is the moving shadow, created by the sun shining through the rotating blades of a WET. The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

(13) *Small tower-mounted wind energy turbine (STMWET)* is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed 30 kilowatts. The total height does not exceed 70 feet.

(14) *Structure* is any building or other structure, such as a municipal watertower that is a minimum of 12 feet high at its highest point of roof and is secured to frost-footings or a concrete slab.

(15) *Small structure-mounted wind energy turbine (SSMWET)* converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten kilowatts.

The total height does not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

(16) *Total height* is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WET.

(17) *Tower* is a freestanding monopole that supports a WET.

(18) *Upwind turbine* is a WET positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

(19) *Wind energy turbine (WET)* is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

(Ord. No. 8-10, § 1, 6-21-10)

Sec. 90-807 TEMPORARY USES

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations:

(1) *Anemometers.*

(a) The construction, installation, or modification of an anemometer tower shall require applicable construction permits and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.

(b) An anemometer shall be subject to the minimum requirements for height, setback, separation; location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.

(c) An anemometer shall be permitted for no more than 13 months.

(Ord. No. 8-10, § 1, 6-21-10)

Sec. 90-808 PERMITTED USES

A small structure-mounted wind energy turbine (SSMWET) and a small tower-mounted wind energy turbine (STMWET) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this division unless the applicable construction permits have been issued to the owner(s) or operator(s).

All SSMWETs and STMWETs are subject to the following minimum requirements:

(1) *Siting and design requirements:*

(a) "Upwind" turbines shall be required.

(b) Visual appearance:

1. A SSMWET or STMWET, including accessory buildings and related structures shall be a nonreflective, nonobtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.

2. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

3. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), excluding identification of the turbine manufacturer.

(c) Ground clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.

(d) Noise: Noise emanating from the operation of a SSMWET or STMWET shall at all times comply with the standards established within the City Code chapter 30, article III.

(e) Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.

(f) Guy wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.

(g) In addition to the siting and design requirements listed previously, the SSMWET shall also be subject to the following:

1. *Height:* The total height of a SSMWET shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

2. *Setback:* The setback of the SSMWET shall be a minimum of 15 feet from the property line, right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.

3. *Separation:* If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.

(h) In addition to the siting and design requirements listed previously, the STMWET shall also be subject to the following:

1. *Height:* The total height of a STMWET shall not exceed 70 feet.

2. *Location:* The STMWET shall only be located in a rear yard of a property of at least one acre in area that has an occupied building.

3. *Occupied building setback:* The setback from all occupied buildings on the applicant's parcel shall be a minimum of 20 feet measured from the base of the tower.

4. *Other setbacks:* The setback shall be equal to the total height of the STMWET, as measured from the base of the tower, from the property line, right-of-way, public easement, or overhead public utility lines.

5. *Separation:* If more than one STMWET is installed, a distance equal to the height of the highest STMWET must be maintained between the base of each STMWET.

6. *Electrical system:* All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth meeting the requirements stated in the Michigan Electrical Code. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

(2) *Permit application requirements:*

(a) Name of property owner(s), address, and parcel number.

(b) A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, nonmotorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.

(c) The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

(d) Documented compliance with the noise requirements set forth in this article.

(e) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications requirements.

(f) All WETs shall provide documented compliance with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) and local jurisdiction airport overlay zone.

(g) Proof of applicant's liability insurance.

(h) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

(i) Other relevant information as may be reasonably requested.

(j) Signature of the applicant.

(k) In addition to the permit application requirements previously listed, the SSMWET application shall also include the following:

1. Total proposed number of SSMWETs.

(l) In addition to the permit application requirements previously listed, the STMWET application shall also include the following:

1. A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

(3) *Safety requirements:*

(a) If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

(b) The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

(c) A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.

(d) The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

(4) *Signal interference:*

(a) The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

(5) *Decommissioning:*

(a) The SSMWET or STMWET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the city may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

(b) If the SSMWET or STMWET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the city may designate a contractor to complete decommissioning with the cost plus 50 percent to be charged to the violator and/or to become a lien against the premises.

(c) In addition to the decommissioning requirements listed previously, the STMWET shall also be subject to the following:

1. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade.

2. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

(Ord. No. 8-10, § 1, 6-21-10)

Sec. 90-809 SPECIAL APPROVAL USES

A medium wind energy turbine (MWET) shall be a special approval use in commercial and industrial districts.

In addition to the materials required for all special land uses, the application shall include the following:

(1) *Siting and design requirements:*

(a) "Upwind" turbines shall be required.

(b) The design of a MWET shall conform to all applicable industry standards.

(c) Visual appearance:

1. Each MWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a nonreflective, nonobtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET.

2. Each MWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

3. Each MWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), excluding identification of the turbine manufacturer or operator(s).

(d) Vibration: Each MWET shall not produce vibrations humanly perceptible beyond the property on which it is located.

(e) Shadow flicker: The MWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed 30 hours per year.

(f) Guy wires: Guy wires shall not be permitted as part of the MWET.

(g) Electrical system: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET shall be placed underground within the boundary of each parcel at a depth meeting the requirements as stated in the Michigan Electrical Code. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

(h) In addition to the siting and design requirements listed previously, the MWET shall also be subject to the following:

1. *Height:* The total height of a MWET shall not exceed 150 feet.

2. *Ground clearance:* The lowest extension of any blade or other exposed moving component of a MWET shall be at least 15 feet above the ground (at the highest point of the grade level within 50 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.

3. *Noise:* Noise emanating from the operation of a MWET or shall at all times comply with the standards established within the City Code chapter 30, article III.

4. *Quantity:* The number of MWETs shall be determined based on setbacks and separation.

5. *Setback and separation:*

a. *Occupied building setback:* The setback from all occupied buildings on the applicant's parcel shall be a minimum of 20 feet measured from the base of the tower.

b. *Property line setbacks:* With the exception of the locations of public or private roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the total height of the MWET as measured from the base of the tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

c. *Public or private road setbacks:* Each MWET shall be set back from the nearest public or private road a distance equal to the total height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public or private road.

d. *Communication and electrical lines:* Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the MWET, as measured from the base of the tower, determined from the existing power line or telephone line.

e. *Tower separation:* MWET/tower separation shall be based on industry standard and manufacturer recommendation.

(2) *Safety requirements:*

(a) If the MWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

(b) The MWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

(c) Security measures need to be in place to prevent unauthorized trespass and access. Each MWET shall not be climbable up to 15 feet above ground surfaces. All access doors to MWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by nonauthorized person(s).

(d) All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed.

(e) Each MWET shall have one sign, not to exceed two square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:

1. Warning high voltage.

2. Manufacturer's and owner/operator's name.

3. Emergency contact numbers (list more than one number).

(f) The structural integrity of the MWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

(3) *Signal interference:*

(a) The MWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

(4) *Decommissioning:*

(a) The MWET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET, and for a good cause, the city council may grant a reasonable extension of time. Each MWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

(b) Decommissioning shall include the removal of each MWET, buildings, electrical components, and roads to a depth of 60 inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the county register of deeds.

(c) All access roads to the MWET shall be removed, cleared, and graded by the MWET owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The city will not be assumed to take ownership of any access road unless through official action of the city council.

(d) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

(e) If the MWET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above the city may designate a contractor to complete decommissioning with the cost plus 50 percent to be charged to the violator and/or to become a lien against the premises.

(5) *Site plan requirements:*

(a) *Site plan drawing:* All applications for an MWET special approval use shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:

1. Existing property features to include the following: property lines, physical dimensions of the property, legal description, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, nonmotorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within 300 feet of the property.

2. Location and height of all proposed MWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET.

3. Additional details and information as required by the special use requirements of the zoning ordinance or as requested by the planning commission.

(b) *Site plan documentation:* The following documentation shall be included with the site plan:

1. The contact information for the owner(s) and operator(s) of the MWET as well as contact information for all property owners on which the MWET is located.

2. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.

3. Identification and location of the properties on which the proposed MWET will be located.

4. In the case of a condominium development, a copy of the condominium development's master deed and bylaws addressing the legal arrangement for the MWET.

5. The proposed number, representative types and height of each MWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.

6. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET tower separation.

7. Documented compliance with the noise, and shadow flicker requirements set forth in this division.

8. Engineering data concerning construction of the MWET and its base or foundation, which may include, but not be limited to, soil boring data.

9. A certified registered engineer shall certify that the MWET meets or exceeds the manufacturer's construction and installation standards.

10. Anticipated construction schedule.

11. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET to conduct maintenance, if applicable.

12. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.

13. Proof of applicant's liability insurance.

14. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

15. Other relevant information as may be requested by the city to ensure compliance with the requirements of this division.

16. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the special approval use.

17. A written description of the anticipated life of each MWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) become inoperative or nonfunctional.

18. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.

19. The city reserves the right to review all maintenance plans and bonds under this division to ensure that all conditions of the permit are being followed.

20. Signature of the applicant.

(6) *Certification and compliance:*

(a) The city must be notified of a change in ownership of a MWET or a change in ownership of the property on which the MWET is located. This notification shall be required as a deed restriction, with a recorded copy thereof provided to the city.

(b) The city, given just cause, reserves the right to inspect any MWET in order to ensure compliance with the ordinance. Costs associated with the inspections shall be paid by the owner/operator of the MWET.

(7) *Public inquiries and complaints:*

(a) Should an aggrieved property owner allege that the MWET is not in compliance with the shadow flicker requirements of this division, the procedure shall be as follows:

1. Notify the city in writing regarding concerns about the amount of shadow flicker.

2. If the complaint is deemed sufficient by the city to warrant an investigation, the city will request the owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this division.

3. If the MWET owner(s) is in violation of the ordinance shadow flicker requirements, the owner(s) take immediate action to bring the MWET into compliance which may include ceasing operation of the WET until the ordinance violations are corrected.

(Ord. No. 8-10, § 1, 6-21-10)

Sec. 90-810 OUTDOOR WOOD-FIRED BOILERS, STOVES AND FURNACES

Sec. 90-811 PURPOSE

The purpose of this division is to establish guidelines for siting outdoor wood-fired boiler, stove and furnaces (OWFBSF). The goals are as follows:

(1) To provide for the safe, effective, and efficient use of an OWFBSF.

(2) To preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of an OWFBSF.

(3) To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of an OWFBSF shall be governed.

(Ord. No. 8-10, § 2, 6-21-10)

Sec. 90-812 DEFINITIONS

(1) *Outdoor wood-fired boilers, stoves, or furnaces (OWFBSF)* means a structure that:

(a) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and

(b) Operates by the burning of wood or other solid fuel; and

(c) Is not located within a structure used for human or animal habitation.

(2) *Refuse* means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush and stumps.

(Ord. No. 8-10, § 2, 6-21-10)

Sec. 90-813 PERMITTED USES

An outdoor wood-fired boiler, stove, or furnace (OWFBSF) shall be permitted as an accessory use subject to the following requirements:

(1) The OWFBSF is permitted only in the ER estate residential district.

(2) The property shall be a minimum of two acres in area.

(3) The OWFBSF must be certified by a national testing laboratory.

(4) Only products intended or manufactured to be utilized in the OWFBSF may be burned in the unit. The OWFSBF shall not be used to burn refuse, leaves, green vegetative matter or noxious plants.

(5) The OWFBSF shall be located at least 300 feet from the nearest occupied dwelling which is not on the same property.

(6) The OWFBSF shall be located a minimum of 20 feet from the nearest building on the same property.

(7) The OWFBSF shall only be located in the rear yard and shall be located at least 50 feet from any side or rear property lines.

(8) The OWFBSF shall have a chimney that extends at least 15 [feet] above the ground surface. If there are any residences within 500 feet, the chimney shall extend at least as high from the ground as the peak of the roof of those residences. The building official may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(9) The OWFBSF, and any electrical, plumbing, mechanical or other apparatus in connection with the device, shall be installed, operated and maintained in conformance with the manufacturer's specifications. A mechanical permit shall be required prior to installation.

(10) Stockpiled wood shall be located in the rear yard and shall be set back a minimum of 50 feet from side or rear property lines.

(Ord. No. 8-10, § 2, 6-21-10)

ARTICLE 9
NONCONFORMITIES

Sec. 90-900 NONCONFORMITY REGULATED

Any lawful use of any land or building existing on December 19, 1978, and located in a district in which it would not be permitted as a new use under the regulations of this chapter is hereby declared to be a nonconforming use and not in violation of this chapter, subject to the regulations in this article.

(Code 1983, § 60.81)

Sec. 90-901 NONCONFORMING USES OF LAND

Where on December 19, 1978, the lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided such nonconforming use shall not be changed, moved, enlarged or increased.

(Code 1983, § 60.82)

Sec. 90-902 NONCONFORMING USE; CESSATION

If such nonconforming use of land ceases for any reason for a period of more than one year, such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Code 1983, § 60.83)

Sec. 90-903 NONCONFORMING USES OF BUILDINGS AND STRUCTURES

Where on December 19, 1978, the lawful use of a building or structure exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful; provided that such nonconforming use shall not be changed, moved, enlarged or increased, subject however to the following provisions:

(1) If any such nonconforming use of a building ceases for a continuous period of more than six months, such use shall not thereafter be allowed.

(2) A nonconforming use of a building or structure may be changed to another nonconforming use, provided that the other use is similar to or more restrictive than the existing nonconforming use. If a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.

(3) Where nonconforming use status applies to a building, structure and land in combination, removal or destruction of the building shall eliminate the nonconforming status of land.

(Code 1983, § 60.84)

Sec. 90-904 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record January 3, 1979. This section shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on December 19, 1978, passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, then no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of parcel be made that leaves remaining any lot width or area below the requirements stated in this chapter.

(Code 1983, § 60.85)

Sec. 90-905 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES

If any nonconforming building or structure is damaged beyond the state equalized value, such structure may only be repaired if it conforms to the provisions of this chapter, and if less than the state equalized value, repairs must be begun within six months and completed within one year in order to maintain its nonconforming status. This section does not apply to residential structures which may be reconstructed in all business and office districts.

(Code 1983, § 60.86; Ord. No. 10-09, § 1, 1-4-10)

Sec. 90-906 MOVING

Any nonconforming building or structure to be moved in whole or in part to another location shall conform to all regulations of the district in which such building or structure is to be located.

(Code 1983, § 60.87)

Sec. 90-907 PLANS ALREADY FILED FOR BUILDING OR STRUCTURE

Where detailed plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, and where a building permit for such building or structure has been issued and construction work started on January 3, 1979, such work may proceed provided it is completed within one year of such date.

(Code 1983, § 60.88)

ARTICLE 10
APPEALS AND ADMINISTRATION

- **Sec. 90-1000 - Board of Zoning Appeals**
- **Sec. 90-1001 - Creation; organization**
- **Sec. 90-1002 - Meetings**
- **Sec. 90-1003 - Appeals and review**
- **Sec. 90-1004 - Powers concerning variances**
- **Sec. 90-1005 - Temporary occupancy of mobile homes**
- **Sec. 90-1006 - Administration and Enforcement**
- **Sec. 90-1007 - Duties of building official**
- **Sec. 90-1008 - Permits**
- **Sec. 90-1009 - Certificates of occupancy**
- **Sec. 90-1010 - Final inspection**
- **Sec. 90-1011 - Fees**

Sec. 90-1000 ZONING BOARD OF APPEALS

Sec. 90-1001 CREATION; ORGANIZATION

(1) There is hereby created a board of zoning appeals consisting of seven members selected from residents of the city, one member of which shall be selected from the planning commission. The term of office of the member selected from the city council shall be as provided in the city charter. As the terms of all citizen members expire, their successors shall be appointed for terms of three years each. The city council may appoint not more than two alternate members for the same term as regular members of the board. The alternate members may be called by the board on a rotating basis and as available to serve in the place of a regular member in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. Any alternate member appointed shall serve on the particular case until a final decision is made and shall have the same voting rights as a regular member of the board.

(2) The board of zoning appeals shall have such powers, privileges and rights, and shall be paid the maximum compensation and reimbursement provided in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq.), as amended. The board of zoning appeals shall adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter and Act No. 207, as amended, but such rules shall not be inconsistent with the provisions of this chapter or such statute.

(Code 1983, § 60.89; Ord. No. 26-06, § 2, 10-2-06)

Sec. 90-1002 MEETINGS

Subject to the requirements of section 2-113 of this Code, the board shall meet to consider appeals brought before the board under the provisions of this chapter and the applicable statute. 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 on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the city clerk, and shall be a public record. Four members of the board shall constitute a quorum for the conduct of business.

(Code 1983, § 60.90; Ord. No. 06-03, § 1, 4-7-03)

Sec. 90-1003 APPEALS AND REVIEW

An appeal may be taken to the board by any person, firm or corporation, or by an officer, department, board or bureau aggrieved by a decision of the administrator. Such appeals shall be taken within such time as shall be prescribed by the board of zoning appeals by general rule by filing with the administrator and with the board a notice of appeal specifying the grounds thereof. The administrator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the certifies to the board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may be granted by a court of record. Subject to the requirements of section 2-113 of this Code, the board shall set a reasonable time and place for the hearing of the appeal, shall give the required notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

(Code 1983, § 60.91; Ord. No. 06-03, § 2, 4-7-03; Ord. No. 26-06, § 3, 10-2-06)

Sec. 90-1004 POWERS CONCERNING VARIANCES

The board as created in this article is a body of limited powers. The board shall have the following specific powers and duties:

(1) To hear and decide appeals where it is alleged that there is an error of law in any order, requirement, decision or determination made by the administrator in the enforcement of this chapter, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter so that the spirit of the chapter shall be observed, public safety secured and substantial justice done.

(2) In hearing and deciding appeals, the board shall have the authority to grant such variances therefrom as may be in harmony with their general purpose and intent, so that the function of this chapter be observed, public safety and welfare secured, and substantial justice done, including the following:

(a) Interpret the provisions of the chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map, fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on such map. In the case of any question as to the location of any boundary line between zoning districts, the board shall interpret the zoning map.

(b) Permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.

(c) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.

(3) In consideration of all appeals and all proposed variations to this chapter, the board shall, before making any variations from the chapter in a specific case, first determine that the proposed variation satisfies the following criteria:

(a) Involves exceptional circumstances not found in other areas of the same zoning district.

(b) Will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets.

(c) No variance, other than use variances, in the application of the provisions of this chapter, shall be made by the board relating to buildings, land or premises now existing or to be constructed unless, after a public hearing, the board shall find the following practical difficulties:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district.

2. Such variance is necessary for the preservation and enjoyment of substantial property rights.

3. The granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets.

4. The condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

(d) A use variance may be allowed by the board only in cases where there is evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:

1. The condition, location or situation of the specific piece of property or of the intended use of the property is unique to that property in the zoning district in which it is located.

2. The building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located.

3. The use variance will not alter the essential character of the neighborhood nor the intent of the city master plan, nor be of detriment to adjacent properties.

4. The requested use is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning districts.

5. The variance will not impair the intent and purpose of this chapter.

6. The immediate unnecessary hardship causing the need for the variance request was not created by the applicant.

(4) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrator in favor of an applicant on any manner upon which it is authorized by this chapter to render a decision, except that a concurring vote of five members of the board shall be necessary to grant a variance concerning land uses permitted in this chapter.

(5) In exercising such powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrator from whom the appeal is taken.

(6) If the board fails to make findings of fact as required by this section, the variance shall be null and void and no building or occupancy permit shall be issued.

(Code 1983, § 60.92; Ord. No. 26-06, § 4, 10-2-06)

Sec. 90-1005 TEMPORARY OCCUPANCY OF MOBILE HOMES

In case of disaster, the board of appeals may allow temporary occupancy of a mobile home in any residential district for a period not to exceed six months. For any period of 21 days or less, the administrator may issue the permit for temporary occupancy.

(Code 1983, § 60.93)

Sec. 90-1006 ADMINISTRATION AND ENFORCEMENT

Sec. 90-1007 DUTIES OF BUILDING OFFICIAL

(1) The building official shall grant building permits, certificates of occupancy and other related permits. He shall make inspections of buildings or premises necessary for this chapter. The building inspector shall not approve any plans or issue a building permit unless every application for a permit for excavation, construction, moving or alteration or change in type and use or the type of occupancy shall be accompanied by statements and plans of plats drawn to scale, in duplicate, showing the following:

(a) The actual shape, location and dimension of the lot.

(b) The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.

(c) The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate.

(d) Such other information necessary for determining if the provisions of this chapter will be met.

(2) If the provisions of this chapter will be met, the building official shall issue a permit. If any application is not approved, the building official shall state on the application the reason for disapproval. Issuance of a permit shall not waive any provisions of this chapter.

(Code 1983, § 60.94)

Sec. 90-1008 PERMITS

(1) Permits shall be required for the following:

(a) New construction of building or structure.

(b) Moving a building.

(c) Structural alteration or remodeling of an existing building or structure.

(d) Any item which is regulated by the Michigan Building Code or any state agency.

(2) A building permit for residential construction shall become void unless construction commences within 180 days of the issuance of the building permit, and unless construction is completed within 12 months from the date of issuance of the building permit, except as otherwise provided in this section. The building official may extend either of the above time limits for an additional period, provided that the applicant demonstrates that the failure to commence or complete construction within the applicable time from the date of issuance of the building permit was due to special circumstances beyond the applicant's control and that an extension is necessary to complete such construction.

(Code 1983, § 60.95; Ord. No.17-02, § 2, 9-3-02; Ord. No. 21-02, § 2, 11-4-02)

Sec. 90-1009 CERTIFICATES OF OCCUPANCY

There shall be no use of any land, building or structure for which a building permit is required until the building inspector shall have issued a certificate of occupancy.

(1) *Temporary certificates.* Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portion of the building or structure is in conformity with the provisions of this chapter and this Code and any other applicable law, rule or regulation has been met.

(2) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building inspector, and copies of such shall be furnished upon request to any person.

(3) *Certificates for accessory buildings.* Certificates of occupancy for principal buildings may include accessory buildings or structures when they are to be constructed at the same time.

(4) *Application for certificates.* Certificates of occupancy shall be applied for in writing to the building inspector on forms provided by the building official and shall be issued within five days after the receipt of such application if it is found that the building or structure or part thereof, or the use of land, is in accordance with the provisions of this chapter and this Code and any other applicable law, rule or regulation. If such certificate is denied, the applicant therefor shall be notified of such denial and the reason therefor within the five-day period.

(Code 1983, § 60.96)

Sec. 90-1010 FINAL INSPECTION

Upon completion of the work authorized by a building permit, the building official shall be notified so that a final inspection may be made.

(Code 1983, § 60.97)

Sec. 90-1011 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the building inspector in advance of the issuance of such permits or certificates. The amount of such fees shall be established by the city council and shall cover the cost of inspection and supervision resulting from the enforcement of this chapter. Any fees established by resolution of the city council from time to time and on file in city hall shall be paid.

(Code 1983, § 60.98)

USE TABLE

USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
RESIDENTIAL USES																			
Single-family dwellings	P	P	P	P	P		P	P								P			90-309
Two-family dwellings			P	P	P		P									P			
Multiple-family dwellings, including apartments, townhouses, and row houses				P	P		P			SPU						P			90-416A(3) 90-431A(2)
High-rise multiple family					P														90-422(2)
Convalescent and nursing homes				P	P		SPU									P		P	
Foster care group homes				P	P		SPU											P	
Boardinghouses				P	P		SPU			SPU						P			90-408B(14) 90-507
Mobile homes	P	P	P	P	P	P	P	P								P			90-307
Mobile home parks						P													
Attached condominiums				P	P		P									P			90-509
Multi-family housing for medical professionals.																		SPU	90-416A(3)
Residential facilities to house persons on parole or probation														SPU					90-325
INSTITUTIONAL, RECREATIONAL, and PUBLIC USES																			
Churches/church facilities	P	P	P	P	P	P	P	P		SPU						P			

P = Permitted Use
SPU = Special Permitted Use

USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Chapels																		P	
Publicly owned facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Foster care facilities, nursery schools, day nurseries and child care facilities for not more than six people	P	P	P	P	P		P	P								P			
Private parks, country clubs, golf courses, and driving ranges adjoining a golf course or country club	SPU	SPU	SPU	P	P		SPU	SPU								SPU			90-508
Nursery schools, day nurseries and child care facilities for seven or more people	SPU	SPU	SPU	P	P		SPU	SPU		P	SPU					SPU			90-508
Cemeteries	SPU	SPU	SPU	P	P		SPU	SPU											90-508
Adult education facilities not for profit	SPU	SPU	SPU	P	P		SPU	SPU								SPU			
Public, parochial, or private elementary, intermediate, or high schools	SPU	SPU	SPU	P	P		SPU	SPU											90-508
Community centers	SPU	SPU	SPU	SPU	SPU		SPU	SPU		SPU	SPU								90-508
Private educational facilities				P	P		SPU												
Colleges or universities										SPU								P	

P = Permitted Use
SPU = Special Permitted Use

USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Municipal buildings and uses.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL, RETAIL, AND OFFICE USES																			
Home occupations	P	P	P	P	P		P	P								P			
Telephone exchange buildings, electric transformer stations and substations, and gas regulator stations	SPU	SPU	SPU	P	P		SPU	SPU								SPU		P	
Commercial greenhouses	SPU	SPU	SPU	P	P		SPU	SPU		SPU									90-508
Agricultural uses	SPU	SPU	SPU	P	P		SPU	SPU								SPU			
Medical clinics, medical office complexes, and dental clinics				SPU						P	P	P	P	P	P	P	P	P	
Hospitals and associated health care and educational facilities; uses accessory to a Health Care District																		P	
Ambulance service and maintenance facilities																		P	
Psychiatric or substance abuse centers										P	P	P	P	P	P			SPU	
Accessory incinerators for waste																		SPU	
Helipads and heliports accessory to a hospital																		SPU	
Retail and wholesale sales, distribution, storage, repair and service of medical equipment; storage of medical, dental, and surgical supplies																		SPU	

P = Permitted Use
SPU = Special Permitted Use

USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Retail and service uses located within high-rise multiple-family structures					SPU														
Banks, savings and loans, mortgage companies, and similar uses									P	P	P	P	P	P	P	P	P	P	
Clothing services including laundry agency, self-service laundry and dry cleaning									P	P	P	SPU				P	P	P	
Dressmaking, millinery, tailor, and pressing shop									P	P	P	SPU				P	P	P	
Shoe repair									P	P	P	SPU				P	P	P	
Equipment services such as radio or television, electric appliance, watch repair, and similar uses									P	P	P	SPU				P	P	P	
Food service (excluding drive-ins)									P	P	P	SPU				P	P	P	
Business, medical, and professional offices									P	P	P	P	P	P	P	P	P	P	
Personal services such as barbershop, beauty shop, heath salon, photographic studio and similar uses.									P	P	P	SPU				P	P	P	
Retail stores such as drugstore, hardware, paint and wallpaper, stationer, news-dealer, apparel, household appliance, flowers, gifts, and variety stores.									P	P	P	SPU				P	P	P	
Bookstores, recordings and videos for sale or rental, not including adult bookstore									P	P	P	SPU				P	P	P	

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Radio and television towers									SPU	SPU	SPU		SPU	SPU	SPU				90-329
Secondhand dealer									SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	90-508
Sales of used merchandise, pawnshop or secondhand dealers, and rental of new or used merchandise excluding motor vehicles										SPU									90-508
Drive through restaurants									SPU	SPU	SPU					SPU	SPU	SPU	
Retail businesses whose principal activity is the sale of new merchandise within a completely enclosed building									P	P	P					P	P	P	
Business service establishments such as office machine repair, printing and copy										P	SPU						P		
Any service establishment of an office, showroom, or workshop nature such as decorator, upholsterer, caterer, exterminator, building contractor, and similar uses except that no outdoor storage is permitted										P	SPU								
Physical fitness facilities such as gyms and reducing salons										P	SPU						P		
Health clubs and fitness centers										P	SPU							P	
Vehicle, trailer, or boat showrooms, excluding outdoor storage or display										P	SPU								

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USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Business or private schools operating for a profit										P	SPU						P	P	
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, gasoline, and service stations										P	SPU								
Hotels and motels										P	SPU						P	SPU	
Printing and publishing										P	SPU								
Bus passenger station										P	SPU								
Parking structures of up to three levels above grade																		P	
Funeral homes or mortuaries										P	SPU							SPU	
Veterinary hospitals and clinics, excluding outdoor use for exercise yards, pens and similar uses										P	SPU							SPU	
Recreation uses such as indoor theater, bowling alley, dancehall, and skating rink										P	SPU						P		
Athletic training facilities										P	SPU		SPU	SPU	SPU				
Amusement machine parlors										SPU									90-508
Automobile carwash establishments										SPU									90-508
Automobile gasoline and service stations										SPU				SPU					90-508
Open air business uses										SPU									90-507

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New or used motor vehicles										SPU									90-508
New or used mobile homes, excavation equipment, machinery or farm implement sales.										SPU									
Cocktail lounges, nightclubs and taverns										SPU							SPU		90-508
Adult businesses										SPU									90-508
Billiard rooms and pool halls										SPU									90-508
Assembly halls										SPU									
Department, variety and general merchandise stores									P	P	P						P		
Radio, television, microwave or wireless communication towers									SPU	SPU	SPU		SPU	SPU	SPU			SPU	90-304 90-329
Office buildings for executive, administrative, professional, accounting, clerical, stenographic, drafting, and office equipment and supply sales									P	P	P	P	P	P	P	P	P	P	
Financial institutions with drive-through service									P	P	P	SPU	P	P	P	P	P	P	90-420B
INDUSTRIAL																			
Mineral extraction, borrow pit or topsoil removal	SPU	SPU	SPU					SPU					SPU	P					90-508
Wholesaling or warehousing of any item except for the sale or leasing of motor vehicles.										SPU			P	P	P				

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USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Industrial establishments for the assembly, fabrication, manufacture, packaging, or treatment of food products and products as listed in Sec. 90-424B(2) a. and b. Excludes butchering and animal slaughtering.													P	P	P				90-424B(2)
Tool and die shops, metal-working machine shops, including manufacture of tools, dies, jigs, and fixtures													P	P	P				90-424B(2)
Publishing, printing, or forming of box, carton and cardboard products.													P	P	P				90-424B(2)
Laboratories, research or testing													P	P	P			P	
Central dry cleaning plants and laundries													P	P	P				
Billboards													P	P					90-709
Building and construction contractors with no outdoor storage													P	P	P				
Truck terminals													SPU	P					
Trucks exceeding 5,500 pounds in vehicle weight and truck trailer sales and display, rental and repair													SPU	P					
Recreational vehicle storage yards													SPU	P					90-508
Service stations, including accessory restaurant uses within the building, including drive-through service													SPU	SPU					90-508 90-320
Gasoline/ convenience store associated with a supermarket																		SPU	

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USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Assembly or manufacture of automobiles, auto bodies and engines; cigars and cigarettes; electrical fixtures, batteries and other electrical apparatus and hardware														P					
Metal stamping, pressing and buffing plants														P					
Plastering and polishing shops, painting and sheet metal shops, tire vulcanizing and recapping, undercoating, rustproofing, welding; and millwork lumber and planing mills														P					
Open storage yards of building and construction contractors and lumberyards														SPU					
Breweries, distilleries,														SPU					90-508
Canning factories, chemical plants; handling, storage, processing or disposal of solid or liquid waste materials														SPU					90-508
Junkyards														SPU					90-508
Kennels														SPU					90-508
Outdoor theaters														SPU					
Mining, excavating or other removal of sand, earth, minerals or other material naturally found in the earth														SPU					90-508
Body shops														SPU					
Sanitary landfill sites														SPU					90-508

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USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
Uses containing more than ten truck bays, except that all truck terminals, truck tractor and trailer sales and display, rental and repair are prohibited.															SPU				
Auto plant property development														P					90-433B

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