

**CITY OF DEXTER  
PLANNING COMMISSION  
REGULAR MEETING  
MONDAY, APRIL 6, 2015**

**I. CALL TO ORDER AND ROLL CALL:**

The meeting was called to order at 7:30 PM by Planning Commission Chairman Kowalski at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan with roll call.

Matt Kowalski	Thomas Phillips	Jim Carty-ab
Jack Donaldson	Alison Heatley	Marni Schmid-arr at 7:33 PM
James Smith	Scott Stewart	Tom Stoner

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; Justin Breyer, Assistant to the City Manager; Laura Kreps, Carlisle Wortman Associates; and two guests from the Pinckney Planning Commission.

**II. APPROVAL OF THE MINUTES**

1. Regular Meeting – March 2, 2015

Motion Smith; support Donaldson to approve the minutes of the Regular Meeting of March 2, 2015 as presented.

Unanimous voice vote approval with Carty and Schmid absent.

**III. APPROVAL OF THE AGENDA**

Motion Smith; support Stoner to approve the agenda with the addition of a handout from Under the Radar.

Unanimous voice vote approval with Carty and Schmid absent.

**IV. PUBLIC HEARINGS**

None

**V. PRE-ARRANGED PARTICIPATION**

None

**VI. REPORTS**

A. Chairman Report – Matt Kowalski

## A. Chairman Report – Matt Kowalski

None

## B. Planning Commissioners and Council Ex-Officio Reports

- Council Ex-Officio Smith spoke of a meeting recently held with City Manager Nicholls, Mayor Keough, representatives from the PBS production Under the Radar, and himself. The Under the Radar staff presented services that they could provide to the City including the use of social media and development of a video. There has been a presentation scheduled prior to the next City Council meeting on Monday, April 13 at 6:45 PM at the Senior Center.
- Mr. Smith reported on the City Council's decline of the Redevelopment Ready Communities (RRC) program due to the Michigan Economic Development Corporation's (MEDC) requirement that site plans not being approved by City Council's. We will be losing the funding for amending the zoning ordinances from the MEDC however; City Council will fund the changes as long as Planning Commission can justify the changes.

## C. Community Development Office Reports – Michelle Aniol

Ms. Aniol provided her report in the packet. In addition she provided the following updates:

- Planning Commissioners will see the list of clarifications, corrections and amendments for the Zoning Ordinances at the May meeting.
- Have submitted a letter of request to the US Economic Development Administration (EDA) for a technical assistance grant for studying and possible improvements at the wastewater treatment plant.
- There will be a ZBA meeting in April for a request for a side yard setback.
- Question – Is there any update on the NUBCo request? (Not at this time.)

**VII. CITIZENS WISHING TO ADDRESS THE COMMISSION**

None

**VIII. OLD BUSINESS**

A. Proposal from Carlisle Wortman Associates (CWA) to Update Master Plan and amend the Zoning Ordinance in relation to Oil and Gas Drilling Operations – Discussion and possible action to recommend approval of CWA proposal to City Council.

Laura Kreps of Carlisle Wortman Associates spoke of Scio Township's process in regulating oil and gas drilling options and that the Dexter City Council has approved a six month moratorium on drilling. In order to correctly place a permanent moratorium in place, will need to modify the Master Plan. Ms. Kreps reviewed the process to do so and stated that then it would move to a zoning

ordinance update. Ms. Aniol discussed having the proper public information and participation.

Motion Smith; support Schmid to recommend the proposal of services from Carlisle Wortman Associates related to amending the Master Plan and Zoning Ordinance to include necessary provisions related to oil and gas drilling within the City of Dexter.

Ayes: Phillips, Heatley, Schmid, Stewart, Stoner, Smith and Kowalski.

Nays: None

Abstain: Donaldson

Absent: Carty

B. Change of Planning Commission Meeting Time – Discussion and possible action to schedule regular meetings at 7:00 PM instead of 7:30 PM.

Motion Donaldson; support Smith to change the meeting time for regular meetings of the Planning Commission from 7:30 PM to 7:00 PM.

Ayes: Phillips, Heatley, Schmid, Donaldson, Stewart, Stoner, Smith and Kowalski.

Nays: None

Absent: Carty

#### **IX. NEW BUSINESS**

A. Review of clarifications, corrections and amendments to Zoning Ordinance

Discussion postponed until the May meeting.

#### **X. PROPOSED BUSINESS FOR NEXT AGENDA**

A. **May 4, 2015:** Review of clarifications, corrections and amendments to Zoning Ordinance

#### **XI. CITIZENS WISHING TO ADDRESS THE COMMISSION**

None

#### **XII. ADJOURNMENT**

Motion Smith; support Schmid to adjourn at 8:03 PM.

Unanimous voice vote approval with Carty absent.

#### **XIII. COMMUNICATIONS**

None

P4

Respectfully submitted,

Carol J. Jones  
Interim Clerk, City of Dexter

Approved for Filing: \_\_\_\_\_

## Memorandum

**To:** Matt Kowalski, Chairman and Planning Commissioners  
Courtney Nicholls, City Manager

**From:** Michelle Aniol, Community Development Manager

**Re:** Report for May 4, 2015 Planning Commission Meeting

**Date:** May 1, 2015

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### Business/Development Updates

- The house at 3441 Broad Street was demolished on Monday, April 20<sup>th</sup>. The property owner has applied for a variance after discovering he does not own as much property as his title work indicated. The property was originally documented to be 99 feet by 198 feet, with the railway running through the rear of the lot as right-of-way. However, it has been determined (through a new survey) that the railway purchased the rear portion of the property, reducing the depth to 90 feet on the east property line. Consequently, the property owner now faces a 65% reduction in property area. More to the point, this loss of area results in the proposed building encroaching 12 feet into the 25-foot required rear yard setback. The owner has applied for a variance, which will be considered by the ZBA on May 18, 2015.
- Staff met with the owners of a chocolate making company and a Mexican restaurant regarding their desire to relocate or expand their business in Dexter. Both businesses would be excellent additions to the business community. The biggest hurdle is the limited number of existing facilities that meet the business's needs. Staff is working with the businesses and local real estate brokers. Stay tuned.
- Staff received an inquiry from the property owner of Dexter Plaza (next to Busch's) regarding the possibility of expanding the DDA District boundary in order to qualify for a special liquor license offered through the state. Staff anticipates this request will be discussed at the next DDA meeting.
- The owners of Dexter Crossing Commercial Shopping Center have applied for and received approval for 3 ground signs; 2 will be located at the Dexter-Ann Arbor Road entrance and one will be located at the Dan Hoey entrance.
- Red Brick has applied for and been issued a permit to remove the kitchen, remodel the bar area and reconstruct the front entry at 8093 Main Street (its original space). The new kitchen is located in the newly remodeled space next door (8099 Main Street) and a grand reopening is in the works.
- Staff met with a representative from the Beer Grotto regarding the process for having outside seating.

### Miscellaneous Updates

- Staff prepared and mailed out a letter to MEDC regarding Council's decision to end the City's participation in the Redevelopment Ready Communities Program. A copy of the letter accompanies this report.
- The City received a request Timmermans Environmental Services (TES), on behalf of Fast Track Ventures, the party responsible for a historical petroleum release at 8135 Main Street (currently the BP Gas Station). Timmermans is working to get the historical release for the site closed with the Michigan Department of Environmental Quality (MDEQ). Sampling has shown that gasoline compounds remain in the groundwater on-site. The company can use the City's current

ordinances regarding groundwater to restrict access to the groundwater for the property itself. However, the roads west and north of the site (Jeffords, Main and Alpine) do not appear to be covered by the ordinance. Therefore, Timmermans need an additional institutional control to address these areas from a potential exposure stand point.

The MDEQ has created a document in the case where contamination has migrated beneath a road ROW and is allowed to be left in place. The document, which is called Road ROW Alternative Institutional Control (attached) basically states that the roadway is and will be a road for the foreseeable future, and therefore its presence would provide a barrier to exposure of the petroleum and it would be protective of human health and the environment. Section 5 pertains to the Local Unit of Government (LUG), where in this case, the City would sign indicating they exercise control over the roadway and that it can be used as an institutional control to prevent exposures to the regulated substances below the road surface. The property title owner would execute Section 3, and a Timmermans would be signing in Section 4, as the preparer. Staff is working with Brian Kuberski of ASTI for assistance with this request.

April 16, 2015

Michigan Economic Development Corporation  
Redevelopment Ready Communities  
300 N. Washington Square  
Lansing, Michigan 48913  
Attn: Jennifer M. Rigterink, Manager

Dear Jennifer,

On March 23, 2015 the Dexter City Council voted unanimously to decline further participation in the Redevelopment Ready Communities Program. This decision was not an easy one to make because Council saw the merits in RRC Certification. In addition, Council found many of the *recommendations* in the Evaluation of Findings very constructive. However, MEDC's decision to make "streamlining the site plan approval process and eliminating council approval from permitted uses" a requirement rather than a recommendation is not consistent with the MEDC's own RRC Best Practices Guide (revised January 2015).

RRC Certification is supposed to communicate to a developer that a community integrates transparency, predictability, and efficiency in to its daily practices. What does it say to a community when the MEDC changes its policy and does not follow its own RRC Best Practices Guide? It told this community that the RRC Certification process is not transparent, predictable or efficient, and it does not have the merit or benefits we believed it had.

If the MEDC decides to follow its RRC Best Practices Guide, please let me know, as the City of Dexter would be happy to reconsider participation in the program.

In closing, the Dexter City Council thanks you and the MEDC Redevelopment Ready Communities team for all the work that went into our evaluation. We enjoyed the experience and look forward to working with you and MEDC in the future.

Respectfully submitted,



Michelle Aniol  
Community Development Manager

cc: Courtney Nicholls, City Manager  
City Council  
Planning Commission  
Dexter Downtown Development Authority



## ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

*When environmental contamination is proposed to remain in place within a road right-of-way (ROW) owned or controlled by a local unit of government (LUG), tribal government, or other authority, except the Michigan Department of Transportation, the "Road Right-of-Way Alternate Institutional Control" may serve as an alternate institutional control pursuant to Section 20114d(5)(a) of Part 201, Environmental Remediation, or Section 21310a(4) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Acceptance of this institutional control by the LUG or other road ROW authority is discretionary and voluntary. Furthermore, the LUG or other road ROW authority may require approval of certain permits, license agreements, or financial bonding that may be necessary for the road ROW as a condition of their authorization of this alternate institutional control mechanism. The party proposing to use the road ROW alternate institutional control (AIC) shall complete Sections 1 through 4. If any underlying fee simple title ownership interests exist in the affected road ROW, the submitter shall obtain consent, as appropriate, of all parties in Section 3. The LUG, tribal government, or other authority that owns or controls the affected road ROW, except the Michigan Department of Transportation, shall complete Section 5. The party proposing this AIC shall submit the completed form and all attachments with a No Further Action Report pursuant to Part 201 or a Final Assessment Report or Closure Report pursuant to Part 213 to the appropriate District Office. The MDEQ Reference Number can be obtained by contacting the Remediation and Redevelopment Division at [deq-rrd@michigan.gov](mailto:deq-rrd@michigan.gov) or by calling 517-284-5153.*

<b>SECTION 1. SUBMITTER INFORMATION:</b>		MDEQ REFERENCE NUMBER:	
SITE OR FACILITY NAME:		SITE OR FACILITY ID NUMBER:	
STREET ADDRESS:			
CITY:		ZIP:	COUNTY:
NAME OF PARTY PROPOSING ROW AIC:		EMAIL ADDRESS:	
STREET ADDRESS:		CITY:	STATE:      ZIP:
CONTACT PERSON:		PHONE:	FAX:
DEQ District Office: <input type="checkbox"/> Cadillac <input type="checkbox"/> Gaylord <input type="checkbox"/> Grand Rapids <input type="checkbox"/> Jackson <input type="checkbox"/> Kalamazoo <input type="checkbox"/> Lansing <input type="checkbox"/> Saginaw Bay <input type="checkbox"/> SE Michigan <input type="checkbox"/> Upper Peninsula			

<b>SECTION 2. AFFECTED ROAD RIGHT-OF-WAY INFORMATION:</b>	
1. Name of affected road ROW(s) and nearest intersection:	
2. Known or Suspected Contaminant(s) Type (Check all that apply): <input type="checkbox"/> Petroleum <input type="checkbox"/> Volatile Organic Compounds <input type="checkbox"/> Metals <input type="checkbox"/> Other	
3. Is residual/mobile NAPL present in the affected road ROW: <input type="checkbox"/> YES <input type="checkbox"/> NO	
4. Media Contaminated: a. <input type="checkbox"/> Soil   Depth to contaminated soil: b. <input type="checkbox"/> Groundwater   Depth to contaminated groundwater:      Predominant groundwater flow direction:	
5. Contamination present within affected road ROW construction zone as defined by road ROW authority for maintaining road ROW: <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, depth of construction zone in feet:	
6. Presence of utilities in the affected road ROW: <input type="checkbox"/> YES <input type="checkbox"/> NO If present, show the location, depth and cross section of each utility on a Scaled Drawing (see #10) Impact to stormwater system: <input type="checkbox"/> YES <input type="checkbox"/> NO Impact to stormwater permit and discharge limits: <input type="checkbox"/> YES <input type="checkbox"/> NO Is the stormwater system classified as a Municipal Separate Storm Sewer System (MS4): <input type="checkbox"/> YES <input type="checkbox"/> NO	
7. a. Are there easement holders in the road ROW: <input type="checkbox"/> YES <input type="checkbox"/> NO b. If yes, are those easement holders affected by the contamination present: <input type="checkbox"/> YES <input type="checkbox"/> NO c. Have all affected easement holders in the road ROW received notification of existing conditions as part of a corrective action plan or pursuant to the due care requirements: <input type="checkbox"/> YES <input type="checkbox"/> NO	
8. Does the affected road ROW have any underlying fee simple title ownership interests: <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, was consent of underlying fee title holders obtained (see Section 3) to the use of this AIC: <input type="checkbox"/> YES <input type="checkbox"/> NO	
9. Exposure risks present: <input type="checkbox"/> Drinking Water <input type="checkbox"/> Direct Contact <input type="checkbox"/> Groundwater <input type="checkbox"/> Soil Excavation/Relocation a. Based on the exposure risks identified above, insert a paragraph below which describes the affected media, the nature and extent of the hazardous substances, the cleanup criteria exceeded, the routes of potential exposure, any response activities or corrective actions that have been taken to address the contamination, and any activities that could result in exposure to hazardous substances that would cause this alternate institutional control to not be	

protective of public health, safety, and welfare (e.g. use of the groundwater for consumption, irrigation, or any other use; any excavation or intrusive activity that would result in contaminated soils to be placed at the ground surface or otherwise exacerbate the extent of contamination). See example language below.

Example language if contaminated groundwater is an exposure risk and construction activities would require dewatering or management of groundwater:

Management and disposal of the groundwater for short-term dewatering for construction purposes should be conducted in accordance with all applicable local state, and federal laws and regulations and in a manner that does not cause or result in a new release, exacerbation of existing contamination, or any other violation of local, state, and federal environmental laws and regulations.

Example language if contaminated soil is an exposure risk and construction activities would require soil excavation, relocation and/or disposal:

Management of all contaminated soils, media and/or debris located in the road right-of-way shall be in accordance with the applicable requirements of Section 20120c or Section 21304b of the NREPA; Part 111, Hazardous Waste Management, of the NREPA; Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 *et seq.*; the administrative rules promulgated thereunder; and all other relevant state and federal laws.

10. Provide a Scaled Drawing and Property Description, or survey if available, that describes the source property, obtained from a title commitment or vesting deed. At a minimum, the Scaled Drawing should include:

- A north arrow.
- A graphical scale bar and scale statement (e.g. 1"=50').
- The limits of the source property plotted, to scale, showing the relationship to the LUG or other authority ROW and other affected parcels.
- The roadway(s) name identified.
- A statement identifying the Township, Range, Section, and Quarter Section where the parcel is located.
- The limits of the affected road ROW plotted to scale. This area should be hatched and labeled appropriately.
- The location of significant site features such as buildings, drives, parking lots, and road surface.
- Cross section illustrating depth of construction zone, affected road ROW, media, utilities and distribution of contaminated media.
- Most recent analytical data illustrating contaminant compounds and concentrations within the contaminated media.

11. Is the LUG, tribal government, or authority requiring permanent marker(s) placed within affected ROW:  YES  NO

**SECTION 3. CONSENT OF FEE SIMPLE TITLE OWNER, IF APPLICABLE:**

I, as the underlying fee simple title owner, do hereby consent to the use of this alternate institutional control and acknowledge: 1) that there are hazardous substances within the affected road ROW that may present exposure risks as described in this document; 2) that there are controls to address these risks; and 3) the LUG, tribal government, or other authority is exercising its authority to control activities within the ROW to prevent these exposure risks.

<b>Signature</b>	<b>Print</b>	<b>Property Identification #</b>	<b>Date</b>
<b>Signature</b>	<b>Print</b>	<b>Property Identification #</b>	<b>Date</b>
<b>Signature</b>	<b>Print</b>	<b>Property Identification #</b>	<b>Date</b>
<b>Signature</b>	<b>Print</b>	<b>Property Identification #</b>	<b>Date</b>

**SECTION 4. SUBMITTER SIGNATURE:**

I, as the submitter identified in Section 1, or the qualified consultant authorized to complete this document on the submitter's behalf, hereby attest to the accuracy of the statements in this document and all attachments. I further certify that the language on this document has not been modified.

<b>Signature</b>	<b>Print</b>	<b>Date</b>

**SECTION 5. LUG OR OTHER AUTHORITY CONFIRMATION OF ROAD RIGHT-OF-WAY INSTITUTIONAL CONTROL:**

Name of Local Unit of Government or other Authority:

*The aforementioned LUG, tribal government, or other authority attests that the current use of the affected road right-of-way is for public transportation. The LUG, tribal government, or other authority has no current plans to relocate, vacate, or abandon the portion of the affected road right-of-way. The LUG, tribal government, or other authority understands that the submitter intends to rely upon the existence of said road right-of-way to prevent unacceptable exposure to hazardous substances that may be present in the soil and/or groundwater within the affected road right-of-way. The LUG, tribal government, or other authority understands that there may be additional costs to the LUG, tribal government, or other authority when disturbing the area of impact in the future. The LUG, tribal government, or other authority has a reliable mechanism to track the location and will provide notification of the contamination in the affected road right-of-way to parties requesting access.*

*The LUG, tribal government, or other authority executing this alternate institutional control certifies that EITHER of the following conditions has been met:*

- a. Based on representations of the submitter, all/any persons with ownership interests in the property/properties underlying the affected road right-of-way described in this document have been notified regarding the conditions that are known at the time this alternate institutional control is executed, and consent for use of this alternate institutional control from fee simple title ownership interests has been obtained where necessary.*

**-OR-**

- b. The LUG, tribal government, or other authority exercises exclusive control over the affected road right-of-way and the portions of the properties underlying the affected road right-of-way identified in this alternate institutional control and is exercising its authority to assure the reliability of this alternate institutional control to prevent exposure to hazardous or regulated substances located below the road surface.*

*If the affected road right-of-way is proposed to be relocated, vacated or abandoned, or other conditions that result in revocation of this alternate institutional control, the LUG, tribal government, or other authority agrees to notify the appropriate Michigan Department of Environmental Quality District Office, identified in Section 1, and any adjacent/underlying property owners no less than 90 days prior to the road being relocated, vacated, or abandoned. With my signature below, I certify that I am legally authorized to sign on behalf of the LUG, tribal government, or other authority.*

<b>Signature of Authorized LUG or Authority Official</b>	<b>Print Authorized LUG or Authority Official</b>
<b>Title of Authorized LUG or Authority Official</b>	<b>Date</b>
<b>Name of Local Unit of Government</b>	<b>Address, City, State, Zip</b>
<b>Phone Number</b>	<b>Fax Number</b>
	<b>Email Address</b>

## Memorandum

**To:** Matt Kowalski, Chairman and Planning Commissioners  
Courtney Nicholls, City Manager

**From:** Michelle Aniol, Community Development Manager

**Re:** Diagnostic Review of Zoning Ordinance

**Date:** April 29, 2015

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On February 23, 2015 Council postponed action on the Planning Commission's recommendation to approve the revised Carlisle Wortman Associates proposal to update the Zoning Ordinance. Staff was asked to provide details and examples of specific sections and sub-sections in the Zoning Ordinance, which the Planning Commission determines need to be updated, along with an explanation of why this action is needed. To that end, staff has drafted the following memorandum, which contains the details requested by Council, for your review and feedback:

### 1. General Concepts for Updating or Amending the Zoning Ordinance

- After the Master Plan is updated and/or amended. The City's last update of the Master Plan was in 2012.
- When a community is sued and loses. Luckily that hasn't happened.
- Whenever something comes up that hadn't been thought of. Two recently examples would be NUBC's tasting room and proposed food service uses in the RD district or oil and gas drilling operations.
- When user-friendly format would promote a better understanding of the zoning ordinance.
- When innovative planning principals that incorporate the lasted thinking in the art and science of city planning.
- Ensuring a legally sound, fair and defensible set of rules for the development of land within the City.
- When the regulations in the zoning ordinance have the potential to result in suburban type development (vehicle oriented design that separates uses, increases impervious surface) instead of fostering pedestrian oriented redevelopment that reflects the historic urban character, social and environmental diversity and improved economic viability desired in the CBD Central Business, VC Village Commercial, and VR Village Residential zoning district in the City.
- It would be efficient and logical to update the ordinance at the same time it is reformatted.

### 2. Review Comments and Recommendations:

#### A. Article 2 Definitions:

1. Section 2.02 Definitions must be updated as a result of an amendment to the Zoning Enable Act (PA 110 of 2006) in 2008.
2. The definitions in the Zoning Ordinance are not consistent with the definitions provided in the Adult Foster Care Facility Licensing Act (PA 218 of 1879), as amended.

3. The terms "accessory", "ancillary", and "incidental" are often used interchangeably when discussing subordinate uses. Currently, the ordinance contains only a definition for accessory; not ancillary or incidental. The following definitions come from the Merriam-Webster English Dictionary:
  - Accessory – something added to something else to make it more useful, attractive or effective
  - Ancillary – providing something additional to a main part or function
  - Incidental - happening as a minor part or result of something else
4. The addition of graphics would greatly improve the ability to understand and interpret the regulations of this Article.

B. Article 3, General Provisions:

1. 3.02 Accessory Structures – This section focuses mainly on accessory structures within residential districts, such as attached and detached garages. It does not address accessory structures in commercial or industrial districts, such as clothing bins or solar arrays.
2. 3.06 Temporary Structures and Uses:
  - i) Sub-section 2, temporary structures used for nonresidential purposes. This section does not have standards regarding electrical hook ups or that would prohibit connection to sanitary sewer and/or water; especially for construction trailers. At the very least there should be language added that prohibits temporary uses for non-residential purposes from connecting to public water and sanitary sewer.
  - ii) Sub-section 5, special events and other temporary uses:
    - The Zoning Administrator has the authority to grant temporary use of land and structures for special events and other temporary uses. Historically, the city's administrative assistant has approved these permits. If this practice is to continue, the text should be amended to indicate the "Zoning Administrator or her designee" has jurisdiction to approve special event or other temporary use permit.
    - This section is inconsistent with the. A recent application for a temporary food cart in a public park brought this issue to light.
    - This section does not contain any provisions for special events or other temporary uses in public places. Recently an application to allow a temporary food cart in Monument Park during the summer concert series and during the week at lunch time was submitted. Consensus of staff and our Planning Consultant is that the provisions/standards in Chapter 34, Article II, Division 2, Peddlers, solicitors and transient merchants, in the City's General Code currently regulate special events and temporary uses, such as the proposed food cart, on public property. A long term solution to address this issue is needed.
3. Section 3.09 Streets, Roads and Other Means of Access. This section needs standards and graphics regarding corner visibility and unobstructed sight lines or clear vision zones (attached).
4. Section 3.12 Sidewalks. This section requires sidewalks to be installed for all developments requiring site plan approval. Unfortunately, it does not provide any standards for width, material of construction, ADA compliance, etc. In 2010 the City (then Village) adopted a Complete Streets Ordinance (attached). However, the Zoning Ordinance was not updated accordingly.

5. Section 3.15 Reception Antennae – The Zoning Enabling Act (PA 110 of 2006, as amended) was amended earlier this year to prohibit local zoning from restricting amateur radio short wave antennas to any height less than 90 feet. In addition, zoning must conform to federal regulations. Currently, this section does not comply with these new regulations.
  6. Section 3.17 Fences – staff finds the regulations of fences on corner lot confusing and the graphic provided does not provide any assistance.
  7. Section 3.19 Exterior Lighting
    - i) This section requires street lighting to conform to the City's Community Street Lighting Program. The City does not have a community street lighting program. DTE has a Community Street Lighting Program. Street lighting is regulated in the Engineering Standards. In June 2013 City Council suspended Section V, sub-section H.3 and required that the DDA create lighting plan for the DDA District. To the best of staff's knowledge, a lighting plan has not been developed.
    - ii) There is no consistency in the organization of the regulations.
    - iii) Exemptions to the provisions of Section 3.19 include airport lighting. The City does not have nor is it likely to have an airport.
  8. Section 3.24 Wireless Communications Facilities. The Zoning Enabling Act (PA 110 of 2006) was amended in 2012 regarding wireless communications. The amendments included wireless communications jurisdiction restrictions and deadlines for processing and taking action on an application for special land use approval. New definitions were also added. The standards in section 3.24 of the Ordinance have not been updated to reflect the requirements of PA 110. There are also a couple of formatting errors.
  9. The addition of graphics would greatly improve the ability to understand and interpret the regulations of this Article.
- C. Article 5, Parking and Unloading:
1. Section 5.03 J. This section contains two paragraphs that basically say the same thing.
  2. Section 5.05 Barrier Free Parking Requirements. This section needs to be updated, as follows:
    - a. in accordance with ADA Design Guidelines (attached),
    - b. to include van accessibility standards, and
    - c. to include graphic of barrier free car and van parking requirements
  3. Section 5.06, sub-section H incorrectly cites Section 3.20 Exterior Lighting. Exterior Lighting is Section 3.19.
  4. Section 5.08, sub-section A incorrectly sites Section 3.19 regarding parking and/or storage of recreational vehicles. Recreational vehicle parking is Section 3.18.
  5. Section 5.09 allows for "payment in-lieu" of parking in the VC Village Commercial District. The Planning Commission/City Council should consider expanding this provision for certain for certain locations within the VR Village Residential Zoning District, as well; specifically for properties along Broad, Central and Grand Streets. These are streets for which streetscape improvements, including on-street parking are planned or have already been constructed or are planned for streetscape improvements.
  6. The additional of graphics would greatly improve the ability to understand and interpret the regulations of this Article

D. Article 6 Landscaping :

1. Section 6.04 Required Parking Lot Screening
  - a. Sub-section A, in the table it states the minimum landscaping requirements are per Sections 6.02, 6.09 and 6.11. The requirements of this section are inconsistent with Section 6.09.
  - b. Sub-section B, Ann Arbor Road Corridor and Baker Road Corridor Required Parking Lot Screening from Public Streets. This sub-section states that parking lots which abut a public street in the ARC and BRC District must provide a landscape screen. It then sets forth 3 standards. It is not clear if each standard applies or if there is a choice.
2. Section 6.07 On-site landscaping. The second paragraph states "*For every new development except in the One Family Residential Districts, Two Family Residential Districts, Multiple Family Residential Districts, and Village Commercial and Central Business Districts, there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least five percent (5%) of the total lot area.*" There is no zoning district titled Two Family District.
3. Figure 6.1 Parking Lot Landscaping – Perimeter Parking Lot illustrates the following two options:
  - *Berm option*, which shows a 3-foot high earthen berm, planted with one deciduous tree and six deciduous/evergreen shrubs.
  - *Landscape plantings/wall option*, which shows one deciduous tree, 5 deciduous shrubs and a wall of unknown height.

Neither of the options or Figure 6.1 are referenced or required in Section 6.08, Parking Lot Landscaping or anywhere else in the ordinance. In addition, Section 6.08 sets forth standards for interior parking landscaping, which is illustrated in Figure 6.2. However, Figure 6.2 is not cited in Section 6.08.

4. Section 6.11 Recommended Plant Materials. This section lists permitted deciduous and evergreen trees and shrubs. The first paragraph states that the list is not exclusive of trees permitted in the City and that other species may be approved by the Planning Commission. This is fine for projects that require Planning Commission review, but it creates an additional layer of bureaucracy for administratively reviewed projects/applications.
5. Section 6.12 General Layout and Design Standards, sub-section J. This sub-section sets forth the standards for berm. However, there are no requirements for berms in Article 6.
6. Section 6.14 Replacement Standards. This section should be updated if the intent of this section is to prevent the unnecessary removal of trees on public or private property. The first paragraph in this section states the intent is to prevent the unnecessary removal of trees prior to, during and following construction on a site. The phrase "prior to construction or following construction" is ambiguous.
7. The additional of graphics would greatly improve the ability to understand and interpret the regulations of this Article.

E. Article 7, Signs:

1. Section 7.03, Ground Signs.
  - a. Sub-sections A and D:
    - i) The Zoning Board of Appeals was recently asked for an interpretation to determine the number of ground signs allowed within non-residential zoning districts and

business/shopping centers (Sub-sections A and D). This request resulted from an applicant's interpretation differing from staff and the Planning Consultants interpretations. Even though the applicant withdrew the request, staff and the Planning Consultant recognize these two sub-sections should be amended to remove any potential ambiguity.

- ii) According to sub-section A, up to two (2) ground signs may be permitted if a non-residential zoning lot exceed 400 linear feet. Section D, which deals with shopping centers, business centers, office parks, etc., does not allow extra signage for non-residential zoning lots that exceed 400 linear feet of road frontage.
  - b. Sub-section D states *one freestanding identification sign stating the name of the business center and major tenants therein may be erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings.* This sub-section goes on to state *"the sign area shall not exceed one square foot per front foot of building or buildings...; however such signs shall not exceed 60 square feet in area and may be up to 10 feet in height.* These standards are designed for a mall, not a strip commercial center, which do not have anchor or major tenants.
2. Section 7.07 Temporary Signs.
- a. The heading of sub-section (2) is Construction Signs. The heading of sub-section (4) is Real Estate/Construction Signs. Each sub-section contains different sign area and height standards. However, sub-section (4) does not cite construction signs other than in the heading.
  - b. Sub-section (5) sets forth the standards for Temporary Commercial Signs. There is no definition of temporary commercial signs in the ordinance.
3. In sub-section (6)B identifies municipal streetscape banners as the community special event sign, and states that the banners must follow the provisions and specifications listed on the permit and are subject to permit approval. Any provisions, specifications and/or regulations regarding municipal streetscape banners should be set forth in the Zoning Ordinance and/or in the General Code of Ordinance. The permit application should reflect the provisions, specifications and/or regulations in the Zoning Ordinance and/or General Code of Ordinances. Additionally, Community special event signs should be a header for municipal streetscape banner regulations and institutional signs regulations, which are set forth in sub-section (6)C.
4. Section 7.08, Signs in the Public Right-of-Way. This section begins by stating that no signs are allowed in the public right-of-way, and then provides some exceptions. For example, sub-section (1) allows states that signs erected on behalf of a governmental or other public agency to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic. This sub-section should be amended to require a permit and set forth regulations that may allow signage in certain situations; otherwise public agencies, such as Dexter Schools will continue to install signage in the public ROW.
5. The additional of graphics would greatly improve the ability to understand and interpret the regulations of this Article.

F. Article 8 Special Land Uses:

1. Section 8.02, sub-section B.2 states the notice (for a public hearing) to a property owner/occupant must be given not less than 5 days or more than fifteen day before the date of the hearing. The Zoning Enable Act (PA 110 of 2006, as amended) was amended

in 2008 to require that the public hearing notice to a property owner/occupant must be given not less than 15 days before the public hearing.

2. Section 8.11 Special Land Use Specific Requirements:

a. Sub-section A lists all the **uses** requiring special approval. Sub-section B lists these same uses, along with the specific standards. This is duplicative and inconsistent with other sections of this and other Articles of the Zoning Ordinance. For example:

- i) Sub-section A1 states *accessory apartment on upper floors or commercial buildings*, but sub-section B1 states *accessory apartment on of floors of mixed-use buildings*.
- ii) Sub-section A6 states *arcades and similar devices at public commercial mechanical amusement device centers*, but B6 states *Arcades, mechanical amusement devices and similar devices*.
- iii) Sub-section B26 set forth height, lighting, signage and fencing regulations for Radio, Television and Cellular Phone Towers. These regulations are not consistent with the regulations in Section 3.24 Wireless Communication Facilities, which regulates the same uses.

b. Sub-section B1 states *housing above retail is encourage in the Village Commercial and Central Business District. These units are designed for singles, younger couples and elderly people without children*. That line should be eliminated.

c. The special use section could be simplified to contain the following sections:

- i) Intent
- ii) Procedures and requirements, including review in accordance with site plan review procedures, public hearing requirements, and Planning Commission and City Council review and action.
- iii) Standards for granting special use approval

A separate Article titled *Development or Supplemental Standards* or something to that effect, could be established for the standards currently listed in sub-section B.

G. Article 9 Establishment of Zoning Districts and Map:

1. Section 9.01 identifies the zoning districts; however it does not include the Overlay Districts. In addition it identifies EP Environmental Protection District as a non-residential district. There is no EP district shown on the Zoning Map nor are there any regulations.

H. Article 10 R-1A and R-1B One Family Residential District:

1. Section 10.03 Special Land Uses in VC District. The following use(s) is identified as special uses in the VC Village Commercial District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.
  - a. Section 10.03, sub-section B lists *Farms on lots having an area of not less than ten (10) acres* as a special land use. However, that same use is not listed as a special land use in Article 8, Special Land Uses, nor are there specific provisions/requirements to guide a decision.

I. Article 11 VR Village Residential District:

1. Section 11.03 Special Land Uses in the VR District. The following use(s) is identified as special uses in the VR Village Residential District; however the use(s) is not listed as special uses in

Article 8, nor are there specific provisions, requirements or development standards to guide a decision.

- a. Sub-section B *Activity center buildings specifically for the elderly when on a minimum size of two (2) acres.*
- b. Sub-section C *Public swimming pools, parks, playgrounds, and playfields.*
- c. Sub-section E *Government or community-owned buildings.*
- d. Sub-section J *Professional and Business Offices.*
- e. Sub-section K *Retail sales of goods and services.*
- f. Sub-section L *Restaurants except drive-through facilities.*

J. Article 12 Multiple Family Residential District:

1. Section 12.03 Special Uses in the Multiple Family District. The following use(s) is identified as special uses in the MFR Multiple Family Residential District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.
  - a. Sub-section A *Public swimming pools, parks, playgrounds, and playfields n.*
  - b. Sub-section C *Public and private nurseries for children, primary and secondary non-profit schools, and colleges and universities.*
  - c. Sub-section D *Boarding and rooming houses.*
  - d. Sub-section G *Adult Congregate Care.*

K. Article 14 C-1 General Business District:

1. Section 14.03 Special Land Uses in the C-1 General Business District. The following use(s) is identified as special uses in the C-1 General Business District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.
  - a. Sub-section I *Bars serving alcohol.*
  - b. Sub-section J *Showroom and sales of new automobiles and the display and sale of used cars when in conjunctions with a showroom and sale of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof.*
  - c. Sub-section L *Cleaning establishments when in compliance with fire regulations and all other City ordinances relating thereto.*
  - d. Sub-section Q *Single family, two-family and multiple family dwelling units above the ground floor.*
  - e. Sub-section R *A dwelling unit of a resident manager or owner is permitted on the ground floor.*
  - f. Sub-section U *Mixed Use Developments.*
  - g. Sub-section T *Government or Community owned buildings.*

L. Article 14A PB Professional Business District:

1. Section 14(A).03 Special Land Uses in the PB Professional Business District. The following use(s) is identified as special uses in the PB Professional Business District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.

- a. Sub-section C *The business office of an establishment, which provides service to its customers off-site, such as electricians, decorators, plumbers, heating and air conditioning installers, but not to include retail sales, personal services, wholesaling or warehousing. A workshop with material storage incidental to the service is permitted.*

M. Article 15 VC Village Commercial:

1. Section 15.03 Special Land Uses in the VC Village Commercial District. The following use(s) is identified as special uses in the VC Village Commercial District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.
  - a. Sub-section A *Food establishments, retail over 2,000 square feet of gross floor area but not to exceed 10,000 square feet of gross floor area: such as for the sale of groceries, fruit and meat; baked goods; and dairy products.*
  - b. Sub-section C *Bars/Taverns/Lounges*
  - c. Sub-section D *Vocational and technical training facilities.*
  - d. Sub-section F *Service Establishments of an office/workshop/retail outlet or showroom nature, such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, hose appliance and similar establishments of similar character subject to the provision that not more than fifty (50) percent of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.*
  - e. Sub-section I *Private clubs, fraternal organizations, and lodge halls.*
  - f. Sub-section K *All buildings over 10,000 square feet gross floor area require a special use permit per Article 8.*
  - g. Sub-section H lists small animal clinics. For consistency with Article 2 and 8, sub-section H should be amended as Veterinary Clinics and hospitals-small animals.

N. Article 15A CBD Central Business District:

1. Section 15(A).03 Special Land Uses in the CBD Central Business District. The following use(s) is identified as special uses in the CBD Central Business District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.
  - a. Sub-section A *Food establishments, retail over 2,000 square feet of gross floor area but not to exceed 10,000 square feet of gross floor area: such as for the sale of groceries, fruit and meat; baked goods; and dairy products.*
  - b. Sub-section C *Bars/Taverns/Lounges*
  - c. Sub-section E *Service Establishments of an office/workshop/retail outlet or showroom nature, such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, hose appliance and similar establishments of similar character subject to the provision that not more than fifty (50) percent of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.*
  - d. Sub-section I *All buildings over 20,000 square feet gross floor area require a special use permit per Article 8.*
  - e. Sub-section H lists small animal clinics. For consistency with Article 2 and 8, sub-section H should be amended as Veterinary Clinics and hospitals-small animals.

O. Article 16 I-1 Limited Industrial District:

1. Section 16.03 Special Land Uses in the I-1 Limited Industrial District. The following use(s) is identified as special uses in the I-1 Limited Industrial District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.
  - a. Sub-section A *Restaurants and cafeteria facilities and child care facilities for employees when in a separate building. This provision does not apply to such facilities when provided as an incidental use within a principal building.*
  - b. Sub-section B *Bus, truck, taxi and rail terminals.*
  - c. Sub-section C *Open air display for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, such as household equipment, small tools, pneumatic-tired two and four wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment. Open air business is listed as a special use in Article 8, but specifically in regards to commercial outdoor display, sales and storage.*
  - d. Sub-section D *Warehousing and material distribution centers and contractors' establishments provided all products, material, and equipment are stored within an enclosed building.*
  - e. Sub-section E *Light-metal cutting.*
  - f. Sub-section G *Radio, television, microwave, and cellular phone towers. Refer to notation F.2.a.3, above.*
  - g. Sub-section H *Any wholesale business including warehouse and storage buildings, lumber yards, building material yards dealing in unused material, but not including junkyards or used auto wrecking establishments or business handling wastes, coal yards, junk; the incubation, raising or storing of poultry; the slaughtering of animals or, poultry; and those businesses which are offensive by reason of odor, dust smoke or vibration to the surrounding neighborhood.*

P. Article 12 RD Research and Development District:

1. Section 17.02 Permitted Principal Uses. Food processing and production is a permitted principal use in the RD District. Micro-breweries, wineries, distilleries and meaderies fall under the food product processing/production designation. These uses are associated with a growing craft food/beverage industry in Michigan and across the United States. Craft food/beverage producers have been able to expand their market share and grow their business' by adding a tasting room and/or on-site food and beverage service. Communities have, generally, found this type of establishment acceptable in downtown and commercial districts. However, as a company's food/beverage production increases the options for maintaining a downtown presence decreases. The reality is that larger facilities, which will accommodate food/beverage producers' needs, are most often found in industrial parks. Zoning in industrial parks has traditionally separated manufacturing uses from commercial/retail uses. A discussion regarding this issue will be on the Planning Commission's May 4<sup>th</sup> agenda.
2. Section 17.03 Special Land Uses in the RD Research and Development District. The following use(s) is identified as special uses in the RD Research and Development District; however the use(s) is not listed as special uses in Article 8, nor are there specific provisions, requirements or development standards to guide a decision.

- a. Sub-section A *Restaurants and cafeteria facilities and child care facilities for employees when in a separate building. This provision does not apply to such facilities when provided as an incidental use within a principal building.*
  - b. Sub-section B *Bus, truck, taxi and rail terminals.*
  - c. Sub-section C *Any permitted use producing more than 70 decibels at the property line when such use is completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the RD district.*
  - d. Sub-section D *Recycling centers.*
  - e. Sub-section E *Personal fitness centers.*
3. Section 17.04 Required Conditions, sub-section 6 identified uses that are forbidden within the RD District. Initially staff's interpretation was that these uses were prohibited as stand-alone operations. However, others have interpreted this list as pertaining to both stand-alone operation and operations subordinate to a principal use. These provisions cannot be interpreted both ways; otherwise there are conflicts. For example, if the interpretation is that the forbidden list pertains to subordinate uses, then retail commercial business, which is listed as a forbidden use would be in direct conflict with sub-section K, which designates retail/showroom for goods manufactured on site or in conjunction with site operations, subject to a maximum 15% of total gross floor area as a permitted use.
- Q. Article 13 Public Park: This section does not contain any provisions for special events or other temporary uses in public places. The General Code regulates these types of temporary uses. Recently an application for a temporary food cart to be placed in Monument Park during the summer concert series and during the week at lunch time. Consensus of staff and our Planning Consultant is that the provisions/standards in Chapter 34, Peddlers, solicitors and transient merchants in the City's General Code currently apply to special events or other temporary uses, such as food carts. A long term solution to address this issue is needed.
- R. Article 19 Planned Unit Development:
1. Staff's recommendations for amendments to the PUD District are well known. Currently, the Area Plan review and approval process (Section 19.08) does not require sufficient detail for decision making; however the current standards require the Planning Commission and City Council to take action on, what amounts to, a concept plan. Furthermore, the development agreement is based on an approve area plan. Staff's recommendation is to amend the PUD section to replace the Area Plan review and approval process with a conceptual plan review process, which would allow an applicant the chance to bring forth a general concept plan for review and input from Planning Commission and City Council, but would not require any action. This process would allow an applicant to get the valuable feedback needed before going to the time and expense of putting together a detailed preliminary and final PUD site plan.
  2. There are a couple of formatting and cross-reference errors that need to be cleaned up.
  3. The flow chart should be updated and cross-reference errors corrected.
- S. Article 20 Schedule of Regulations:
1. Footnote 6 states that corner lots have two front yards and are must maintain front yard requirement for each street frontage. Currently and historically, applications for zoning compliance state that corner lots have two front yards and two side yards. Footnote 6 should be amended for consistency.

2. The additional of graphics would greatly improve understanding of the yard requirements in footnotes 3, 4 and 5.

T. Article 21 Site Plan Review and Approval:

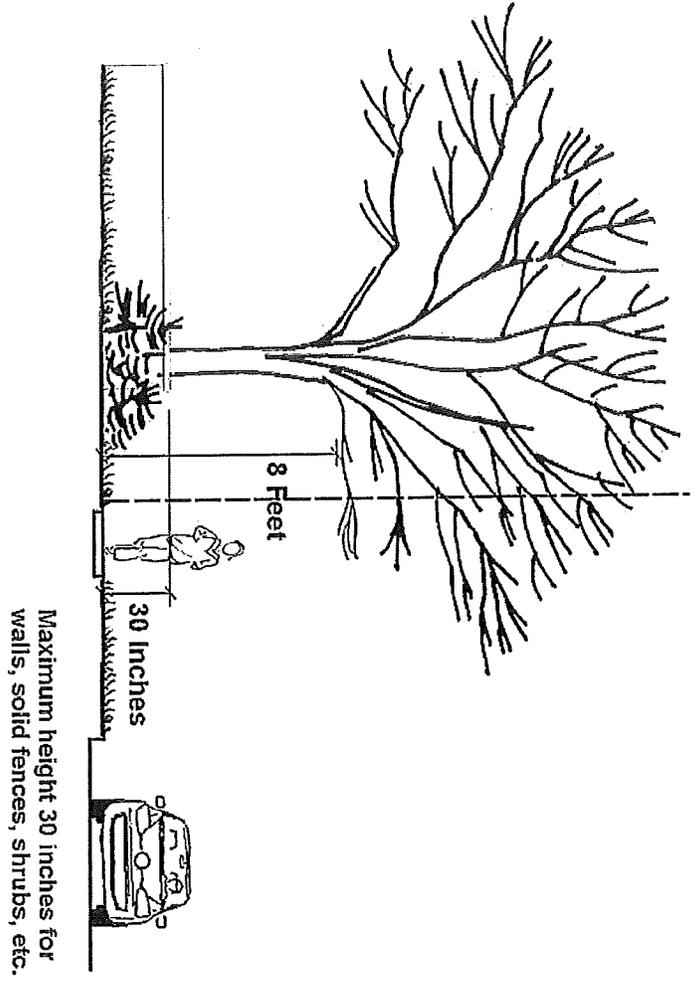
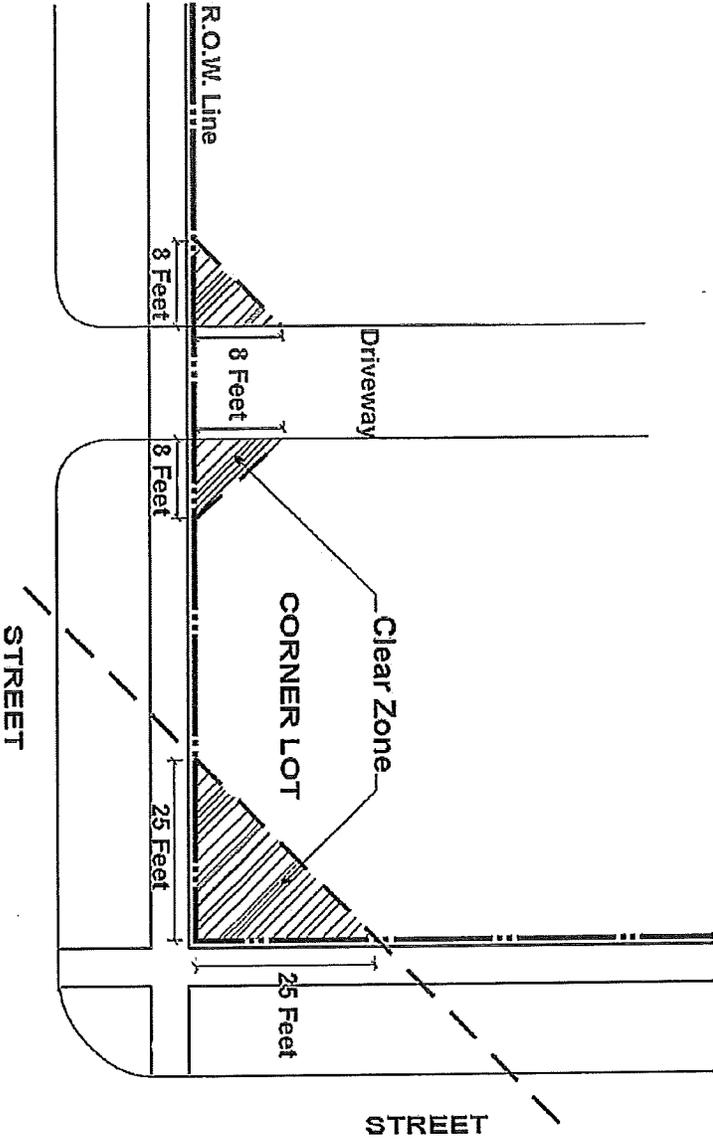
1. Section 21.02, sub-section 2 indicates that a site plan is not required for any building additions, exterior remodeling or exterior alterations which do not increase the existing area of a building by more than ten (10) percent and do not require off-street parking in additional to that already provided. This presents the following issue:
  - a. There could be instances where an addition to any building over 10,000 square feet would not require a site plan. This conflicts with the provisions in Section 21.06, sub-section A1 Administrative Review which requires a site plan for expansion or reduction of an existing conforming structure or use of 1,000 square feet or less. There should be consistency between Section 21.02, sub-section 2 and Section 21.06, sub-section A1.
2. Review standards, processes and requirements for Plats and Condominium developments should be provided.
3. There is no requirement that condominium documents (i.e. Master Deed and Bylaws) be reviewed and/or approved as part of the Site Plan Review and/or PUD review and approval process.
4. There is no reference to the City's subdivision control ordinance, which should also be reviewed to ensure its standards and regulations are up to date.
5. A flow chart illustrating the Site Plan Review process should be provided.

U. Article 22 Administration and Enforcement:

1. Section 22.03 Certificate of Zoning Compliance
  - a. Sub-section J sets forth the requirements for a plot plan. This section must be updated for consistency with the zoning compliance application requirements.

V. Article 24 Board of Zoning Appeals:

1. This article needs to be amended for consistency with the new City Charter, which uses the term *Zoning Board of Appeals*.
2. Section 23.03 Amendment Procedure; Public Hearing and Notice, sub-section A states that notice of the public hearing shall be given as required by the Michigan Zoning Enabling Act (PA 110 of 2006), as amended. This type of standard forces an applicant to research and find this information. Since public notification requirements are detailed elsewhere in the Ordinance, (i.e. Section 8.02b), Section 23.03 could be amended to reference these public notification standards.





**ADA**  
 Design Guide

**1**

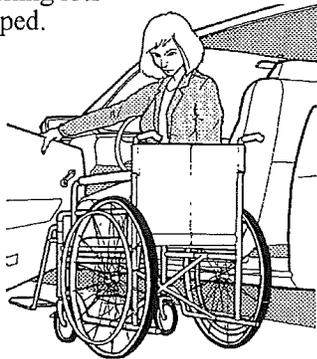
**Restriping Parking Lots**

**Accessible Parking Spaces**

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



**Accessible Parking Spaces for Cars**

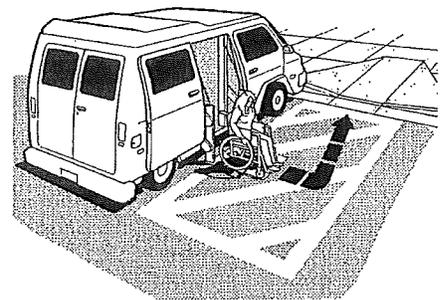
Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

**Van-Accessible Parking Spaces**

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.



**Minimum Number of Accessible Parking Spaces**

ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces

\*\* 7 out of every 8 accessible parking spaces

## P24 Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

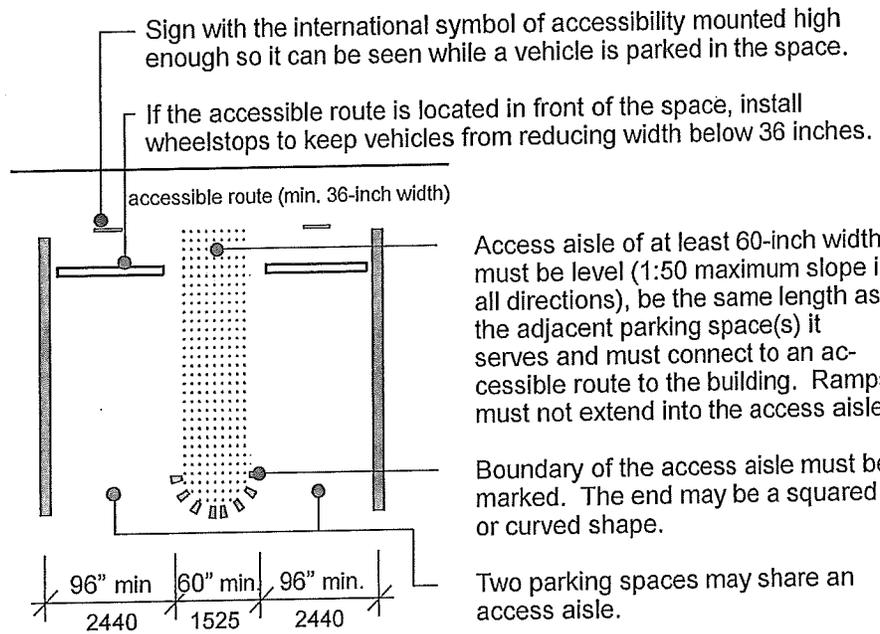
### Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

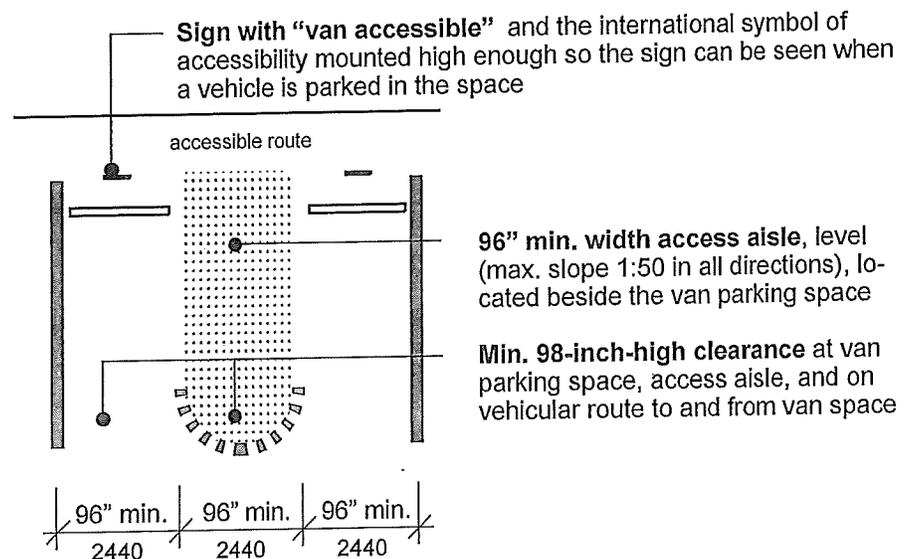
**Department of Justice  
ADA Information Line**

**800-514-0301 (voice)  
800-514-0383 (tty)**

## Features of Accessible Parking Spaces for Cars



## Three Additional Features for Van-Accessible Parking Spaces



### Internet

You may also review or download information on the Department's ADA Internet site at any time. The site provides access to ADA regulations, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. Internet address:  
[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

### Reference:

ADA Standards for Accessible Design (28 CFR Part 36):

- § 4.1.6 Alterations;
- § 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- § 4.1.6 Parking and Passenger Loading Zones.

## ARTICLE IV. - COMPLETE STREETS

## Sec. 46-150. - Definitions.

*Complete streets* is defined as a design principle to promote a safe network of access for pedestrians, bicyclists and motorists of all ages and abilities.

(Ord. No. 2010-05, 11-22-2010)

## Sec. 46-151. - Complete streets improvements.

The Village of Dexter will plan for, design, and construct all transportation improvement projects, both new and retrofit activities, to provide appropriate accommodations for bicyclists, pedestrian, transit users, and persons of all ages and abilities in accordance with the Village of Dexter Master Plan and the Capital Improvements Plan.

In furtherance of that policy:

- (1) The Village of Dexter Master Plan and Capital Improvements Plan shall be referenced and its implementation considered prior to construction or re-construction within the village rights-of-way.
- (2) The master plan and capital improvements plan will include, at a minimum, accommodations for accessibility, sidewalks, curb ramps and cuts, trails, pathways, signage, bike lanes, and shall incorporate principles of complete streets and maximize walkable and bikeable streets within the Village of Dexter.
- (3) The accommodations shall also be designed and built using guidance from the most recent additions of the American Association of State Highway Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) (MDOT), and the American with Disabilities Act Accessibility Guidelines (ADAAG). Methods of providing flexibility within safe design parameters, such as context sensitive design solutions and design, will be considered.
- (4) The Village of Dexter Master Plan will be updated every five years from the date of its initial adoption and the capital improvements plan will be updated annually.
- (5) It will be the goal of the village to fund the implementation of the master plan and capital improvement plan, which shall include expending State Act 51 funds received by the village annually in accordance with Public Act 135 of 2010, as amended.

(Ord. No. 2010-05, 11-22-2010)

## Sec. 46-152. - Exceptions.

Facilities for bicyclists, pedestrians, transit users, and people of all ages and abilities are not required to provide in instances where a documented exception is recommended by the village manager and granted by the village council based on findings of one or more of the following conditions:

- (1) Where their establishment would be contrary to public health and safety;
- (2) When the cost would be excessively disproportionate to the need or probable use;
- (3) When the cost would result in unacceptable diminishing of other village services;

- P26
- (4) Where there is no identified long-term need;
  - (5) Where the length of the project does not permit a meaningful addition to the non-motorized network; or
  - (6) Where reconstruction of the right-of-way is due to an emergency.

*(Ord. No. 2010-05, 11-22-2010)*

## Memorandum

**To:** Chairman Kowalski and Planning Commissioners  
Courtney Nicholls, City Manager

**From:** Michelle Aniol, Community Development Manager

**Re:** Northern United Brewing Company (NUBC) Update

**Date:** May 1, 2015

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NUBC representatives, Jon Carlson and Tony Grant recently requested a meeting with staff to discuss the process for obtaining approval for a production kitchen. You may recall NUBC explained its desire earlier to set up a production kitchen at its facility at 2319 Bishop Circle East, at the February 2, 2015 Planning Commission meeting. They explained the purpose of the kitchen would be to produce their fermented products, such as pickles, kimchi, etc., and all of their pizza dough, bread and other baked goods, curry potato chips, etc., for distribution to its other facilities and for on-site consumption.

You may also recall that NUBC maintained that food service for on-site consumption is allowed based on the current definition of a tasting room. During the meeting the Planning Commission discussed the issue of regulating breweries/micro-breweries in the RD Research Development District. The discussion centered on the following questions:

- What does the term "food service" mean, in the definition of a tasting room?
- Since the Planning Commission determined that a tasting room is not a tavern or a bar, but an accessory use to the principle use (i.e. microbrewery/brewery), should a dining area or restaurant be an accessory use to a brewery?
- If so, would a dining area or restaurant within the NUBC facility be compatible with the RD District?

Comments from the Planning Commission included, but were not limited to the following:

- What would the impact be on the water and sewer system?
- It's not NUBCo's fault we can't figure out the definition of food service.
- Are more foods other than those produced by NUBCo to be served?
- Previous Planning Commission's comments when allowing a tasting room was not to turn the facility into a bar and/or restaurant.
- Objections to bringing in other food products – now this is classified as a restaurant.
- A solution to the zoning issue is to zone as a PUD.
- Would a dining room be a compatible use in and R and D district? Is the Planning Commission open to allowing special uses in the Industrial Park?
- Would like to see an application as food services are permitted by definition. NUBCo needs a planner or architect to advise them as to what to apply for and come back to Planning Commission with an application.
- May need to go to the ZBA. Does Planning Commission want to set the parameters for businesses in the Industrial Park?

- Need for better definitions of what is allowed so that no one has to go through this process again.
- Would like to explore options for uses in Research Park in the long term; go through a process in Section 3.07 for dining area as an accessory use to production kitchens and product development.
- Would consider ordinance revisions, but a dining area needs to be a special use.
- It's permitted; apply for zoning compliance.
- We may need to clean up ordinances and decide what uses we want in the Industrial Park.

Following the discussion, consensus of the Commission was:

- Food production for distribution off-site, to other NUBC/Jolly Pumpkin facilities, is a permitted use and would be subject to administrative approval.
- Food production for on-site consumption in the tasting room or in a separate dining area within NUBC's current facility would require a two-step review process, in accordance with Section 3.07 of the Zoning Ordinance (excerpt attached).
  - Step 1 - The Planning Commission would need to determine if food service for on-site consumption should be a permitted use or special use in the RD zoning district.
  - Step 2 - The Planning Commission would need to establish the conditions by which a use may be permitted.

This is the same process used when NUBC applied for the tasting room. Staff was then asked to research and bring back examples of how other communities regulate food service in a brewery/microbrewery in an industrial park.

After many hours of research staff offers the following findings for your review and consideration:

1. The Michigan Liquor Control Commission (MLCC) does not require any separate licensing or permits in order for a microbreweries, wineries, distilleries or meaderies to have a tasting room or on-site food service (i.e. restaurant). This is because beer, wine, spirits, and meads are consumable products. Thus, as part of the liquor licensing process, beer, wine, spirits, and mead manufacturers are required to obtain a food establishment license from the Michigan Department of Agriculture and Rural Development (MDARD).
2. The size of brewery operations varies from business to business; community to community. When Jolly Pumpkin operated its facility in the downtown it was not producing as much beer as it is now. That's because a small, neighborhood operation does not generally produce nearly as much beer, as one that is selling its products in multiple locations, locally and nationally. Jolly Pumpkin has experience significant growth individually, as well as collectively when its owners decided to bring North Peak and Jolly Pumpkin together under one roof. Consequently the size of the facility NUBC needed to accommodate present and future growth had a major impact on the company's decision to locate in the Dexter Business and Research Park.
3. The City of San Diego (CA) provided the only example (staff could find) that regulates on-site food service in a brewery/microbrewery, which is located in an industrial park.
  - a. The City of San Diego code (excerpt attached) allows manufacturers of malt beverage or distilled spirits in facilities greater than 12,000 square feet of gross floor area to have an on-site eating and drinking establishment as an accessory use, provided the eating and drinking establishment does not exceed 25% of the gross floor area of the structures on the premises in its IP Industrial Park Zoning District.

- b. San Diego amended its zoning code based on the following findings (as outlined in the attached Executive Summary Sheet):
- i. Larger craft beer manufacturers are adding full-service restaurants to new or expanded breweries in order to introduce more customers to their products manufactured on the premises. *This corresponds with the information provided to the Planning Commission on March 2, 2015, regarding Value Added Agriculture and Trends in the Craft Beer Industry.*
  - ii. The addition of a restaurant component to a large beer manufacturing plan (aka brewery), which is at least four times that size, is reasonable to accommodate and support the growth of the (craft beer) industry.

Additionally, San Diego developed its regulations so they would only benefit bona fide craft beer and spirit manufacturers, thus avoiding the possibility of creating a loophole for restaurants with limited on-site manufacturing production operations. They did this by establishing the following standards:

- iii. A minimum gross floor area of 12,000 square feet; and
- iv. Identifying an on-site eating and drinking establishments as an accessory use to the principal use (i.e. beer and spirits manufacturing); and
- v. Limiting the maximum floor area of the accessory restaurant or tasting room to 25% of the gross floor area of the structures on site.

### Next Steps

No decision is required at this time, since NUBC has not submitted an application. However, staff anticipates that an application will be submitted in time for consideration at your next meeting. Therefore, even though there are not many examples, the direction taken by the City of San Diego is noteworthy. With that said, the Planning Commission should be prepared to consider the following at its June 1, 2015 meeting:

- Should an on-site eating establishment, whether it's called a restaurant, brewhouse or by some other name, be considered an accessory use to the principle use (i.e. microbrewery/brewery)?
- Would a microbrewery/brewery with an on-site eating establishment be compatible in the RD District?

If the Planning Commission determines in the affirmative on the previous two questions, then it needs to address the following:

- Should on-site eating establishment be permitted by-right or as a special land use?

Staff looks forward to your discussion. In the meantime, please let me know if you have any questions or comments.

Article 1: Base Zones

Division 6: Industrial Base Zones

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0601 Purpose of Industrial Zones

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and ide flexibility in the design of new and redeveloped industrial projects while assuring high quality *development* and to protect land for industrial uses and limit nonindustrial uses.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0602 Purpose of the IP (Industrial--Park) Zones

(a) The purpose of the IP zones is to provide for high quality science and business park *development*. The property *development* standards of this zone are intended to create a campus-like environment characterized by comprehensive site design and substantial landscaping. Restrictions on permitted uses and *signs* are provided to minimize commercial influence.

(b) The IP zones are differentiated based on the uses allowed as follows:

- IP-1-1 allows research and development uses with some limited manufacturing
- IP-2-1 allows a mix of light industrial and office uses
- IP-3-1 allows for research and development, office, and residential uses.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)  
(Amended 4-11-2014 by O-20361 N.S.; effective 5-18-2014.)

- (i) Industrial *development* greater than 12,000 square feet of *gross floor area* that is primarily engaged in the manufacturing of malt beverages or distilled spirits in sealed cans, bottles, or kegs, may include an eating and drinking establishment as an *accessory use*, subject to applicable state and local regulations, if the eating and drinking establishment does not exceed 25 percent of the *gross floor area* of the *structures* on the *premises*.
- (j) Residential uses in the IP-3-1 zone are permitted subject to the following:
  - (A) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan;
  - (B) Residential *development* comprises no more than 49 percent of the total *lot* area within the Business Park - Residential Permitted CPIOZ; and
  - (C) Residential *development* complies with the *development* regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan, except that the *lot* area, *lot* dimensions, *floor area ratio*, and *setback* requirements of the IP-3-1 zone shall apply.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 6-5-2013 by O-20262 N.S.; effective 7-6-2013.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 4-11-2014 by O-20361 N.S.; effective 5-18-2014.)

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 02/19/2013

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Land Development Code Amendments related to Microbreweries

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Amanda Lee/(619) 446-5367 MS 501

**DESCRIPTIVE SUMMARY OF ITEM:**

A request for approval of amendments to the Land Development Code to allow for manufacturers of malt beverages or distilled spirits, of at least 12,000 square feet in size, to have an accessory restaurant or tasting room that is greater than 3,000 square feet in gross floor area. The proposed amendment is an important regulatory reform measure that will help support the growth of this base sector manufacturing industry and contribute towards economic growth within the City.

**STAFF RECOMMENDATION:**

Approve requested action.

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:** Craft beer manufacturing is an important base sector industry cluster as noted in the City's Draft Economic Development Strategy. The resulting economic activity from craft beer manufacturing generates additional jobs in wholesale, retail, and various service sectors at a ratio of 5.7:1, thus generating significant economic benefits to the City as a whole. In addition, the sale of prepared food and craft beer for consumption on site generates net new sales tax revenue for the City's General Fund.

Microbreweries are classified as a light manufacturing use, and are permitted in most industrial zones including the light industrial, heavy industrial, small lot industrial, and some industrial park zones (IP-2-1). Currently, restaurants are limited in most industrial zones to a maximum of 3,000 square feet in gross floor area, a limitation which could inhibit the growth of this industry within the City. The larger craft beer manufacturers are adding full-service restaurants to new or expanded breweries in order to introduce more customers to their products manufactured on the same premises. The addition of a restaurant component to a large beer manufacturing plant (aka "brewery"), which is at least four times that size, is a reasonable accommodation to support the growth of this manufacturing industry. The allowable size for this type of accessory restaurant or tasting room is a key factor that is considered during the site selection process by beverage manufacturers.

In order to benefit only bona fide craft beer and spirits production facilities and avoid creating a loophole for restaurants with limited on-site manufacturing production, the proposed allowance (for a restaurant larger than the existing industrial zone limit) would be applicable only to manufacturers at least 12,000 square feet in size. In addition, the accessory restaurant or tasting room would be limited to a maximum of 25 percent of the floor area dedicated to manufacturing.

Other stand alone restaurants and brew pubs would continue to be allowed as a primary use in all commercial zones and in most industrial zones, but would not be allowed to exceed the size limit in industrial zones, unless developed accessory to a beverage manufacturer. State law requirements for alcoholic beverage licensing will continue to apply to all establishments serving alcohol. The amendment is consistent with adopted General Plan policies in the Economic Prosperity Element in support of base sector industrial uses and a diversified local economy.

**FISCAL CONSIDERATIONS:** Costs associated with implementation of the proposed amendments will be covered by project applicants. The establishment of large breweries within the City will generate net new sales tax and property tax revenues for the City's General Fund.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION:** This action does not authorize entering into any contract or agreement.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** This item is scheduled for the LU&H Council Committee on April 24.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The proposed ordinance is being processed through the typical code amendment process, which involves review and input from the Technical Advisory Committee (TAC), Code Monitoring Team (CMT), Community Planners Committee (CPC), and Planning Commission, prior to City Council. Recommendations for approval were provided on March 13, 2013, by TAC (9-0 vote) and CMT (9-0 vote); and by CPC on March 26, 2013 (vote 29-0-1). On April 11, 2013, the Planning Commission unanimously recommended approval of the ordinance (5-0 vote).

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Stakeholders include manufacturers of beer and spirits and consumers. Staff is aware of at least two craft beer manufacturers that are actively seeking sites in the region, and are reportedly evaluating sites outside the City of San Diego due to the limited number of industrial sites and buildings at feasible prices within the City.

Westlake, Mike  
Originating Department

\_\_\_\_\_  
Deputy Chief/Chief Operating Officer



### NOTICE OF DECISION

**TO:** City Council & Planning Commission

**FROM:** Michelle Aniol, Community Development Manager

**DATE:** Tuesday, April 21, 2015

**RE:** ZBA Decision:  
Case #2015-01  
7910 Fifth Street (HD-08-06-128-010)

In compliance with the Zoning Board of Appeals Rules of Procedure and Policy, Article III, notice of the following ZBA decision is given to City Council and Planning Commission:

#### **VARIANCE REQUESTED (ZBA Case #2015-01)**

On April 20, 2015, the ZBA reviewed a variance request submitted by applicant, Jean Hosford, for a 5-foot side yard setback variance from the 10-foot side yard setback required in Section 20.01 Schedule of Regulations for Principal Buildings – R-1B One-Family Residential Small Lot, of the City of Dexter Zoning Ordinance, at 7910 Fifth Street. The applicant requested the variance to allow the construction of an attached garage within the required side yard setback.

The following ZBA members were present: Phil Mekas, Chairman, Sandy Hansen, Marni Schmid, Ray Tell and Alternate and Vice Chair, Brian Gray.

The applicant's existing non-conforming detached garage was damaged last winter, and according to the applicant it would be cost prohibitive to repair. The applicant wishes to demolish the existing detached garage and construct a new 1.5-story garage that would be attached to the principal structure (i.e. existing house), in the same general location. The existing detached garage was located 3.4 feet from the eastern property line. The new attached garage is proposed to be located 5 feet from the eastern property line (a 5-foot side yard setback deficiency).

The applicant had requested the variance due to practical difficulties associated with the property.

Ms. Hosford presented her case and explain that the roof on the existing detach garage collapsed 18 months ago. Due to the fact that the existing garage has no footings, she wanted to demolish it and build a new attached garage that would be less non-conforming than the existing garage.

Ms. Hosford also explained that after talking with her neighbors, the Michaels, on Dover Street, she would move like to move the garage closer to the sidewalk on Dover Street to ensure her neighbors had more afternoon sunlight. She told the board she would still have room to park a car between the sidewalk and garage, and more than meet the 15-foot front yard setback. Ms. Hosford also stated the garage would measure 18 feet by 32 feet, not 36 feet as she originally thought.

Ms. Hosford explained that the new addition could not be located in the side yard due to the location of a sewer line, an existing chimney and a bathroom. In addition, she could maintain the architectural character of the home by attaching the garage on the Dover side of the house.

Staff then presented her report and findings:

- **Practical Difficulties:** Practical difficulty is represented in providing adequate space on-site in an appropriate location for the attached garage. The subject site is located on the northeast quadrant of the Fifth Street and Dover Street intersection, and therefore contains two (2) front yards. In addition, the applicant indicates moving the garage to another location on the site would reduce the size of their useable yard space and increase the paved portion of the lot.

- **Substantial Justice:** The applicant has noted they have looked at alternatives to the proposed attached garage placement, and the proposed configuration suits the parcel, existing architecture and home layout. The only other alternative would be to reduce the size of the garage to meet the 10-foot side yard standard, decrease the dimension requested for a variance or relocate the garage on the parcel. As proposed, the garage is the same width as the detached garage to be removed. Any additional reduction in garage width would render the garage too small to accommodate a vehicle.
- **Public Safety and Welfare:** The proposed setback variance is due to the unique circumstances related to the subject property and architecture of the principal structures. The variance will not impose on the public safety and welfare.
- **Extraordinary Circumstances:** The subject site is a corner lot with two (2) front yards. All other setbacks and dimensional requirements of the R-1B district have been met. As noted previously, the proposed side yard setback (5 feet) is greater than the existing side yard setback (3.4 feet). Due to the size and configuration of the subject site, it would be difficult to provide for an attached garage on this property without obtaining a variance for the side yard setback.
- **No Safety Hazard or Nuisance:** The proposed variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
- **Relationship to Adjacent Land Uses:** Allowing the proposed attached garage would not negatively alter the essential character of the existing neighborhood. The applicant has provided a rendering of the proposed elevations of the home/garage, which are in conformance with the existing neighborhood.

The petitioner distributed an additional rendering to demonstrate the new attached garage would be architectural compatible and consistent with the principal structure. ZBA members then questioned the petitioner and staff regarding lot coverage, clarification of required front and side yard setbacks, need for a variance if existing garage was rebuilt, and height of the proposed addition.

Chairman Mekas opened the public hearing at 7:35 pm.

- Zach Michaels, 3325 Dover stated he worked for Dexter Township and was originally concerned about a large building being constructed adjacent to his property. However, he complimented the applicant for taking the time to talk with him and his wife, and offering to move the new garage forward, slightly. He also stated he thought the architectural details would be sharp, and the applicant was doing a nice job.
- John Hansen, 7880 Fifth Street stated he was the neighbor across the street. He encouraged the ZBA to grant the variance, and was pleased to see the applicant making an investment in her property, and would like to see more of that in the historic old village neighborhood.

### **ZBA Decision**

Motion by Hansen, supported by Gray, based on the information provided by the applicant, Jean Hosford, at the April 20, 2015 Zoning Board of Appeals meeting, the Board determines the request for a 5-foot variance from the required 10-foot side yard setback in Section 20.01 Schedule of Regulations for Principal Buildings – R-1B One-Family Residential Small Lot of the City of Dexter Zoning Ordinance is **GRANTED**, for the property located at 7910 Fifth Street, HD-08-06-128-010 because the request **MEETS** the conditions required for the granting of a variance.

The determination was made with consideration of the following per Section 24.05 of the City of Dexter Zoning Ordinance:

1. Practical Difficulties
2. Substantial Justice
3. Extraordinary circumstances

Ayes: Tell, Schmid, Hansen, Gray, Mekas  
Nays: None

Respectfully submitted,

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Michelle Aniol  
Community Development Manager

cc: Courtney Nicholls, City Manager  
Applicant