



Michigan

OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

P1

STAFF MEMO

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

From: Michelle Aniol, Community Development Manager

Re: Staff and Planning Commissioner comments regarding Use District

Date: December 7, 2015

Attached to this memo you will find staff and Planning Commissioner comments regarding uses districts and other areas of concern in the zoning ordinance.

I look forward to your work session and subsequent discussion.

P2

Michelle Aniol

From: Michelle Aniol <maniol@dextermi.gov>
Sent: Wednesday, October 21, 2015 5:22 PM
To: 'jack donaldson'
Cc: 'Doug Lewan'; Laura Kreps (lkreps@cwaplan.com)
Subject: RE: Zoning Ordinance

Hi Jack,
I forwarded your questions to Doug and Laura, but I also wanted to follow up with you.
Please see comments below:

Michelle Aniol
Community Development Manager

City of Dexter
8140 Main Street
Dexter, MI 48130-1092

734-426-8303 ext. 15 (o)
248-721-5076 (m)

maniol@dextermi.gov
www.dextermi.gov

-----Original Message-----

From: jack donaldson [<mailto:djda2mi@comcast.net>]
Sent: Friday, October 16, 2015 11:48 AM
To: michelle Aniol
Subject: Zoning Ordinance

Michelle here are my comments on the issues raised by Doug and Laura regarding the zoning ordinance. They are in no specific order so they may be hard for you to follow so I apologize in advance.

Should we have an AG (agriculture) zoning district to be used when/if we annex a large parcel if only as a temporary zoning ? **Before we establish any zoning district to land outside our boundaries, we would need to Master Plan it first.**

The intent section of the C-1 District (14.01) needs to be rewritten. It is unclear and unnecessarily wordy. **I agree.** In my opinion PUD should reconsidered as a rezoning matter as opposed to an over lay. If a development meets all the conditions of the PUD it is permitted in all districts (see 19.02A) "Mixed Use Developments" should be removed from special uses in all districts. PUD's would seem to serve this provision to have unique combinations of uses. **I agree. You should know that I floated this idea to the PC last year before you were appointed. They didn't seem to want to change, but I think we should try again.**

The portion of the VR district bounded by the railroad, Fifth St., Central, and Alpine could be changed to VC. **Why?**

Why do we allow Parking as a permitted use in the PB zoning district but specify "Off Street Parking" in the C-1? **Good question. I will do some research to see if this standard was establish in 1995 when the zoning ordinance was adopted.**

Food establishments should not be limited to 2000 sq.ft. gross area in the VC & CBD. **Why?**

Eliminate " Restaurant-carryout" as a special use in the CBD & VC. **I agree.**

Move "Outdoor Seating @ Restaurants only" from the special use to a permitted use in the C-1 district. **I agree**
The Historic District Overlay should include all of the VC and CBD district. **I agree with the CBD, not entirely sure about the VC. It should be discussed though.**

What is the purpose of the Special Use R in section 14.03 of the C-1 district? What of the permitted uses would involve a resident manager? **I can't answer that, but I've wondered that too.** P3

In section 3.05 "Home Occupation" should the maximum area be reduced to 10% so it matches the building code provisions for an accessory (incidental) use? We should also consider using the 10% criteria when we attach conditions to special uses **It my understanding that the 10% requirement in the building code has to do with fire separation. Not sure land use code needs to be the same.**

What is the purpose of the last paragraph in section 3.07A. What is it intended to do and what is the interpretation? **The provisions of Section 3.07 are to deal with uses that are not listed in any district. This paragraph closes a potential loophole. For example, let say someone wants to do a bed and breakfast in the C-1 district. It's not permitted by right or as a special land use in the C-1 District, however, it is listed as a special land use in the CBD. The last paragraph makes it clear that you Section 3.07A couldn't be used to get a bed and breakfast considered in the C-1 District. We can discuss in more detail at the meeting.**

Why are public sidewalks not required in the RD district? I believe sidewalks should be required particularly now as we consider approving the special use for the NULL. **It should be discussed.**

Section 4.05 Nonconforming Buildings and Structures D. Restrictions on Replacement should contain a statement that " If the damage is in excess of 50% of the assessed value of the building/structure it may not be replaced."

The R1A & R1B districts should include parks/playgrounds as a special use. **Generally, you want this type of provision to ensure that a single family home, even if its non-conforming, could be rebuilt. We should discuss this in greater detail.**

On site signs should be considered a special use not a permitted use in all zoning districts. Why would we want a sign only on a lot regardless of the zoning district. **Let's discuss.**

In section 5.02 A1 the dimension for bench seating per person should be 18" to coincide with the provisions of the building code. **We should discuss.**

The spelling of "marihuana" in section 3.05 B should be "marijuana ". **From what I read, this was discussed in detail when the provision was established. I'd have to do more research as to why.**

In section 5.01 "or" in the first sentence should be "of" **Agreed**

If you, Doug, or Laura has questions about these comments please contact me. =

P4

Michelle Aniol

From: Heatley, Alison <AHeatley@a2gov.org>
Sent: Monday, November 16, 2015 4:48 PM
To: Kowalski, Matthew; Michelle Aniol
Subject: RE: Zoning Ordinance

Michelle:

These are the comments that Matt and I came up with thus far.

From: Michelle Aniol [<mailto:maniol@dextermi.gov>]
Sent: Thursday, September 24, 2015 10:34 AM
To: Heatley, Alison; Carol Jones; djda2mi@comcast.net; Jim Carty; Jim Smith; Marni Schmid; Kowalski, Matthew; Scott Stewart; Thom Phillips; Tom SToner
Cc: cnicholls@dextermi.gov; 'Doug Lewan'; Laura Kreps
Subject: RE: Zoning Ordinance
Importance: High

Hello,

Just a quick follow-up. I don't think it's realistic to expect you all to have gone through the ZO and get comments to me, and then for Doug/Laura to compile them your Oct. meeting. Therefore, take your time and get me your comments by Friday, October 9th. That will give Doug and Laura a little over 2 weeks to compile them and prepare for a discussion in November.

Doug/Laura also sent over some additional questions for our consideration:

- The CBD and VC have essentially all of the same permitted and special land uses. Is this intended?**[Heatley, Alison]** Yes, the differences are important, though we have some questions.
 - Village Commercial District
 - Section 15.02
 - C. Fish are allowed in the VC, but not in the CBD. Why? What's wrong with Fish? Aren't they also a meat?
 - F. Computer and Internet Services
 - H. Don't need Post Office listed.
 - I. Schools, commercial. Karate?
 - K. Unclear statement.
 - L. Wouldn't this be part of the site plan? Don't want parking as a principle use.
 - M. Wouldn't this be part of signs section?
- Should day-care centers continue to be a permitted use in the R-3 district?**[Heatley, Alison]** Yes.
- R-1A and R-1B language regarding farms should reference to Michigan Right to Farm Act.**[Heatley, Alison]** OK.
- A new model ordinance developed by the State of Michigan Mobile Home Commission has been adopted since the City's Mobile Home Park standards were approved. The Planning Commission may want to consider updating based upon the new state standards.**[Heatley, Alison]** OK.
- The intent of the C-1 district should be revamped. It is currently difficult to understand, and the intent is unclear.**[Heatley, Alison]** We agree, the intent makes NO sense. What the heck.

- Private clubs may be considered a special land use in the C-1 district. **[Heatley, Alison]** OK. Is there a definition of private club.
- We question why outdoor seating is a special land use in the C-1 district. If the intent is to encourage this type of use, it should be permitted. **[Heatley, Alison]** OK.
- Mixed-use developments are listed as a special land use in the C-1 district; however, they are not defined. **[Heatley, Alison]** OK, needs definition.
- A theatre/cinema is listed as a permitted use in the VC district. This intensity of use may be a better fit as a special land use. **[Heatley, Alison]** Agreed. (perhaps a distinction between a movie theatre and a live action theatre is needed. Also, size should be considered as a way to distinguish). **[Heatley, Alison]** Size does matter.
- The CBD allows for a 2,000 square foot food establishment as a permitted use; this floor area is too small for a grocery store. The average full-scale grocery store is 50,000 square feet or larger. A Trader Joe's or smaller grocery outfit averages 12,000 square feet of floor area. If a grocery store is intended, the floor area allowed will have to be modified. **[Heatley, Alison]** OK, up to 20,000 SF as permitted use.
- The Historic Overlay District (HOD) only incorporates a small portion of the VC and CBD areas (southeast portion); it does not include the entire CBD district. **[Heatley, Alison]** Should be expanded.
- Baker Road Corridor Overlay indicates it is a "mixed-use" corridor, but again there is no definition or elaboration on the intent of "mixed-use". **[Heatley, Alison]** We need a definition of mixed-use. Baker Road Corridor Plan needs to be revisited.
- In both the I-1 and RD districts beer brewing, tasting, etc. should be added to the list of uses. **[Heatley, Alison]** OK. Definition expanded to include distillery?
- Section 17.04 will also need to be revised, as "taverns" are listed as a forbidden use within the RD district. **[Heatley, Alison]** Why do we list forbidden uses as opposed to allowed uses?

Let me know if you have any questions or comments.
Thanks!

Michelle Aniol
Community Development Manager

City of Dexter
8140 Main Street
Dexter, MI 48130-1092

734-426-8303 ext. 15 (o)
248-721-5076 (m)

maniol@dextermi.gov
www.dextermi.gov

From: Michelle Aniol [<mailto:maniol@dextermi.gov>]
Sent: Thursday, September 17, 2015 1:44 PM
To: Alison Heatley; Carol Jones (DEXTERCOFC@aol.com); djda2mi@comcast.net; Jim Carty; Jim Smith (jdsmith886@yahoo.com); Marni Schmid (marni@dexterpharmacy.com); Matt Kowalski (mkowalski@a2gov.org); Scott Stewart (sfs8556@yahoo.com); Thom Phillips (tphillips@hobbs-black.com); Tom SToner
Cc: Courtney Nicholls (cnicholls@dextermi.gov) (cnicholls@dextermi.gov)
Subject: Zoning Ordinance
Importance: High

Greetings Planning Commissioners!

Hope you are enjoying this beautiful day. I will be delivering a hard copies of the zoning ordinance this afternoon. For those of you who weren't able to attend the meeting, Doug Lewan explained that a review of each district should be completed by the Planning Commission.

In reviewing each district, you should be asking the following:

- Are all uses represented?
- Are there uses that are no longer applicable to the district?

Based on his initial review, Doug suggested the following items for discussion purposes:

- Should public parks/playgrounds be listed as a permitted or special land use in the R-1A and R-1B districts? **[Heatley, Alison]** Should be listed as a permitted use.
- Should family day care homes and outdoor eating areas be allowed as permitted or special uses in the VR district? **[Heatley, Alison]** Both permitted in the VR.
- Signs are listed as a permitted use in the RM, C-1, PB, VC, CBD, I-1, and RD districts – this should be omitted unless the intent is to allow signage on a property without a principal structure being present. **[Heatley, Alison]** Agreed. No signs as a principal use.
- Parking is also listed as a permitted use in the C-1, PB, VC, CBD, I-1, and RD districts – this should be omitted unless the intent is to allow parking lots without a principal structure being present. **[Heatley, Alison]** Agreed.
- We question why "Restaurants, Carry-out" are a special land use in the CBD. "Restaurants, Sit down" are a permitted use. **[Heatley, Alison]** Carry out ok.

Staff asked about granny-flats, accessory detached dwelling units, etc. You may have your own ideas. **[Heatley, Alison]** Granny-flats/Accessory dwelling units require more definition. E.g., detached dwellings units with certain standards (parcel size). In addition, you will also need to consider whether continuing to allow PUD development as an overlay district is warranted, or if PUDs should be treated as a rezoning. **[Heatley, Alison]** No overlay districts; just PUD zoning district) Either way is acceptable; however, utilizing PUD as a zoning district will simplify the zoning map further. **[Heatley, Alison]** Agreed.

Be sure to send me your suggestions, comments so I can forward them to Doug and Laura. They will compile the notes and bring them back for a discussion, most likely in November.

As always, if you have any questions or comments, please don't hesitate to contact me.

Michelle Aniol

Community Development Manager

City of Dexter
8140 Main Street
Dexter, MI 48130-1092

734-426-8303 ext. 15 (o)
248-721-5076 (m)

maniol@dextermi.gov
www.dextermi.gov

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Memorandum

To: Doug Lewan and Laura Kreps

From: Michelle Aniol, Community Development Manager

Re: Permitted and Special Land Uses for ZO Update

Date: October 15, 2015

Review of permitted and special land uses questions:

- *The CBD and VC have essentially all of the same permitted and special land uses. Is this intended? The difference between the two districts isn't uses; it's form, scale and massing. Here are my thoughts for uses in the CBD and VC districts:*

Use	Description	
Attached Residential	Duplexes (side-by-side or stacked), triplexes, fourplexes, bungalow court, townhouses, row houses, live/work flexhouses and courtyard apartments.	PP in CBD, VC, VR, in context with scale and massing, and R-3
Mixed use	Retail/commercial at the pedestrian level and residential/offices above.	PP in CBD, VC,
Home Occupations		PP in CBD, VC,
Nursing and convalescent homes		PP in VC
Senior housing		SLU in CBD, VC,
State licensed adult and child residential care facilities	Family foster care/family home, group foster care or family group home, adult foster care home, adult foster care small group home, adult foster care large group home, adult day.	PP in CBD, VC,
Adult and child care facilities	Child care center/day care center, family day care home, and housing for the elderly and adult day care facility.	SLU in the CBD and VC
Banquet, conference, dance, lodge and union halls and private clubs		SLU in CBD, VC,
Health and fitness		SLU in CBD, VC
Theatres, movie and live performance		SLU in CBD, VC, in context with scale and

		massing
Finance, medical and professional office and research and development	Banks, S&L, Credit Unions and similar, without drive through, as a permitted use; as a special use with drive through. ATM's Business service establishment Drs offices Professional services Newspaper and publisher's office Photography studio, galleries, dance, music and other similar uses	PP in CBD, VC without drive through, SLU for any drive through
Retail	Convenience stores without gas station service, dry cleaners (retail outlet only), Funeral homes, mortuaries, garden centers, hardware stores, outdoor display, sales and storage, personal service establishments, video rental (if there is even a market for this anymore),	PP in CBD and VC with the exception of funeral homes, mortuaries, outdoor display, sales and storage, which would be SLU
Lodging	Bed and Breakfast Inns Hotels/Motels, with convention/meeting facilities and restaurants, as accessory uses	PP CBD, VC,
Food and beverage	Restaurants, including dine-in and/or carry-out, deli's, fast-casual, outdoor seating, and microbreweries, as an accessory use. Bars, taverns, lounges, and brewpubs	PP in CBD, VC. We can establish development standards as well. SLU om CBD and VC
Religious Institutions	Churches, temples, and other places of worship or public assembly	SLU in all districts, with the exception of I-1 and RD
Essential public services		SLU in all districts
Public and quasi-public institutional buildings/structures/uses	Government, schools, non-profit orgs and post office, not including warehouse or storage buildings customarily associated with public services/works.	SLU in all districts
Service establishments	Office/workshop/retail outlet or showroom, such as, but not limited to plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, home applicant and other similar establishments	PP in CBD, VC,
Small Animal clinics		SLU in CBD, VC

Accessory buildings/structures/uses	Customarily incidental to any principal use and special land use in the district	
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Section 15.03, sub-section K calls for all buildings over 10,000 sq. ft. of gross floor area to require a special use permit. This standard should be removed.

- Should day-care centers continue to be a permitted use in the R-3 district? **Yes**
- R-1A and R-1B language regarding farms should reference to Michigan Right to Farm Act. **Yes**
- A new model ordinance developed by the State of Michigan Mobile Home Commission has been adopted since the City's Mobile Home Park standards were approved. The Planning Commission may want to consider updating based upon the new state standards. **Yes**
- The intent of the C-1 district should be revamped. It is currently difficult to understand, and the intent is unclear. **Yes**

C-1 should allow the following uses:

Mixed use	Retail/office/commercial at the pedestrian level and attached residential/offices above.	
Finance, medical and professional office and research and development	Banks, S&L, Credit Unions and similar, without drive through, as a permitted use; as a special use with drive through. ATM's Business service establishment Drs offices Professional services Newspaper and publisher's office Photography studio, galleries, dance, music and other similar uses	
Retail	Convenience stores with and without gas station service, dry cleaners, Funeral homes, mortuaries, crematoriums, garden centers, hardware stores, outdoor display, sales and storage, personal service establishments, video rental (if there is even a market for this anymore),	C-stores with gas stations, funeral homes, mortuaries and crematories, indoor and outdoor recreation, automobile service stations, new and used automobile dealerships, adult regulated uses, car washes, as SLU in C-1
Lodging	Bed and Breakfast Inns	

	Hotels/Motels, with convention/meeting facilities and restaurants, as accessory uses	
Food and beverage	Restaurants, including dine-in, drive-through, and/or carry-out, deli's, fast-casual, outdoor seating, and microbreweries, as an accessory use. Bars, taverns, lounges, and brewpubs	Drive-in or drive through restaurants, bars, taverns, lounges, accessory microbreweries and brewpubs, as special land uses. Outdoor seating as a permitted use with development standards.
Religious Institutions	Churches, temples, and other places of worship or public assembly	Special land use
Essential public services		Special land use
Public and quasi-public institutional buildings/structures/uses	Government, schools, non-profit orgs and post office, not including warehouse or storage buildings customarily associated with public services/works.	Special land use
Service establishments	Office/workshop/retail outlet or showroom, such as, but not limited to plumbing, electrician, interior decorating, dressmaking, tailoring, upholstery, home applicant and other similar establishments	
Small Animal clinics		
Accessory buildings/structures/uses	Customarily incidental to any principal use and special land use in the district	

- Private clubs may be considered a special land use in the C-1 district. **What reasons do you have for changing it from a principal use?**
- We question why outdoor seating is a special land use in the C-1 district. If the intent is to encourage this type of use, it should be permitted. **Yes.**
- Mixed-use developments are listed as a special land use in the C-1 district; however, they are not defined. **I've included a description, which we can build upon.**
- A theatre/cinema is listed as a permitted use in the VC district. This intensity of use may be a better fit as a special land use. (perhaps a distinction between a movie theatre and a live action theatre)

is needed. Also, size should be considered as a way to distinguish). This is a form, scale and massing issue. Additionally, we can establish development standards to address the maximum square footage for a theatre/cinema in both the CBD and VC districts.

- The CBD allows for a 2,000 square foot food establishment as a permitted use; this floor area is too small for a grocery store. The average full-scale grocery store is 50,000 square feet or larger. A Trader Joe's or smaller grocery outfit averages 12,000 square feet of floor area. If a grocery store is intended, the floor area allowed will have to be modified. What was the square footage of the old Busch's? That should be the maximum allowed for retail in the CBD and VC.
- The Historic Overlay District (HOD) only incorporates a small portion of the VC and CBD areas (southeast portion); it does not include the entire CBD district. I noticed this. We should ask the Planning Commission why. I don't have any history, but will see what I can find.
- Baker Road Corridor Overlay indicates it is a "mixed-use" corridor, but again there is no definition or elaboration on the intent of "mixed-use". See comments above.
- In both the I-1 and RD districts beer brewing, tasting, etc. should be added to the list of uses. We should hold off on this until NUBC plays out.

Section 17.04 will also need to be revised, as "taverns" are listed as a forbidden use within the RD district.

Other comments:

Detached Residential	SF detached dwelling units Granny flats, accessory apartments	PP in R-1A and R-1B, R-3, VR SLU in the R-1A, R-1B, and VR
Mixed use	Retail/commercial at the pedestrian level and residential/offices above.	PP VR, in context with scale and massing; C-1, with form regulations



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Douglas J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: December 1, 2015

RE: District Use Table

Attached to this memorandum, you will find a DRAFT District Use Table denoting the various uses to be allowed as permitted or special land uses in the various zoning districts. This Table is based on the existing district regulations, as well as comments received by staff and Planning Commission members.

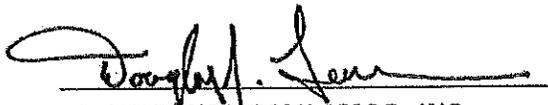
Specific use standards will be modified/drafted in accordance with the uses listed on the proposed table, once staff and the Planning Commission is comfortable that the listing is complete. If specific standards are not warranted for a particular use, all terms will be reviewed and defined (as part of the definitions section) as necessary.

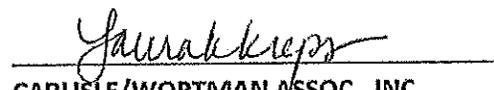
Highlighted rows are typical uses found in zoning ordinances that are not currently listed in any district, or uses that warrant additional consideration/discussion. Accessory uses can also be added to this table. In your review of the table, please consider the following:

- Are all uses relevant to the City represented?
- Are there uses listed that would not be necessary to list specifically?
- Are the uses listed as permitted or special appropriate based on the district and use type?

We look forward to discussing the District Use Table at an upcoming Planning Commission meeting/worksession.

Sincerely,


 CARLISLE/WORTMAN ASSOC., INC.
 Douglas J. Lewan, PCP, AICP
 Principal


 CARLISLE/WORTMAN ASSOC., INC.
 Laura K. Kreps, AICP
 Associate

District Use Table

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Institutional / Cultural													
Adult day care center				P			P	S	S				
Adult day care family home	P	P	P	P	P			P	P				
Adult foster care, Congregate Facility				P			P	S	S				
Adult foster care Family Home	P	P	P	P	P			P	P				
Adult foster care Large Group Home	P	P	P	P	P								
Adult foster care, Small Group Home	P	P	P	P	P			P	P				
Cemetery	S	S	S										
Convalescent centers / congregate care			S	P				P					
Day Care Centers and Preschools			S	P			P	S	S				
Child day care family home	P	P	P	P	P								
Child day care group homes	P	P	P	P	P								
Child foster care family home	P	P	P	P	P								
Child foster care group home	P	P	P	P	P								
Fine and performing arts facilities						P	P	P	P				
Government Buildings	S	S	S	S	S	S	P	P	P				
Hospitals													
Places of worship	S	S	S	S	S	S	S	S	S				
Post-secondary schools (technical, colleges, business schools)				S		P		S					
Primary / secondary schools													
Minor Essential Services (no outdoor storage facilities)	S	S	S			S	S			P			

District Use Table													
Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Major Essential Services (with outdoor storage)						S	S			S			
Commercial WECS													
On-Site WECS (attached to roof or free-standing under 30')													
On-Site WECS (31' and Over)													
Solar Energy System (Building Mounted)													
Solar Energy System (Ground Mounted)													
Retail, Entertainment, and Service													
Adult Regulated Uses						S							
Bar / Lounge / Tavern / Brew Pub						S		S	S				
Building material sales / Garden Centers													
Conference, meeting and banquet facilities						S		S	S				
Dance, martial arts, music, and art studios						P		S					
Drive-through facilities						S		S	S				
Financial institutions						P	P	P	P				
Health fitness centers / athletic clubs								S	S		S		
Kennels													
Lodging						S							
Funeral Home / Mortuary			S	S		S	S						
Outdoor Display, subordinate to principal use						S				S			
Open Air Business						S							

District Use Table

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Outdoor Storage						S							
Outdoor Seating						P		P	P				
Personal services						P	P	P	P				
Private Clubs, Fraternal Organizations and Lodge Halls						P		S					
Restaurants						P		P	P				
Retail, general						P		P	P				
Retail, large-scale						S		S	S				
Theaters								S	S				
Office													
Business services						P	S	S	S				
Data processing and computing centers						P	P	P					
Medical Clinics													
Laboratories										P	P		
Offices, general			S			P	P	P	P				
Professional and medical offices						P	P	P	P				
Small animal clinic						S		S	S				
Industrial													
Research, design and pilot or experimental product development										P	P		
Central dry cleaning / laundry plants						S				P			
Contractor's Yard													
Food processing / Beer, wine, alcoholic beverage manufacturing											P		
Light Manufacturing and assembly										P	P		
Material distribution facilities										P	P		
Recycling Centers											S		

