



The Board began discussing the variance request.

1. Why did you choose to measure from sidewalk than from actual right-of-way?
2. I have served on the Zoning Board of Appeals for many years and any sign request that comes before the ZBA, we always hear why don't we change the sign ordinance, this matters for the people driving.
3. Is the Dan Hoey Road diagram current and is the sidewalk edge to be expanded?
4. Sign seems reasonable, but not sure it meets criteria for granting variance, would have conditions, if approved.
5. Is sign backlit, what are the colors?
6. Are there any signs on the building facing Dan Hoey?
7. Is the sign going to be perpendicular?
8. What is going to be internally lit and will arch be lit?
9. Could pose practical difficulty if road is expanded; sign may need to be moved.
10. Could there be a temporary sign put up?
11. Practical difficulty if road is never built. Applicant is asking for a zero setback.

-Move Schmid, support Rush, based on the information provided by the applicant at the March 21, 2016 Zoning Board of Appeals meeting, the board moves to postpone the variance request until April 18, 2016 to address the following concerns:

1. Consider increasing the right-of-way setback and driveway setback

Ayes: Hansen, Schmid, Grey, Michels, Rush

Nays: none

Motion Carried

Member Rush comments about the amount of requests coming before the Board referencing signs and that there should be a separate item on the agenda for dialogue that can be discussed with the Planning Commission and City Council.

### **Adjournment**

-Move Schmid, support Hansen to adjourned at 8:37 pm

Respectfully submitted,

Brenda Tuscano  
Recording Secretary

Filing Approved\_\_\_\_\_



## OFFICE OF COMMUNITY DEVELOPMENT

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

### STAFF REPORT

**To:** Zoning Board of Appeals  
Courtney Nicholls, City Manager

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

**Date:** April 18, 2016

#### Planning Commission Updates:

- Zoning Ordinance Update – As you know, the Planning Commission is in the process of updating the zoning ordinance. The following updates are required by statute:
  - Public Notification Procedures: Currently, pre-2006 public notification guidelines are provided in Section 8.02b. These will be updated as a general provision that can be referenced in the appropriate sections of the document: special land use; PUD, amendments, etc. Public notification procedures were updated in the Michigan Zoning Enabling Act enacted in 2006.
  - Adult / Child Group and Foster Homes: Similarly, adult foster care facilities and family or group child care homes are also regulated by the Michigan Zoning Enabling Act. These uses will need to be defined, and provided as permitted and special land uses based upon the number of people they serve as required.
  - Wireless Communication Facilities: Statutory requirements regarding Wireless Communication Facilities were updated in 2012. These regulations will also need to be reflected in Ordinance language.

The Planning Commission is also in the process of reviewing amendments to the following sections/parts of the zoning ordinance:

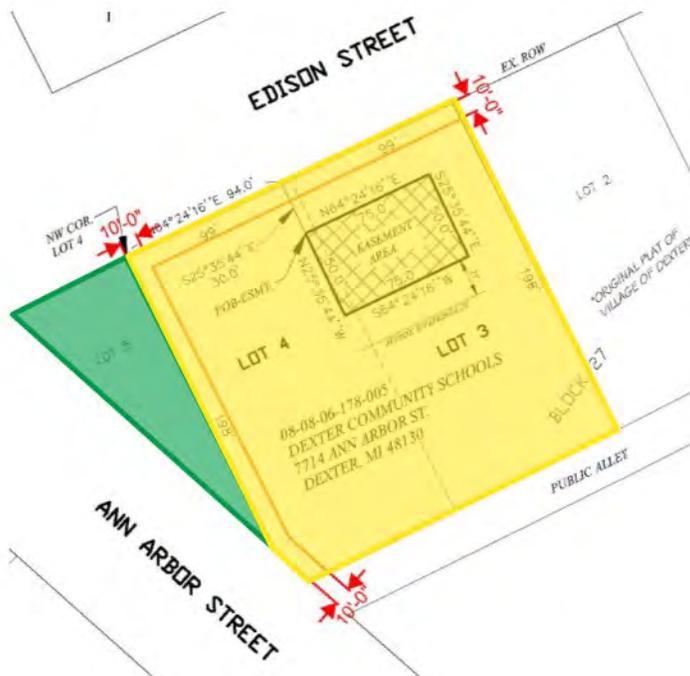
- Zoning District Use Table – This is an on-going discussion, which the Planning Commission will revisit during its worksession in April.
- Article 4, Non-conformities – Additional discussion is needed related to providing a percentage of damage to rebuild a non-conforming structure ((Section 4.04), and to rebuilding a structure with a non-conforming use (Section 4.05), as well as additional language CWA has provided for consideration (4.06).
- Article 8, Special Land Uses Provisions – Specific use regulations have been removed and will be reorganized into a new article. Other proposed changes, include:
  - Application (form) requirements have been removed. Application documents can and should be modified from time to time, and general required information does not need to be listed the ordinance standards.
  - The notification process will reference a new section outlining public hearing procedures.
  - The Planning Commission and City Council review and approval process have been updated to streamline and further explain the approval process.
  - Special land use review standards have been modified and updated as necessary to further modernize and streamline. Additional findings the Planning Commission and City Council may consider in the review of a special land use have been added, these include: hours of operation, outdoor activities, public safety, etc.

- The conditions of approval have been updated to outline the City Council's authority/discretion in determining conditions of approval. Further, the intent of any conditions imposed is defined.
  - Validity of Permit heading has been changed to Effectiveness. All provisions related to special land use permits effectiveness have been reorganized into this section and updated accordingly.
  - A new section has been added to accommodate all provisions related to an amendment, expansion, or change in use to an approved special land use.
- Article 21, Site Plan Review – This article has been mainly reorganized for ease of use. Changes include the following:
  - Revision of the Intent.
  - Outlining buildings, structures, and uses that require site plan review (eliminating items that do not require site plan review).
  - Data required for preliminary and final site plan review has been formatted into a table.
  - Site plan review criteria specific to underground storage tanks and secondary containment, etc. (9 provisions in all) have been eliminated. These items generally will not apply, and are covered under new provision J.
  - Staff will also be recommending provisions for amending or revising an approved site plan, similar to the standards in currently in Section 19.13 of Article 19, Planned Unit Development District.
- Article 22, Administration and Enforcement – The following changes have been proposed:
  - Purpose and intent has been added
  - Zoning compliance standards have been reorganized and updated.
  - A section nothing public notice procedures has been added.
  - The performance guarantee section has been moved to this section. It was previously provided in Article 21, Site Plan Review.
  - New section on Development Agreements.
  - Other minor corrections have been identified.
- Article 23, Amendment Procedure – The majority of modifications are reflected in the Conditional Rezoning section. Specifically, review procedures and expiration of approval have been added, in addition to a reorganization of the section. The Planning Commission will be defining the approval timeframe for conditional rezoning approvals.
- Article 24, Zoning Board of Appeals - Planning Commission will consider clarifying a timeframe for bringing an appeal to the ZBA (after a denial has been made), at the recommendation of the City Attorney.
- New Article, Site Condominium Procedures – The zoning ordinance currently does not contain provisions for site condominium developments. The draft ordinance references both the State's Condominium Act and the City's Land Development and Subdivision Ordinance. It also provides site plan requirements, required improvements, and provisions related to revising, amending, and relocating boundaries, and/or subdivision of the approved condominium development and/or lot.

The City Attorney has reviewed the proposed amendments and his comments have been incorporated. A copy of the above cited ordinance amendments will be provided separate from this report, in your packet envelop.

- The Planning Commission conducted a public hearing to consider the Capital Improvements Plan for FY 2016-2021 at its April 4, 2016 meeting. The Commission adopted the plan and recommended it to Council. Council will consider the Plan on April 25<sup>th</sup>. You can view the draft plan on line at <http://dextermi.gov/capital-improvements-plan>.
- The Planning Commission will conduct a public hearing to consider a text amendment to the zoning ordinance to allow noncommercial parks and recreational facilities, commonly referred to as public parks, as a principal permitted use in all zoning districts, with the exception of the RD, Research and Development and I-1, Limited Industrial zoning districts. The purpose of the city initiated text amendment is to facilitate the installation of playground equipment at the expanded Lion's Park. Currently, Lion's Park is the small triangular property at the corner of Edison and Ann Arbor Streets. As you know, the City, Dexter Community Schools and the Lion's Club have been executing a plan to expand Lion's Park and to install new playground equipment. The City owns Lion's Park, and Dexter Community Schools owns the property where the Park would be expanded and the playground equipment would be installed.

Currently, Lion's Park (in green) is zoned PP, Public Park. The property adjacent to the east (in yellow), which is owned by Dexter Community School, is zoned R-1B, One Family Residential District. Noncommercial parks and recreational facilities (i.e. public parks and playground equipment) are not permitted as principal or special land uses in the R-1B District.



As you know, the Planning Commission is working on an update to the zoning ordinance. As it so happens, the Planning Commission discussed the proposed District Use Table during its worksession on March 7, 2016. The direction given to the Planning Consultant was to add noncommercial parks and recreational facilities as a principal permitted use in all zoning districts, with the exception of the RD, Research and Development and I-1, Limited Industrial zoning districts.

With plans to install the new playground equipment scheduled in full swing, it's time to address this last detail, rather than waiting for the zoning ordinance update to be completed.

- The Planning Commission reviewed and discussed a revised area plan layout submitted by the applicant for Grandview Commons (attached to this memo). Staff also presented the

Commission with an alternative site design layout and explanation of the alternative layout (attached to this memo). The basic synopsis of the discussion centered on the following:

- o Commissioners were happy to see the 12 unit buildings changed to 8-unit buildings, and felt the applicant was moving in the right direction.
- o Commissioners identified two components of the alternative plan that they liked; 1) the more central driveway entrance, and 2) the wider public access easement along the west boundary of the site. The applicant expressed concern regarding whether the fire department would allow a dead-end access road, and if so, at what length. The length shown in the alternative plan is over 200 feet. Staff followed up with Fire Inspector Dettling and confirmed that the maximum length a dead-end road can be, without a turn-around, is 150 feet (Pursuant to Section D103.4, Dead ends, of the International Fire Code). The applicant has indicated a willingness to move the access road east along Grand Street, in accordance with the IFC regulations.
- o Commissioners were split regarding buildings fronting onto Baker. If the entrance is moved, the buildings along Grand Street would shift slightly closer to Baker Road, without fronting directly onto Baker Road. The open space/paver area could be treated like a pocket park and landscaped accordingly.

The applicant plans to submit revised area plans for consideration at the Planning Commission's June 6, 2016 meeting.

#### Tree Board Updates

- The Tree Board has selected eight species for planting this spring: Accolade elm, Bald cypress, Red maple, Sugar maple, Tulip tree, Yellowwood, Magyar gingko, and Thornless Honey Locust. Planting will start at the end of April.
- Accompanying this report you will find a copy of correspondence received from the Arbor Day Foundation. The letter congratulates the City of Dexter on earning recognition as a 2015 Tree City USA community. Dexter has participated in the Tree City USA program for seven (7) consecutive years. This year's Arbor Day event will include free seedling giveaway at the Library, Downtown, and at Dexter Mill. A copy of the schedule accompanies this report.
- Staff received a delivery of 10 seedlings from the Arbor Day Foundation. Tree Board member, Sandy Hansen has agreed to incubate them, just like she's doing for the redbud seedlings we received last year.

#### Miscellaneous

- Staff, the City's engineering consultant, and DPS staff met with the homeowner of 3266 Alpine Street on March 15, 2016. The purpose of the meeting was to discuss the location of a new sidewalk. As you will recall, this is the property across the street from the library, where the existing home will be demolished and a new home will be constructed. During the Preliminary Zoning Compliance review process, staff let the owner know a sidewalk would need to be constructed before final zoning compliance would be issued. The on-site meeting provided the homeowner, staff, DPS and the engineer an opportunity to evaluate site conditions and topography in the area, as well as access to the existing mailbox. The grade is not level and the property owner's wife has mobility issues. The engineer will follow up on alternatives for locating the sidewalk, as well as ways to improve access to the mailbox.
- The Michigan Economic Developers Association (MEDA) is planning its annual meeting for August 23-36. It's in Detroit this year and the theme is:

## RETOOLED

### Changing Economic Development to Address Future Needs

One of the sessions is called: **Repurposing Your Water Resources.**

The session description is as follows:

To be in Michigan is to be near water. To know how to use that beloved natural resource to the advantage of the area economy is to be a creative developer. These three distinct communities will talk about how projects involving water have caused a wave of local economic activity for them.

As a member of the Annual Meeting Committee, staff recommended Dexter, what with our Mill Creek Park and participation with Trail Towns, it seemed appropriate. The committee accepted this suggestion. Therefore staff will make a 15-minute presentation. Staff has invited Huron River Watershed Council reps Elizabeth Riggs and Anita Twardesky, to coordinate with me on the presentation.

- Staff met with the owner of Morningstar Child Care to discuss a temporary outdoor day camp for school age children at 7390 Dexter Ann Arbor Road, which is the property adjacent to the south of the existing child care facility. The proposed camp would operate from June 19<sup>th</sup> through August 31<sup>st</sup>.

According to Article II, temporary uses and seasonal events are defined as those uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a non-conforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

According to Section 3.06, sub A.5 the Zoning Administrator may grant temporary use of land and structure for special events and other temporary uses, as defined in Article II of the Zoning Ordinance, subject to 1) demonstration of adequate off-street parking, 2) duration of the temporary use being specified, and 3) electrical and utility connections must be approved by the Zoning Administrator. This section goes on to provide specific conditions for carnival or circus, sidewalk display and sale of bedding plants, and Christmas tree sales.

A site plan will be required to demonstrate compliance with the above cited standards, and is subject to an administrative review, in accordance with Section 21.06 of the Zoning Ordinance.

- At Council's last meeting Chuck Eckenstahler presented a summary of the Retail Market Analysis. In his summary he presented the following recommendations:
  - **Downtown Land Use Planning** – Planning for additional retail building space in the future is needed to expand and complement the current inventory of retail establishments within the downtown.
  - **Concentrated Resident Marketing Program** – Engage a retail marketing analyst to study and identify advertising and other customer communication programs to increase customer patronage frequency to reduce the current spending leakage and to prevent increased leakage in the future.
  - **Downtown Placemaking and Walkability** – Households and their incomes are the “key” to downtown economic suitability. Downtown residential living increases customer patronage and is promoted by State of Michigan through financial support for city installation of “Placemaking” and walkability infrastructure projects. The City of Dexter should study actions to increase the desirability for downtown residential dwelling units especially projects that expand Placemaking and further enhance walkability.

Staff anticipates that recommendations #1 and #3 will be addressed with the upcoming Master Plan Update. However, recommendation #2 deals with marketing, and has implications on projects identified in the Capital Improvements Program, for example:

- The Marketing Strategy project (#5.04) calls for the city to work with a consultant to develop a marketing plan that includes branding and potentially an updated logo, and should be coordinated with development of a new/updated website and launch. The

Schedule Justification for this projects calls to be started following determination of Cityhood and before the Wayfinding and website update projects are initiated.

- o The Wayfinding Sign Project (#10.04) project calls for the installation of wayfinding signage at main entrances to the City, including Central, Baker, Dexter Ann Arbor and Main Street. The intent is to identify main attractions, such as Mill Creek Park, the Border-2-Border Trail, Dexter District Library, the Downtown, city offices, etc. The Schedule Justification for this project recognizes that Dexter will be a destination following the completion of Mill Creek Park and the Border-2-Border Trail. Importance was given to identifying key point of interest in the City, but after the Marketing Strategy Project is completed.

Now that the City has received CTAP funding to update certain city signs, staff asked Council for some direction regarding the Marketing Program recommendation currently in the CIP. Additionally, Jim Davis emailed Mr. Eckenstahler a couple of questions. The email correspondence between Mr. Davis and Mr. Eckenstahler is attached to this memo.

- Staff is working with the City Manager and engineering consultant to review sump pump discharge standards for new home construction. Recommendations are anticipate for the next Council meeting.
- As you will recall, earlier this year Don Darnell purchased the property at 8080 Grand Street. Recently Mr. Darnell provided a use statement for the property. In the statement he described uses for 3 units.
  - Units #1 and #2 would be finished as a "white box" readied for a potential tenant. Staff determined it was logical to anticipate retail and/or office use(s) for these units, however, staff informed Mr. Darnell that he would need to be more specific because connection fees were based on the type of land use.
  - Unit 3<sup>rd</sup> was described, as follows:
    - o A "business workshop and gallery to display and sell" "artwork and restored automotive parts," to "be used to display collectible automobiles significant in supporting" his partners "artistic vision as he builds his name in the market as a car designer. With the addition of a lift in the space it will be easier to modify the cars to support his designs," and
    - o "To show and display various automobiles and automobilia such as signs and gas pumps", with "clean-room workshop assembly of automobile parts, sub-assemblies, and complete automobiles." "The typical project" would enter "the facility as a fully restored and painted automotive unibody, sans drivetrain, interior, trim, and suspension. Restored or new parts are purchased either as new-old-stock, modified parts and /or restored parts would then be added to the unibody to complete the automobile. It would "be a place for small groups of like-minded friends and family to meet in a setting that is best described as museum-meets-workshop, as well as to the public for gallery events and for sales of certain restored auto parts and various art."

It was staff's interpretation that the uses Mr. Darnell described were more like a garage for customizing and restoring automobiles, than a business workshop or artist gallery. Staff explained to Mr. Darnell that a garage for customizing and restoring automobiles was not listed as a principal permitted or special land use in the VC Village Commercial District, and would not be allowed. Staff further explained that a business workshop/artist gallery was also not listed as a principal permitted or special land use in the VC Village Commercial District, and would not be allowed.

Staff outlined his options going forward, which included:

1. Section 3.07, Uses Not Otherwise Included Within a District. This section sets forth the process and procedures for the Planning Commission to determine if a land use, which is not cited by name in a particular zoning district, is clearly similar in nature and compatible with listed or existing uses in the VC Zoning District, **OR**

2. Appeal staff's decision to the Zoning Board of Appeals. In this instance, he would have to demonstrate that the decision was:
  - a. arbitrary or capricious, or
  - b. was based on an erroneous finding of a material fact, or
  - c. constituted an abuse of discretion, or
  - d. was based on erroneous interpretation of the Zoning Ordinance or zoning law.

Mr. Darnell indicated he did not have any tenants at this time, and ask if he could apply for site plan approval of a permitted use, so he could get the building rehabbed. Staff explained that he could apply for site plan review for retail/office uses. Then, presuming he obtained final site plan approval from City Council, he could apply for Preliminary Zoning Compliance once he had a tenant or tenants. However, the tenant's use would have to be allowed in the VC District, either as a principal permitted or special land use, but if the proposed use by potential tenants was not allowed in the VC District, nor in any other zoning district, he could petition for consideration of such use(s) under Section 3.07, Uses Not Otherwise Listed within a District.

On Monday, April 4, 2016, Mr. Darnell submitted an application packet for site plan review and special land use request for property at 8080 Grand Street. In his application packet, Mr. Darnell is requesting approval to renovate the existing one-story building to include 3 tenant spaces (i.e. units) with the following uses:

1. Unit #1: Business and professional offices and retail uses. These are permitted uses in the VC Village Commercial District.
2. Unit #2: Service establishment of an office/workshop/retail outlet or showroom nature, such a plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, hose appliance and similar establishments. Service establishments, as identified herein, are subject to the provision that not more than fifty (50%) percent of the useable floor area of the establishment shall be used for servicing, repairing, or processing activities, and require special land use approval, as well.
3. Unit #3: Service establishment of an office/workshop/retail outlet or showroom nature, such a plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, hose appliance and similar establishments, business and professional offices, and retail establishment.

When asked for clarification regarding which type of service establishment Mr. Darnell anticipates for Units 2 and 3 he indicated "the two other spaces would be ideal for a plumber, electrician, HVAC company type of service companies."

The Planning Commission will conduct a public hearing on May 2, 2016 to consider Mr. Darnell special land use request. Following the public hearing, the Planning Commission will also consider Mr. Darnell's proposed site plan.

- Staff received a call from Beckett and Raeder regarding Mill Creek Terrace. The firm is working with Rene Papo and wanted to let staff know that a revised site plan is in the works. Staff anticipates BR will request a meeting in the next couple of weeks to discuss the process to review modifications to an approved site plan.
- Fitzgerald's Fine Jewelry store, located at 3207 Broad Street, is closing.



<b>District Use Table</b>													
<b>Use Category</b>	<b>Districts</b>												<b>Specific Use Standard (Chapter, Section)</b>
	<b>Residential</b>					<b>Commercial</b>				<b>Industrial</b>			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
<b>Institutional / Cultural</b>													
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			

<b>District Use Table</b>													
<b>Use Category</b>	<b>Districts</b>												<b>Specific Use Standard (Chapter, Section)</b>
	<b>Residential</b>					<b>Commercial</b>				<b>Industrial</b>			
	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)													
<b>Retail, Entertainment, and Service</b>													
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							

<b>District Use Table</b>													
<b>Use Category</b>	<b>Districts</b>												<b>Specific Use Standard (Chapter, Section)</b>
	<b>Residential</b>					<b>Commercial</b>				<b>Industrial</b>			
	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				
<b>Office</b>													
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				
<b>Industrial</b>													
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		

<b>District Use Table</b>													
<b>Use Category</b>	<b>Districts</b>												<b>Specific Use Standard (Chapter, Section)</b>
	<b>Residential</b>					<b>Commercial</b>				<b>Industrial</b>			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Outdoor storage										S	S		
Self-storage facilities													
Storage of flammable liquids or gases, above or below ground													
Trade contractors / Home service repair						P	S	P	P				
Truck terminal facilities										S			
Warehouse establishments										S			
Wireless Communication Facilities										S			
<b>Automotive / Transportation</b>													
Farm Equipment Sales										P			
Vehicle Sales						S							
Vehicle fueling / multi-use stations						S							
Vehicle rental													
Vehicle repair stations										P			
Vehicle washes						S							
Vehicle Storage Yard													

## Article IV

### NON-CONFORMITIES

#### Section 4.01 INTENT

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such legal non-conforming lots, structures, or uses to continue until they are removed, but not to encourage their survival or where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved.

#### Section 4.02 NON-CONFORMING LOTS OF RECORD

Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record -at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance requests from district yard requirements may be applied for through the City of Dexter Zoning Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes

compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

Upon application, the Zoning Administrator may permit the combination, in whole or in part, of non-conforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of non-conformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

### **Section 4.03 NON-CONFORMING USES OF LAND**

The lawful use of any land existing on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform to the provisions of this Ordinance or amendments subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. If such non-conforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with Article XXII.

### **Section 4.04 NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Restriction on Creating Non-conformities:** No such building or structure may be enlarged or altered in a way which increases its non-conformity.

- B. **Restriction on Movement:** Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- C. **Restrictions on Alteration or Modification:** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.
- D. **Restrictions on Replacements:** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance.

Any non-conforming building which has been damaged substantially or destroyed may be repaired, rebuilt or replaced within 18 months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing non-conforming structure.

Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire or act of God is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

#### **FOR DISCUSSION:**

A non-conforming structure, except a single-family dwelling and its accessory structures, which are damaged by any means to an extent of more than 50% of its replacement cost, shall not be reconstructed except in conformity with the regulations of the district in which it is located. Any non-conforming structure, except single-family dwellings and their accessory structures, that is damaged to an extent of 50% or less of its replacement cost, may be replaced in its location existing prior to such damage, provided replacement is commenced within 18 months of date of damage and is diligently pursued to completion. Failure to commence replacement within 18 months shall result in the loss of legal non-conforming status.

Non-conforming structures may be replaced or expanded in accordance with the following requirements:

1. A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards:
  - a. The dwelling is a permitted use in the district in which it is located; and
  - b. Any expansion shall meet yard, lot coverage, floor area ratio, and impervious surface regulations of the zoning district in which it is located.

2. All other non-conforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in Section 24.05 F.

## **Section 4.05 NON-CONFORMING USES OF STRUCTURES AND LAND**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Prohibition on Enlargement of a Building Housing Non-conforming Use:** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. **Extension Throughout Building:** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Changing Use:** If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. **Prohibition of Re-establishment if Replaced by Conforming Use:** A non-conforming use of any structure which is replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. **Discontinuance or Termination of Non-conforming Use of Structure:** When a non-conforming use is discontinued or ceases to exist for six consecutive months the non-conforming -structure or use of land shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be ~~excepted~~ exempt from this provision. ~~Appeals for continuation of such uses shall be provided and determined by making application to the City of Dexter Zoning Board of Appeals.~~

- F. **Repairs to Non-conforming Use:** On any building devoted in whole, or in part, to any non-conforming use, work may be done in any period of 18 consecutive months on ordinary repairs, improvements, or modernization, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to correct deterioration, obsolescence, depreciation and wear. Such repairs, improvements, replacement, or modernization activities shall be permitted providing the total area (in square feet) of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Repairs begun within the required 18 consecutive months but not completed upon the expiration of the permitted time period may be completed provided the repairs have been issued and approved and valid building permit and the work has continued without interruption to eventual completion.
- G. **Safety Repair.** Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part, thereof declared unsafe by an official charged with protecting public safety, upon order of such official.

#### **FOR DISCUSSION:**

If a structure devoted in whole or in part to a non-conforming use is destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

#### **Section 4.06 NON-CONFORMING SITES**

The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Chapter were established or amended. This section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current zoning ordinance standards. Non-conforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A non-conforming site shall not be improved or modified in a manner that increases its non-conformity.
2. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access, and pedestrian/vehicle conflicts.
3. The proposed site improvements shall include exterior lighting, landscaping, screening, and building improvements that are in reasonable proportion to the scale and construction cost of the proposed building improvements, expansions, or other improvements.
4. The proposed site improvements shall include the installation, restoration, or expansion of sidewalks within the through the site, where appropriate.

5. A reasonable timeline for completion of site improvements to an existing non-conforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

## **Section 4.06-07 GENERAL REQUIREMENTS**

- A. **Structure and Land in Combination.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- B. **Illegal Non-conforming Uses:** Those alleged non-conforming uses which cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

## **Section 4.07-08 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

## **Section 4.08-09 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures and land in combination provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

## **Section 4.10-10 ACQUISITION OF NON-CONFORMING USES**

The City Council may acquire private property, or an interest in private property, to remove a non-conformity, as provided in Act 207, PA of 1921, as amended.

## Article VIII

### SPECIAL LAND USES

~~Adopted June 12, 1995~~

#### Section 8.01 INTENT

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. Among the purposes of the Special Land Use standards of this Article ~~are~~ is to accomplish the following:

- Provide a mechanism for public input on decisions involving more intense land uses.
- Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- Regulate the use of land on the basis of impact to the City overall, and adjacent properties in particular.
- Promote a planned and orderly development pattern which ~~can~~ can be served by public facilities and serviced d in a cost-effective manner.
- Ensure uses can be accommodated by the environmental capability of specific sites.
- Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- Provide greater flexibility to integrate land uses within the City.

~~This Article provides both general standards for all Special Land Uses (Section 8.03) and specific location, site or operational standards for particular Special Land Uses (Section 8.11). The process for review of a Special Land Use involves a Public Hearing with the Planning Commission with final review determination on the use and site plan by the City Council. Approval of any Special Land Use requires a Special Land Use Permit.~~

#### Section 8.02 ~~APPLICATION, REVIEW AND APPROVAL PROCEDURES~~

The procedure for Special Land Use review shall be as follows:

~~aA.~~ **Application.** An applicant for a Special Land Use shall submit an application for review to the Zoning Administrator, and pay together with the required fee and appropriate information, not less than 30 days prior to the date of the regular meeting of the Planning Commission, at which the special use application will be considered. The following information shall also be submitted: ~~The application presented for consideration shall contain the following:~~

1. ~~Name of proposed development.~~ A site plan with the required information as set forth in Article XXI.
2. ~~Common description of the property and complete legal description (also address, if available.)~~ A statement with regard to compliance with the criteria required for

approval in Section 8.03, Standards for Special Land Uses approval and any specific standards required by the specific use as provided in Article \_\_\_\_\_, Specific Use Standards.

3. ~~Dimensions of land: width, length, acreage, and frontage.~~ Failure to provide the required information and materials as part of the application for Special Land Use approval shall render the application deficient, and said application shall be held in abeyance until the petitioner submits all required items. The Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission action, specifically where no physical changes to the site are proposed.
4. ~~Existing zoning classification and zoning of all adjacent properties.~~
5. ~~Proposed use of the land.~~
6. ~~Name, address, and phone number of:~~
  - ~~(a) Firm or individual who prepared the application.~~
  - ~~(b) Legal owner of the property.~~
  - ~~(c) Applicant (including basis of representation.)~~
7. ~~Signature of the legal owner and the Applicant.~~
8. ~~A site plan, prepared in accordance with the provisions of Article XXI of this Ordinance.~~

**bB. Planning Commission Public Hearing.** The Planning Commission shall hold a public hearing, or hearings, upon any application for special land use, notice of which shall be in the manner required by Section X.XX Notices.

1. ~~If the Zoning Administrator finds all of the information complete a Public Hearing shall scheduled at the next regular meeting to review the request.~~
2. ~~A notice of the public hearing shall be published in a newspaper which circulates in the City and copies of the notice shall be sent by mail to property owners and occupants of structures within three hundred (300) feet of the property in question. The notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the public hearing, and shall:~~
  - ~~(a) Describe the nature of the Special Land Use request.~~
  - ~~(b) Indicate the property which is the subject of the Special Land Use request.~~
  - ~~(c) State the date, time and place of public hearing.~~
  - ~~(d) Indicate that written comments may be submitted prior to or at the public hearing.~~

**eC. Planning Commission Action.**

1. The Planning Commission shall conduct the required public hearing. At the public hearing, the Planning commission shall review the application for special land use approval in accordance with Section 8.03 and any specific standards in Article \_\_\_\_\_, Specific Use Standards.

- ~~d. The Planning Commission shall review the application in terms of the requirements of the Special Land Use General standards listed in Section 8.04 below and any specific standards of Section 8.11.~~
- e. 2. The Planning Commission shall recommend that the City Council either approve, approve with conditions (~~as described below in Section 8.04~~based on findings outlined in Section 8.03) or deny the Special Land Use and the accompanying site plan.

Df. **City Council Action.**

1. The Special Land Use request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next City Council meeting. The City Council shall either approve or reject the request within ~~sixty (60)~~ days, unless an extension has been agreed upon in writing by both the City Council and the Applicant.
2. The decision on a special land use required by the City Council shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any condition imposed.

**Section 8.03 ~~GENERAL REVIEW STANDARDS FOR ALL SPECIAL~~  
LAND USES**

A. **Standards.** The Planning Commission and City council shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards, and any specific standards established for a particular use.~~Prior to approving a Special Land Use application, the Planning Commission and City Council shall require the following general standards be satisfied for the use at the proposed location. In addition to specific standards for individual Special Land Uses listed in Section 8.11, the Planning Commission and City Council shall require stipulation to ensure that the following are met:~~

1. A. **Compatibility with the Master Plan.** The proposed Special Land Use ~~will~~ shall be consistent with the goals, objectives, and future land use plan described in the Dexter Master Plan.
2. B. **Compliance with Zoning Standards.** The proposed Special Land Use ~~will~~ shall be designed, constructed, operated, and maintained to meet ~~consistent with~~ the stated intent of the zoning district, and shall comply with all applicable ordinance standards.
3. C. **Compatibility with Adjacent Uses.** The proposed Special Land Use ~~will~~ shall be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage,

traffic, ~~property values~~ or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

4. ~~D.~~ — **Impact on the Overall Environment.** The proposed Special Land Use ~~will~~ shall not ~~significantly~~ unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.

5. ~~E.~~ — **Impact on Public Facilities.** The proposed Special Land Use ~~can~~ shall be served adequately by public facilities and services such as police and fire protection, schools, drainage ~~structures~~ systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.

6. ~~F.~~ — **Traffic Impact.** The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration ~~the following:~~ pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the City's Complete Street Ordinance.

- ~~1. — vehicular turning movements;~~
- ~~2. — proximity and relationship to intersections;~~
- ~~3. — adequacy of sight distances;~~
- ~~4. — location and access of off-street parking; and,~~
- ~~5. — provisions for pedestrian traffic.~~

~~G. — The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.~~

7. ~~H.~~ — **Public Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

8. **Special Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

B. **Additional Findings.** The Planning Commission and City Council shall also consider the following factors when reviewing a Special Land Use request:

- 1. The nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use.

2. Public safety, specifically police and fire.
3. Vehicular circulation and parking areas.
4. Outdoor activity, storage, and work areas.
5. Hours of operation.
6. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

## **Section 8.04 CONDITIONS OF APPROVAL**

A. **Authority.** The City Council may at its discretion impose additional conditions of approval, which will help ensure the Special Land use meets the standards of this Ordinance provided that the conditions when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.;

B. **Scope.** Conditions that are imposed by the City Council shall:

1. Be related to and ensure the review considerations of Section 8.03 and the applicable specific regulations are met. ~~protect the health, safety, and welfare of those affected;~~
2. Special Land Use approval is applicable to a property, not property owners, so long as use remains in effect under terms set from the Section 8.05. ~~are related to the valid exercise of the police power of the City;~~
3. The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council. ~~are necessary to meet the intent and purpose of this Ordinance;~~
4. ~~are related to the standards established in this Ordinance for the land use or activity under consideration and are necessary to ensure compliance with those standards;~~
5. ~~provide adequate protection to existing land uses so the proposed land use will not be detrimental or injuries to the surrounding neighborhood.~~

**BC.** Approval of a Special Land Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Zoning Administrator. ~~The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council.~~

D. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the City Council to revoke such special land use approval in accordance with Section 8.08.

## Section 8.05 ~~VALIDITY OF PERMIT~~ EFFECTIVENESS

- A. Remain in Force. Upon receipt of site plan approval, special land use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the City Council resolution of approval. ~~The Washtenaw County Building Department may issue a building permit in conformity with the particular Special Land Use so approved, following a certificate of zoning compliance is obtained from the Zoning Administrator. In all cases where a particular Special Land Use has been granted as provided herein, application for a building permit must be made and received by the City no later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked unless an extension is granted. The City Council may grant an extension of the first approval for good causes shown under such terms and conditions for such a period of time not to exceed six (6) months.~~
- B. Expiration. Any Special Land Use approval granted by the City Council shall expire unless a final site plan effectuating the Special Land Use is submitted within one year of the date of approval. ~~Where actual physical construction of a substantial nature of structures authorized by a Special Land Use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate (note: it is the responsibility of the applicant to request such an extension).~~
- C. Extension. Upon written application filed prior to the termination of the one ~~(1)~~ year period as provided above, the City Council may authorize a single extension of the time limit for an further additional one year period ~~of not more than one (1) year~~. Such extension shall be granted ~~only~~ based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one ~~(1)~~ year extension period.
- D. Conforming Use Status. Any approved Special Land Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- E. Abandonment. ~~If a use regulated as a~~ When a Special Land Use which has not previously received a Special Land Use permit ceases operations for more than one ~~(1)~~ year, the Special Land Use permit shall become null and void, and a new Special Land Use permit shall be required to reopen the use. The time frame shall be extended to two ~~(2)~~ years for a use which was approved as a Special Land Use under this ~~Ordinance amendment (i.e. a Special Land Use Permit is on file)~~ Article.
- F. Resubmittal. No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one ~~(1)~~ year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.

## **Section 8.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE**

The following provisions apply when there is an amendment or a proposed expansion to approved Special Land Uses or when there is a proposed change from one Special Land Use to another.

- A. **Amendments.** Any person or agency who has been granted a Special Land Use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for an site plans in accordance with Article XXI. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Article. requires new Special Land Use approval. New Special Land Use approval may be required when such amendment is a departure for the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
- B. **Expansions.** The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use, which has not previously received a Special Land Use Permit.
- C. **Change in Use.** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new Special Land Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise additional outdoor storage, or display.

## **Section 8.06-07 INSPECTIONS**

The Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the ~~Planning Commission~~ City Council and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

## **Section 8.07-08 REVOCATION**

The revocation of a Special Land Use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- B. The recipient shall have ~~thirty (30)~~ days to correct any deficiencies to the satisfaction of the City Council.

- C. If after ~~thirty (30)~~ days any deficiencies remain, the City Council may then revoke the Special Land Use, or if the conditions warrant, allow additional time.
- D. A repeat violation may cause immediate revocation of the Special Land Use.

### ~~Section 8.08 AMENDMENTS TO SPECIAL LAND USE PERMITS~~

~~Any person or agency who has been granted a Special Land Use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for an site plans in accordance with Article XXI. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Article.~~

### ~~Section 8.09 SPECIAL LAND USES EXPANSIONS~~

~~The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use, which has not previously received a Special Land Use Permit.~~

### ~~Section 8.10 RESTRICTIONS ON RESUBMITTAL OF A SPECIAL LAND USE REQUEST~~

~~No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.~~

### ~~Section 8.11 SPECIAL LAND USE SPECIFIC REQUIREMENTS~~

~~The following sections identify specific requirements, which shall be complied with by individual Special Land Uses, as determined by the Planning Commission and City Council, in addition to the general standards of Section 8.03:~~

~~A. **Listing:** Special Land Uses with specific site and/or use standards described on the following pages:~~

~~1. Accessory apartment on upper floors of commercial buildings~~

~~2. Accessory apartment in a single family home~~

- ~~3. Accessory use or storage of hazardous materials~~
- ~~4. Accessory commercial outdoor sales or storage (see commercial outdoor sales)~~
- ~~5. Adult regulated uses~~
- ~~6. Arcades and similar devices at public commercial mechanical amusement device centers~~
- ~~7. Automobile service centers (minor repair) and major auto repair establishments~~
- ~~8. Automobile service (gasoline) stations including those accessory to another use~~
- ~~9. Automobile washes, automatic or self-service~~
- ~~10. Banks, credit unions, savings and loan institutions with three or more drive through lanes~~
- ~~11. Bed and breakfast inns~~
- ~~12. Cemeteries~~
- ~~13. Churches~~
- ~~14. Commercial outdoor sales or storage (as permitted or accessory use)~~
- ~~15. Essential public service buildings and structures~~
- ~~16. Essential public service storage yards~~
- ~~17. Funeral Homes~~
- ~~18. General and specialty hospitals~~
- ~~19. Group day care homes~~
- ~~20. Housing for the elderly, retirement Villages, etc.~~
- ~~21. Kennels, commercial~~
- ~~22. Motels, hotels including accessory convention/meeting facilities and restaurants~~
- ~~23. Nursing and convalescent homes~~
- ~~24. Open air business—see commercial outdoor display, sales and storage~~

- ~~25. Outdoor eating areas~~
- ~~26. Radio, television microwave, and cellular phone towers~~
- ~~27. Recreation: Commercial outdoor establishments (excluding golf related uses)~~
- ~~28. Recreation: Indoor commercial recreation (bowling alleys, ice areas, skating rinks, etc.)~~
- ~~29. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.~~
- ~~30. Residential cluster development~~
- ~~31. Restaurants and other establishments with drive-in or drive-thru facilities~~
- ~~32. Veterinary Clinics and hospitals~~

**~~B. List of specific requirements by use:~~**

**~~1. Accessory apartments on upper floors of mixed-use buildings~~**

~~Housing above retail uses is encouraged in the City Commercial and Central Business District. These units are designed for singles, younger couples and elderly people without children. A mix of land uses, housing, jobs, and income creates a more balanced commercial district there by reduces traffic and creates better fiscal balance.~~

- ~~a. Accessory apartments shall be entirely within building.~~
- ~~b. A minimum of 300 square feet per unit.~~
- ~~c. Exterior entrances shall be separated from commercial uses. No more than two units can share a common entrance stair from the ground floor.~~
- ~~d. One (1) parking space per unit.~~
- ~~e. Access to upper story apartments shall conform to ADA requirements and County Building codes.~~

**~~2. Accessory apartment in a single family home~~**

~~These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the City while providing reasonable control in recognition of the high percentage of renter occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two family units which would, over time, disrupt the character of single family neighborhoods.~~

- ~~a. Accessory apartments shall be entirely within the existing structure and shall include no more than twenty five percent (25%) of the total floor area of the home.~~
- ~~b. The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.~~
- ~~c. One (1) space per accessory apartment is required in addition to single dwelling parking requirements. All parking should be accommodated on-site. Spaces for accessory apartment should be located in the rear yard.~~

### ~~3. Accessory use or storage of hazardous materials~~

~~The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources (MDNR), Michigan State Police, County Sheriff, Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:~~

- ~~a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.~~
- ~~b. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material and anticipated procedure for use and handling.~~
- ~~c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2200 pounds per month.~~
- ~~d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.~~
- ~~e. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.~~

### ~~4. Accessory commercial outdoor display, sales or storage -- see commercial outdoor sales~~

### ~~5. Adult Regulated Uses~~

- ~~a. Intent: In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses win not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts:~~
- ~~b. Uses Regulated: The following uses are regulated by this subsection.~~
- ~~(1) Adult Book or Supply Store~~
  - ~~(2) Adult Model Studio~~
  - ~~(3) Adult Motion Picture Areade~~
  - ~~(4) Adult Motion Picture Theater or Adult Live Stage Performing Theater~~
  - ~~(5) Adult Outdoor Motion Picture Theater~~
  - ~~(6) Adult Physical Cultural Establishment~~
  - ~~(7) Cabaret~~
  - ~~(8) Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article II).~~
- ~~c. Required Spacing The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:~~
- ~~(1) at least five hundred (500) feet from any other adult regulated use;~~
  - ~~(2) at least five hundred (500) feet from all churches, convents, temples and similar religious institutions;~~
  - ~~(3) at least five hundred (500) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals;~~
  - ~~(4) at least five hundred (500) feet from any use defined as a "care organization";~~
  - ~~(5) at least five hundred (500) feet from any one family or multiple family residential district or use;~~
  - ~~(6) at least five hundred (500) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie~~

~~theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.~~

~~d. Special Site Design Standards~~

- ~~(1) Maximum size of the building shall be five thousand (5,000) square feet.~~
- ~~(2) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right of way or from an adjacent land use.~~
- ~~(3) Adult regulated uses shall be located within a free standing building. A shared or common wall structure or shopping center are not considered to be a free standing building.~~
- ~~(4) The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.~~
- ~~(5) A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.~~
- ~~(6) Access shall be from an arterial roadway.~~

~~e. Waivers:~~

~~Upon denial of any application for a regulated use, the applicant may appeal for a waiver of the location provisions above to the Board of Zoning Appeals consistent with the standards set forth below. The Board of Zoning Appeals may waive the location provisions set forth in Section, after all the following findings are made:~~

- ~~(1) Compliance with Regulations: The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;~~
- ~~(2) Not Enlarge District: The proposed use will not enlarge or encourage the development of a "skid row" or "strip";~~
- ~~(3) Consistent with Programs: The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;~~
- ~~(4) Consistent with Law: All applicable City, state or federal laws and regulations will be observed.~~

~~(5) Procedure for Waiver: Prior to granting a waiver of the location restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this section, the City Council shall publish, in a newspaper of general circulation in the City, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within 500 feet of the boundary of the premises in question, and to the occupants of all structures within 500 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.~~

~~The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, or a structure located within 300 feet of the boundary of the property being considered for the regulated use. The applicant, City Council, or Board of Zoning Appeals may request a public hearing.~~

~~f. Conditions of Approval: Prior to the granting of approval for the establishment of any regulated use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.~~

~~g. Specific Penalties: No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.~~

~~**6. Arcades, mechanical amusement devices and similar devices:**~~

~~a. Any part of the lot occupied by such use shall not be located within three hundred (300) feet of any residential district or within five hundred (500) feet of the property line of any public, parochial or other private school offering courses in general education.~~

~~b. Access to the site shall be directly from an arterial street.~~

~~c. All activities, except for off street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and Ordinances.~~

~~7. Automobile service centers (minor repair) and major automotive repair (such as body shops)~~

~~All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a one-family residential district.~~

~~a. If the gas station has auto repair there shall be a minimum lot frontage on a paved road of two hundred (200) feet.~~

~~b. Overhead doors shall not face a public street or residential district. The City Council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Article VI.~~

~~c. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.~~

~~d. Where adjoining residential district, a wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.~~

~~e. All repair work shall be conducted completely within an enclosed building.~~

~~f. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.~~

~~g. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one (1) day.~~

~~h. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department and Washtenaw County Drain Commission.~~

~~8. Automobile service (gasoline) stations (including those accessory to another use)~~

~~a. The minimum lot area for gasoline service stations shall be fifteen thousand (15,000) square feet for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be added three thousand (3,000) square feet for additional service bay and fifteen hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) major~~

~~thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.~~

- ~~b. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.~~
- ~~c. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.~~
- ~~d. Access driveways shall have access on a arterial street. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase accident or congestion potential.~~
- ~~e. Where adjoining residential district, a or wall six (6) feet in height shall be erected along any common lot line.~~
- ~~f. All repair work shall be conducted completely within an enclosed building.~~
- ~~g. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the City Council and which extends no more than ten (10) feet beyond the building.~~
- ~~h. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.~~
- ~~i. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves and approved by the Washtenaw County Drain Commission.~~
- ~~j. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.~~

~~**9. Automobile washes, automatic or self-service**~~

- ~~a. Only one (1) ingress/egress driveway shall be permitted on any single street.~~
- ~~b. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.~~

- ~~c. All washing facilities shall be within a enclosed building.~~
- ~~d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.~~
- ~~e. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right of way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article V, Parking Standards.~~
- ~~f. Truck wash must be at least one hundred (100) feet from all property lines and entirely screened using landscaping from residential~~

~~**10. Banks, credit unions, savings and loan institutions with drive-through facilities with three (3) or more drive-through lanes**~~

- ~~a. Only one (1) ingress/egress driveway or one (1) pair of one way driveways or one stand-alone ready teller structure, shall be permitted along any street.~~
- ~~b. Exit and required stacking lanes shall not face directly at a one family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.~~

~~**11. Bed and breakfast inns**~~

- ~~a. Two off street parking spaces shall be provided for the residential occupants. One additional parking space shall be provided for each bed and breakfast bedroom established; screening and buffering may be required pursuant to Article VI, Landscaping Standards. Parking requirements may be reduced if the Planning Commission finds that reducing off street parking will not detract from the residential character of the neighborhood, and other parking is available in the immediate area. All parking must conform to standards in Article V, Parking and Loading.~~
- ~~b. No bed and breakfast inn shall be located closer than three hundred (300) feet to another bed and breakfast inn.~~
- ~~c. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.~~
- ~~d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.~~
- ~~e. There shall be a maximum of six (6) rooms for lodging.~~

- ~~f. Landscaping pursuant to Article VI shall be used to screen adjacent residences from parking areas or any outdoor eating area.~~
- ~~g. A sketch plan showing the floor plan shall be submitted for approval.~~
- ~~h. Maximum sign size shall be five (5) square feet with a maximum height of six (6) feet. Sign materials are to be compatible with the architecture of the building. Signs must meet setback standards for the district in which they are located. Internal illumination is prohibited.~~
- ~~i. No exterior alterations to the structure shall be made which would change the residential appearance of the structure.~~
- ~~j. The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc., that may encumber the property.~~
- ~~k. The applicant shall comply with any fire and life safety requirements imposed by the Washtenaw County Building Department according to the Building or Fire Code.~~

## ~~12. Cemeteries~~

- ~~a. Minimum property size shall be twenty (20) acres.~~
- ~~b. All grave sites, buildings and structures shall be setback at least twenty-five (25) feet from all property lines.~~
- ~~c. The City Council shall determine that the cemetery will have a memorial park setting.~~

## ~~13. Churches, temples and similar places of worship~~

- ~~a. Minimum lot area shall be three (3) acres plus an additional fifteen thousand (15,000) square feet for each one hundred (100) persons of occupant load as determined by County Building Code.~~
- ~~b. Buildings of greater than the maximum height permitted in Article XX Schedule of Regulations may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one (1) foot for each foot of building height that exceeds the maximum permitted.~~
- ~~c. All vehicular access to the site shall be onto a Arterial or Collector street, as classified in the Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.~~

~~d. Wherever an off street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The City Council may reduce this buffer based on the standards of Section VI.~~

~~**14. Commercial Outdoor Sales or Storage and Open Air Businesses** (as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment):~~

~~a. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.~~

~~b. All outdoor storage areas shall be paved and include a stormwater drainage system.~~

~~c. No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.~~

~~d. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the approved use.~~

~~e. The display and storage area shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property.~~

~~f. All loading and truck maneuvering shall be accommodated on site.~~

~~g. All outdoor storage areas adjacent to a residential district shall provide a wall or buffer strip as described in Article VI.~~

~~**15. Essential Public Service Buildings and Structures**~~

~~a. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.~~

~~b. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. They can not be located in the district front yard setback.~~

~~c. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip (See Section 6.05).~~

~~d. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of masonry construction.~~

~~**16. Essential Public Service Storage Yards**~~

~~a. Requirements of item 15 above.~~

~~b. The minimum lot size shall be three (3) acres.~~

~~c. A chain link fence six (6) feet in height shall be constructed on the boundary property lines.~~

~~**17. Funeral Home**~~

~~a. Adequate assembly area is provided off street for vehicles to be used in a funeral procession, provided further that such assembly area shall be provided in addition to any required off street parking area. A residence may be provided within the main building of mortuary establishments.~~

~~**18. General and Specialty Hospitals**~~

~~a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.~~

~~b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.~~

~~**19. Group Day Care Homes**~~

~~a. The minimum lot area required for a group day care home shall be the same as the minimum lot area required for the zoning district in which the use would be located.~~

~~b. An on-site drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.~~

~~c. A minimum of outdoor play area of two thousand (2,000) square feet shall be provided. The outdoor play area shall be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located within a primary front yard.~~

~~20. Housing for the Elderly~~

- ~~a. All sites should be conveniently located within adequate distance of food stores, shopping centers, restaurants, drug stores and public transportation, as determined by the Planning Commission.~~
- ~~b. All dwelling units shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities.)~~
- ~~c. Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty five (25) percent of total site, exclusive of any dedicated public right of way.~~
- ~~d. Passive recreation area(s) shall be provided at the rate of twenty five (25) square feet per one hundred (100) square feet of living area.~~
- ~~e. The minimum lot size shall be not less than three (3) acres.~~
- ~~f. All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency type apartment.~~
- ~~g. The gross density of the dwelling units shall not exceed twenty (20) units per acre, exclusive of any dedicated public right of way of either interior or bounding roads.~~
- ~~h. Except as provided herein, all buildings and sites shall be in compliance with Article XX Schedule of Regulations.~~
- ~~i. No housing for the elderly shall be converted to any other use without complying with the provisions of the Zoning Ordinance in effect.~~
- ~~j. The City Council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.~~
- ~~k. All buildings permitted hereunder shall not exceed thirty five (35) feet in height.~~

~~21. Kennels, Commercial~~

- ~~a. For kennels housing dogs, the minimum lot size shall be ten (10) acres.~~
- ~~b. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area.~~

- ~~c. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound proofing, sanitary requirements).~~
- ~~d. An operations/management plan shall be submitted to the City.~~

~~**22. Motels Hotels, including accessory convention/meeting facilities and restaurants.**~~

- ~~a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.~~
- ~~b. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.~~
- ~~c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.~~

~~**23. Nursing and Convalescent Homes**~~

- ~~a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.~~
- ~~b. Principal buildings shall not be closer than forty (40) feet to any property line.~~

~~**24. Open Air Businesses – see commercial outdoor display, sales and storage**~~

~~**25. Outdoor eating areas**  
(Effective 1-12-05)~~

~~Restaurants shall be permitted to operate outdoor eating areas that are physically adjacent, and accessory to the principal restaurant use. Including areas within the public right of way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.~~

~~Outdoor Seating shall be permitted to provide a unique environment for relaxation, food and beverage consumption, and the need to encourage additional pedestrian traffic and activity.~~

- ~~a. To allow for pedestrian circulation, a minimum of five feet of clear sidewalk along the street frontage, and leading to the entrance to the establishment shall be maintained free of any encumbrances. A minimum~~

~~of ten feet of sidewalk width must be provided to accommodate outdoor seating, if outdoor seating is placed on the public sidewalk.~~

- ~~b. When outdoor seating is located at a street corner, a ten-foot setback from the corner of the building shall be maintained along both frontages.~~
- ~~c. Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the outdoor eating area. If liquor is served a removable enclosure is required.~~
- ~~d. Extended awnings, canopies, or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.~~
- ~~e. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located. Photographs, drawings or manufacturers brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, or other fixtures related to the outdoor seating area shall be included with the application.~~
- ~~f. Outdoor eating areas shall not be entitled to additional signage, over and beyond what is permitted for this type of establishment.~~
  - ~~g. The operators of the establishment shall be responsible for keeping the outdoor eating area and the immediately adjacent area, clean and void of litter at all times.~~
- ~~h. The City may restrict the hours of operation for outdoor seating areas immediately abutting residential districts. Applicants may on a case by case basis request that outdoor seating be able to remain outdoors (overnight).~~
- ~~i. Outdoor seating furniture and elements such as umbrellas and awnings, associated with outdoor seating furniture, must be of substantial weight so that at no time will the outdoor seating furniture present an obstruction or risk to public safety. Proposed outdoor seating materials should be reviewed and considered on a case by case basis. If the outdoor seating furniture and elements associated with outdoor seating furniture is temporary in nature it is the responsibility of the proprietor to remove the outdoor seating furniture during inclement weather. All umbrellas should be closed and removed each evening. The City of Dexter accepts no liability for any injury/damage caused by outdoor seating furniture. Applicants for outdoor seating will also be required to sign and submit the City's Hold Harmless Agreement.~~
- ~~j. Each permit application for a sidewalk café or outdoor seating shall be accompanied by a policy or certificate of insurance, in an amount~~

~~acceptable to the City, including workers compensation, naming the City as an additionally insured. Establishments serving alcohol shall also provide a liquor liability policy or certificate of insurance naming the City as an additionally insured.~~

~~k. The permittee shall be responsible for repair of any damage to the sidewalk caused by the outdoor seating furniture.~~

~~l. All outdoor seating furniture is to be maintained in a manner that is compatible with the buildings site elements, i.e. signs, awnings and walls. No broken, peeling, rusting or other aesthetic elements should be left outdoors for continued use.~~

~~m. Each permit shall be effective for one year from October 1 until September 30 and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining outdoor seating shall be established by City Council resolution.~~

~~n. The City of Dexter reserves the right to deny, revoke or suspend an outdoor seating permit if the permittee has failed to correct violations of the outdoor seating permit within the time specified on the violation notice. If the City denies, revokes, or suspends the permit the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the outdoor seating standards must be appealed before the Zoning Board of Appeals.~~

## ~~26. Radio, Television, Microwave, and Cellular Phone Towers~~

~~a. Height: Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any setback equals the setback from any residential district. The setback from all other districts shall be at least one half (1/2) the height of the tower, provided the applicant provides engineering information the tower is self collapsing. The setback area shall remain clear of any building or structure except an accessory utility building.~~

~~b. Lighting: the City Council shall approve any lighting on the tower.~~

~~c. No signs or logo shall be permitted on the tower.~~

~~d. The City Council may require a security fence to prevent access to the tower.~~

## ~~27. Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses)~~

~~a. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public~~

~~or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.~~

- ~~b. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.~~
- ~~c. The site shall be located on a paved street which is classified as a Arterial in the City Master Plan.~~
- ~~d. No building or spectator seating facility shall be located within one hundred (100) feet of a property line.~~
- ~~e. The site shall be periodically cleared of debris.~~

~~**28. Recreation: Indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.)**~~

- ~~a. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district or permitted use.~~
- ~~b. All uses shall be conducted completely within a fully enclosed building.~~
- ~~c. The buildings shall be sound proofed.~~

~~**29. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.**~~

- ~~a. The proposed site shall have at least one (1) property line abutting a Arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.~~
- ~~b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.~~

- ~~c. Off street parking shall be provided so as to accommodate not less than one third (1/3) of the member families and/or individual members. The City Council may modify the off street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by laws of the organization shall be provided in order to establish the membership involved for computing the off street parking requirements. In those cases wherein the proposed use or organization does not have by laws or formal membership, the off street parking requirements shall be determined by the City Council on the basis of usage.~~

### ~~30. Residential Cluster Development~~

- ~~a. Purpose The cluster development provision has the following purposes;~~

- ~~1) to permit flexibility in the layout of subdivisions;~~
- ~~2) to permit variety in the size and shape of residential lots;~~
- ~~3) to permit flexibility in the location of residential buildings and grouping of same;~~
- ~~4) to encourage creative approaches in traditional design and development of the residential area; and interconnect with the City pattern of development and road system.~~
- ~~5) to permit economy of the required improvements;~~
- ~~6) to preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and~~
- ~~7) to permit provision of open space for the use of residents of the subdivision or to the City at large, and to concentrate such open spaces in locations of such size and shape as to be accessible, usable, and maintainable.~~

~~This provision is designed to be a designation applied to a parcel of land within an R-1A and R-1B District; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.~~

- ~~b. General Regulations Cluster development is permitted in the R-1A and R-1B Districts, subject to all of the regulations of each district in which located, except as specifically modified in this Section.~~
- ~~c. Minimum Area The minimum parcel area for a cluster development shall be twenty (20) acres.~~
- ~~d. Permitted Uses Permitted, accessory, and conditional uses as listed herein in the R-1A and R-1B Districts are permitted in a cluster subdivision in each zoning district.~~
- ~~e. Density of Development The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved. The permitted number of dwelling units shall be calculated on the basis of the following dwelling unit densities:
  - ~~R-1A 3.63 dwelling units per acre of total lot area;~~
  - ~~R-1B 5.58 dwelling units per acre of total lot area;~~~~
- ~~The land area used in the calculation shall include public and private road right-of-ways, existing and proposed, that are located within the proposed subdivision, but shall not include any existing right-of-way of any boundary roads of the subdivision. Only twenty five percent (25%) of the acreage comprised of open water, land within the 100 year floodplain elevation, and/or wetlands protected by the Goemaere Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.~~
- ~~f. Area, Placement, and Height Regulations The regulations for the R-1A and R-1B Districts may be modified as follows, for single family dwellings and their accessory structures only:
  - ~~1) minimum lot area 8,775 square feet in R-1A, in and 5,850 square feet in R-1B Districts;~~
  - ~~2) minimum lot width 50 feet at the existing or proposed street line;~~
  - ~~3) maximum ground floor coverage none;~~
  - ~~4) maximum floor area ratio none;~~
  - ~~5) minimum yards: front yard, or frontage on any street 25 feet; side yards none, except, however, that adjacent dwelling structures shall~~~~

~~be a minimum of ten (10) feet apart unless structurally attached; rear yard—fifteen (15) feet.~~

~~g. Common Open Spaces and Facilities—For each square foot of excess land area resulting from the lot reductions provided in item f preceding, the subdivision shall provide an equal amount of land dedicated to the common use of the owners in the subdivision or to the public. The manner of dedication shall be approved by the City Council. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.~~

~~Parks and/or recreation areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the City Council. Such land areas shall not include, as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain.~~

~~The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition. If the open space area is to consist of two or more parcels at least one (1) parcel shall have the minimum area of four (4) acres. The minimum dimension shall in all cases be one hundred (100) feet; and the location size and shape of any parcel shall be subject to approval by the City Council. A parcel divided by a drainage course, stream, or river shall be considered as one (1) parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways. Areas dedicated to the public shall have at least one (1) access point by a public street for each separate open space parcel. The City Council shall have the discretion to require additional vehicular and/or pedestrian access points.~~

~~The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision. Common open space shall have a legal description therefor, which shall include an accurate statement of land areas, all of which shall be certified by a registered land surveyor.~~

~~h. Sewer and Water Services—All lots in a cluster subdivision shall be served by a public water and sanitary sewer facilities.~~

~~i. Procedures without Zoning Amendment—The applicant for approval of a preliminary plat shall, at the same time, apply for a Cluster Development designation (hereafter referred to as CD designation) if such designation is desired. The application shall consist of a completed form, fees, and all~~

~~information required for review of a preliminary plat submitted for tentative approval. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance and shall include its analysis and recommendations concerning the CD designation in its report to the City Council on the preliminary plat. If the City Council approves the CD designation, It shall indicate same in its tentative approval of the preliminary plat. The City Clerk shall record, and the City President shall attest, the CD designation of the Official Zoning Map within three (3) days of the date of final approval of the final plat by the City Council. The recording on the Official Zoning Map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.~~

~~j. Procedures with Zoning Amendment — If the property included in the CD designation request must also be rezoned to one of the applicable residential districts, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat. The application shall in this case include a waiver, signed by the applicant, that the ninety (90) day limit on review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The City shall not give tentative approval to the preliminary plat unit after it has approved the zoning amendment. With this exception the procedures set forth in Item i, preceding, shall apply.~~

~~k. Calculations — All calculations and other information needed to review conformance of the plat with the zoning ordinance regulations shall be provided on the preliminary plat.~~

~~l. Authority — The City Council shall have the authority to approve or deny a request for a CD designation. The Council shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open area; and in other features of the design and character of a CD subdivision as proposed in a preliminary plat. This authority may be exercised by the Council when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.~~

~~m. Improvements — Improvements, or security in lieu thereof, shall be provided as required in the Subdivision Ordinance. Improvements of open space areas to be dedicated to the City, or security in lieu thereof, shall be provided by the developer prior to approval of the final plat by the City Council for the first stage of the subdivision. Agreement as to the required improvements for such open space areas shall be made by the developer and City Council prior to the Council's tentative approval of the preliminary plat. Requirements for improvements may be modified as set forth in the Subdivision Ordinance.~~

~~**31. Restaurants and other establishments with drive-in or drive-through facilities**~~

- ~~a. Principal and accessory buildings shall be setback at least seventy five (75) feet from any adjacent public right of way line or property line. Location shall be along a Arterial, as classified in the City Master Plan.~~
- ~~b. Only one (1) access shall be provided onto a Arterial. Access points shall be located at least sixty (60) feet from the intersection of any two streets.~~
- ~~c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.~~
- ~~d. A six (6) foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential.~~

~~32. Veterinary Clinics and Hospitals (Small Animal Clinic, Large Animal Clinic, Small Animal Hospital, and Veterinary Hospital)~~

~~The following regulations apply to all animal clinics and hospitals:~~

- ~~a. The use shall be operated by a licensed or registered veterinarian.~~
- ~~b. Any indoor boarding shall be limited to that incidental to treatment or surgery.~~
- ~~c. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
  - ~~1) walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,~~
  - ~~2) doors must be solid core,~~
  - ~~3) ventilation must be forced air designed in such a fashion as to reduce odiferous effects on residential neighbors.~~~~
- ~~d. A caretakers quarters may be permitted.~~
- ~~e. Adequate on-site parking shall be required.~~
- ~~f. A minimum of 1000 square feet of green space (grass area) in the rear and/or side yard shall be required.~~

~~The following regulations apply to all small animal clinics in addition to items 35 a-f:~~

~~g. A principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.~~

~~h. Outdoor exercising is allowed when the pet is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.~~

~~The following regulations apply to all large animal clinics in addition to items 35 a-f:~~

~~i. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.~~

~~j. A principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.~~

~~k. Outdoor exercising is allowed when the pet is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.~~

~~The following regulations apply to all Veterinary Hospitals and Small Animal Hospitals in addition to items 35 a-f:~~

~~l. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.~~

~~m. Minimum 1 acre lot~~

~~n. No dogs are permitted in outside boarding area between 8 p.m. and 7 a.m.~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

## Article XXI

### SITE PLAN REVIEW ~~AND APPROVAL~~

#### Section 21.01 INTENT

The intent of this ~~article~~ Article is to ~~establish the procedures and~~ provide consistent standards and methods for review and approval of site plans to ensure full compliance with the regulations in this Ordinance, ~~and other applicable ordinances,~~ and state and federal regulations, ~~of development proposals. Site plan review standards are intended to encourage consultation and cooperation between the applicant and the City to balance the property owners right to a reasonable rate of return on investment with the City's overall land use goals, the desire to minimize adverse impacts on the investments of surrounding landowners, and further ensure proper relationships between the development features as they relate to: traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and open spaces. Therefore, these site plan review standards insure a thorough evaluation of a development in relation to the goals of the City of Dexter Master Plan and the potential impacts on the environment, drainage, utilities, traffic, aesthetics, property values and other public health, safety and welfare issues.~~ Further, the intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land, encourage innovative design solutions, protect natural resources, ensure safety for both internal and external vehicular and pedestrian users, achieve innovative storm water management solutions, and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

This ~~section~~ Article also ~~contains special provisions to evaluate impacts of particular uses and to allow~~ administrative approval in certain cases where there is a change in use, a minor change to an existing site, or a minor change determined necessary in the field during construction.

#### Section 21.02 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW

~~Site Plan Review and approval is required for all proposed uses and structures within the City except for single family dwellings and accessory structures.~~

1. Site Plan Review Requirement. ~~Site Plan Review and approval is required for existing uses or structures, except single family detached dwellings on individual lots, where an alteration to the existing use or structure would result in any of the following conditions:~~ The following buildings, structures, and uses require site plan review:

- A. ~~an increase or reduction of the floor area of a structure or land area occupied by the use.~~ All proposed or permitted uses and related buildings, except single- and two-family dwellings located on individual lots and their associated accessory structures;
- B. ~~a change of use, even if the change of use is permitted in the subject Zoning District.~~ All proposed special land uses and related buildings;
- C. ~~a requirement of a variance from the provisions of this Ordinance, regardless of its size.~~ Any alteration, addition, or expansion of an existing permitted or special use and/or related building;
- D. ~~the construction, expansion, or contraction of an off-street parking lot; or the resurfacing of an off-street parking lot when construction includes resurfacing, drainage alterations, or the addition or replacement of the base or sub-grade.~~
- ED. ~~Any other change in use or development that could affect compliance with the standards set forth in this Ordinance.~~ Any parking lot or addition thereto.
- ~~2. Site Plan Not Required. Submission of a site plan shall not be required in the following circumstances.~~
- A. ~~Single and two-family residential dwelling units on individual lots and related accessory buildings.~~
- B. ~~Residential and agricultural accessory buildings.~~
- C. ~~Nonresidential accessory buildings less than 700 square feet in area.~~
- D. ~~Any change from one conforming use to another conforming use which does not require off-street parking in addition to that already provided. (Any change from a nonconforming use to a conforming use requires site plan review and approval, whether sufficient parking exists or not.)~~
- E. ~~Any building additions, exterior remodeling or exterior alteration which does not increase the existing area of the building by more than ten (10) percent and does not require off-street parking in addition to that already provided. This does not eliminate the requirement for architectural review of the plans by the Site Plan Review Committee.~~
- F. ~~Payments in Lieu of Parking in the Village Commercial District: The payment for parking space credits listed under Section 5.09 in lieu of providing off-street parking spaces shall not effect the requirement for site plan review and approval of additional off-street parking spaces if needed.~~

Some site plans may be eligible for administrative review and approval pursuant to Section 21.0607.

- ~~2. The Zoning Administrator shall not issue a certificate of zoning compliance or a building permit for construction of, addition to, any one of the above listed buildings or structures until a final site plan therefore has been approved and is in effect. Unless exempted from site plan review as set forth above, no person shall commence, change, or expand the use of a property or structure, nor shall the Zoning Administrator issue a certificate of occupancy for such use, until a final site plan has been approved and is in effect.~~
- ~~A. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this Article.~~

### **Section 21.03 PRE-APPLICATION MEETING**

- ~~A. An applicant may request a pre-application meeting with the City Zoning Administrator, City Planner, and City Engineer. During the pre-application meeting, a generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area, and impacts on and the availability of public infrastructure shall be discussed. City officials, including a member of the City Council and/or a member of the Planning Commission, may attend this informal meeting. At this meeting the applicant or their representative is also presented with the applicable procedures required by this Article for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for any variances.~~

### **Section 21.04 APPLICATION FOR PRELIMINARY SITE PLAN REVIEW**

- ~~A. The site plan approval process is a two (2) phase process. The process shall include a preliminary site plan and a final site plan unless otherwise requested and approved in conformance with Section 21.05.~~
- ~~B. An applicant may request a pre application meeting with the City Zoning Administrator and/or the Site Plan Review Committee per the pre-application meeting schedule, as appropriate. During the conceptual review phase, a generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. The meeting permits the applicant to obtain information regarding the most optimum location of~~

building(s), points of ingress and egress to the site and an indication of other improvement necessary for site plan submittal. At this stage, details of landscaping, site grading, drainage and utilities, etc. are not essential. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. No decisions are made at this level.

- A. **C. Application and Fee for Preliminary Site Plan Review.** An application for a preliminary site plan review shall be filed with the Zoning Administrator and include the number of copies specified on the application. An application for preliminary site plan review shall be accompanied by the required fees, as well as other data, exhibits, and information hereinafter required. ~~The detailed site plan presented for review and recommendation by the Planning Commission and consideration by the City Council shall contain all information required in this Ordinance. The following are the submittal requirements. Unless eligible for administrative review pursuant to section 21.06, applications for site plan review shall conform to the following:~~
- B. **Required Data for a Preliminary Site Plan.** An application for approval of a preliminary site plan shall provide the information required for a preliminary site plan as set forth in Section 21.08.
- C. **Staff/Consultant Review of Preliminary Site Plan.** The Zoning Administrator shall determine if the preliminary site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the preliminary site plan to the Planner and Engineer. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two weeks prior to the Planning Commission meeting where action is sought.
- The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.
- D. **Planning Commission Review of Preliminary Site Plan.** If complete, the Zoning Administrator shall transmit complete submittals of the application and preliminary site plan drawing(s), including Planner and Engineer reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a

recommendation on approval, disapproval, or approval with modifications to the City Council.

- E. City Council Approval of a Preliminary Site Plan.** After recommendation of the Planning Commission, the City Council may approve, deny, or may require changes in the preliminary site plan, and may attach conditions to its approval. If the preliminary site plan is approved, the City Council shall, within two weeks of the date of approval of the preliminary site plan, transmit a written certification of such approval by the applicant. If the City council denies the preliminary site plan or requires changes, the City Council shall advise the applicant in writing of its action and any required modifications to a preliminary site plan necessary to achieve conformance to the standards specified in this Ordinance.

The City Council may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the City from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion. The applicant must request, in writing, permission from City Council to authorize grading and foundation work, if not specifically permitted by City Council.

Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.04 (c)(2), herein.

- F. Variance Requests.** When the applicant intends to seek a variance from the Zoning Board of Appeals for the subject request, the applicant shall first receive tentative approval of the preliminary site plan from the City Council. Tentative approval of the preliminary site plan by the City Council shall be conditioned upon the granting of any necessary variances by the Zoning Board of Appeals.

- G. Effect of Approval.** Effect of Approval - Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.09 herein.

The City Council may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption

of the City from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion. The applicant must request, in writing, permission from City Council to authorize grading and foundation work, if not specifically permitted by City Council.

- H. **Expiration of Approval.** Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the City Zoning Administrator.

Phased Site Plans: If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three years from the date of approval of the previously approved final site plan. If such period is exceeded, the City Council may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the development schedule. In such case, the City Council may require that the site plan be revised to meet current ordinance requirements.

- I. **Extension of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.

1. ~~Planning Commission regular meetings are held the first Monday of the month. Site plans are due at the City Office by 4:00 p.m. on the first Monday of the month to be placed on the following months agenda.~~

2. ~~A completed application form and Environmental Permits Checklist as provided by the City, along with the required fee and deposit established by resolution of the City Council. The owner's signed consent is required on the application if the applicant is not the owner.~~

3. ~~Sixteen (16) sets of site plan drawings, folded to approximately 8 ½ x 11 inches, or as prescribed by the Zoning Administrator, which will be forwarded by the Zoning Administrator to the Fire Department, Department of Public Services, Planner, and Engineer for review, if applicable. Site plans shall be prepared, signed and sealed by the professional responsible for the work under Michigan law (architect, engineer, community planner, landscape architect, or land surveyor registered by the State of Michigan). All submitted sheets shall be sealed (with ink stamps or embossments). In addition, the title and index sheet of each drawing set and project manual shall be signed by the professional whose seal is applied to the documents.~~

4. Site plans shall always include an overall site plan for the entire development. Sheet size shall be at least 24" x 36". Site plans shall be drawn to a scale of not less than 1" = 20' for property less than three (3) acres, or to scale of not less than 1" = 100' for property of three (3) or more acres. One (1) set of 11"x 17" plans shall also be included with the submittal, along with color renderings of the building elevation, if applicable. Included on the site plan will be all of the following data as applicable, per this Article.

## **Section 21.05 FINAL SITE PLAN REVIEW**

**A. Application and Fee for Final Site Plan Review.** Following approval of the preliminary site plan, an application for final site plan review shall be filed with the Zoning Administrator, including the number of copies specified on the application of the proposed final site plan as well as other data, exhibits, and information hereinafter required. An application for final site plan review shall be accompanied by the required fees.

**B. Required Data for a Final Site Plan.** An application for approval of a final site plan shall provide the information required for a final site plan as set forth in Section 21.08.

**C. Staff/Consultant Review of Final Site Plan.** The Zoning Administrator shall determine if the final site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the final site plan to the Planner and Engineer. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

**D. Planning Commission Review of a Final Site Plan.** The Zoning Administrator shall transmit complete submittals and applicable consultant reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a recommendation on approval, disapproval, or approval with modifications to the City Council.

The Planning Commission shall include in its study of the site plan consultation with the Zoning Administrator, the Fire Chief, Planner, and Engineer, and other governmental officials and departments and public utility companies that might have an interest in or be affected by the proposed development.

**E. City Council Review of a Final Site Plan.** After recommendation of the Planning Commission, the City Council may approve, deny or may require changes in the final site plan, and may attach conditions to its approval. The City Council shall advise the applicant in writing of its action and any required modifications to a final site plan necessary to achieve conformance to the standards specified in this Ordinance. If the final site plan is rejected, the City Council shall notify the applicant in writing of such action and the reasons therefore based on the criteria set forth in Section 21.09 within two weeks following the action.

**F. Approval of a Final Site Plan.** Upon approval of a final site plan by the City Council, and resolution of any approval contingencies, the applicant, the owner(s) of record, or the legal representative thereof, and the Zoning Administrator shall each sign and stamp five copies of the approved final site plan. One (1) electronic CD copy of the approved site plan in PDF and/or DWG format shall also be provided for the City's records. The Zoning Administrator shall transmit two signed copies of the plan and any conditions attached to the approval to the applicant and City project file.

The approved site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance is agreed by the landowner and the City Council.

**G. Effect of Approval.** Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.

**H. Expiration of Approval.** Approval of a final site plan shall expire and be of no effect two years following the date of approval unless a Zoning Compliance Certificate has been issued and construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

**I. Extensions of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.

## **Section 21.06 COMBINING PRELIMINARY AND FINAL SITE PLANS**

An applicant may, at the applicant's discretion and risk, with approval of the Zoning Administrator, combine a preliminary and final site plan in an application for approval. The Zoning Administrator shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in his/her opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two or more phases.

## **SECTION 21.07 ADMINISTRATIVE REVIEW**

- A. **Authority.** The City Zoning Administrator shall have the authority to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator may seek the review and comments of applicable staff and/or consultants and reserve the right to refer the matter to the Planning Commission if desired.
- B. **Projects to be Reviewed Administratively.** Administrative review of a site plan may be conducted for the following projects or under the following circumstances.
1. Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.
  2. Expansion or reduction of an existing conforming structure or use of 1,000 square feet or less or five percent of the floor area of the structure, whichever is less, provided the site will not require any significant change to existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
  3. A change in use to a similar or less intense use provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
  4. Increase in parking or loading area of up to 25% or 6,000 square feet of pavement area without any building changes.
  5. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.
  6. Site improvements such as installation of walls fences, lighting, or landscaping consistent with the Ordinance standards.
  7. Temporary uses, sales, and seasonal events.

**C. Information Required.** At the direction of the Zoning Administrator, any information required in Section 21.04 of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:

1. Proprietors', applicants, and owner's names, addresses and telephone numbers.
2. Date (month, day, year), including revisions.
3. Title Block and Scale.
4. North arrow.
5. Proposed and existing structures, parking areas, etc. on the parcel, and within one hundred (100) feet of the parcel.
6. Floor plans and Elevations. Two or Three dimensional color renderings may be requested by the Zoning Administrator.

**D.** The Zoning Administrator shall consider the criteria set forth in Section 21.09 in the review of the site plans submitted under this Section.

## **SECTION 21.08 DATA REQUIRED FOR PRELIMINARY AND FINAL SITE PLANS.**

All plans shall be prepared by a professional engineer registered in the State of Michigan whose seal shall be affixed to the first sheet. All landscape plans shall be prepared by a Landscape Architect licensed in the State of Michigan whose seal has been affixed to the first sheet. Preliminary and final site plans shall include the information set forth in Table 21.08 A-1.

**Table 21.08 A-1. Preliminary Site Plan and Final Site Plan Submittal Requirements**

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<b><u>A. Application Form</u></b>		
<u>Name and address of the applicant and property owner</u>	<u>X</u>	<u>X</u>
<u>Address and common description of property and complete legal description</u>	<u>X</u>	<u>X</u>
<u>Dimensions of land and total acreage</u>	<u>X</u>	<u>X</u>
<u>Zoning on the site and all adjacent properties</u>	<u>X</u>	<u>X</u>
<u>Description of proposed project or use, type of building or</u>	<u>X</u>	<u>X</u>

**Site Plan Review *and Approval***

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>structures, and name of proposed development, if applicable</u>		
<u>Name and address of firm or individual who prepared the site plan</u>	<u>X</u>	<u>X</u>
<u>Proof of property ownership</u>	<u>X</u>	<u>X</u>
<b><u>B. Site and Zoning Data</u></b>		
<u>Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site</u>	<u>X</u>	<u>X</u>
<u>Proposed lot lines, lot dimensions, property lines setback dimensions, structures, and other improvements to the site and within 100 feet of the site.</u>	<u>X</u>	<u>X</u>
<u>All existing and proposed easements, including type</u>	<u>X</u>	<u>X</u>
<u>Zoning district of site and all adjacent properties</u>	<u>X</u>	<u>X</u>
<u>Land use of site and all adjacent property</u>	<u>X</u>	<u>X</u>
<u>Proposed use of site</u>	<u>X</u>	<u>X</u>
<u>Gross and net lot area in acres and square feet, net lot area excluding all existing road rights-of-way as well as that in proposed rights-of-way, required access easements and portions covered by wetlands, bodies of water (including streams, ponds, lakes), and 90% of the area of all existing drainage easements</u>	<u>X</u>	<u>X</u>
<u>Ground floor and total floor area to be constructed</u>	<u>X</u>	<u>X</u>
<u>Lot coverage (ground floor area divided by net lot area)</u>	<u>X</u>	<u>X</u>
<u>Impervious surface (total impervious area and percentage of impervious area to total net lot area)</u>	<u>X</u>	<u>X</u>
<u>Floor area ratio (total floor area divided by net lot area)</u>	<u>X</u>	<u>X</u>
<u>Number and type of dwelling units and density, for residential projects</u>	<u>X</u>	<u>X</u>
<u>Building height, in feet and number of floors</u>	<u>X</u>	<u>X</u>
<u>Required yards</u>	<u>X</u>	<u>X</u>
<b><u>C. Natural Features</u></b>		
<u>General location of existing plant materials, with identification of materials to be removed and materials to be preserved</u>	<u>X</u>	<u>X</u>
<u>Location, sizes, types, and condition of existing trees</u>	<u>X</u>	<u>X</u>
<u>Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a USGS benchmark</u>	<u>X</u>	<u>X</u>
<u>Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations</u>	<u>X</u>	<u>X</u>
<u>Wetlands delineated both in the field and on the plan. The existing area must be shown for each wetland. All impacted areas and</u>	<u>X</u>	<u>X</u>

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>mitigation areas shall be shown with calculations provided.</u>		
<u>Soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey or equivalent information.</u>	X	X
<u>Groundwater information on the site, with supporting evidence including, but not limited to site-specific soils information.</u>	X	X
<b><u>D. Access and Circulation</u></b>		
<u>Dimensions, curve radii, and centerlines of existing and proposed access points, roads, and road rights-of-way or access easements</u>		X
<u>Driveways and intersections within 250 feet of the site</u>		X
<u>Location of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways</u>	X	X
<u>Cross-section details of proposed roads, driveways, parking lots, sidewalks, and non-motorized paths illustrating materials and thickness</u>		X
<u>Dimensions of acceleration, deceleration, and passing lanes</u>		X
<u>Calculations for required number of parking and loading spaces, location, and layout</u>	X	X
<u>Dimensions of parking spaces, islands, circulation aisles, and loading zones</u>		X
<u>Fire protection plan</u>	X	X
<u>Traffic regulatory signs and pavement markings</u>		X
<b><u>E. Landscape Plans</u></b>		
<u>General landscape plan, including location and type of all proposed shrubs, trees, and other live plant material.</u>	X	X
<u>Existing live plant material to remain, and if material will be applied to landscaping requirements</u>	X	X
<u>Existing and proposed topography, by contours, correlated with the grading plan</u>	X	X
<u>Location of all proposed improvements, as shown on the site plan</u>	X	X
<u>Planting list for proposed landscape materials, with caliper size or height of material, root ball type, method of installation (planting/staking details), botanical and common names, spacing, and quantity</u>		X
<u>Irrigation system plan for watering and draining landscape areas</u>		X
<u>Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls, and tree wells.</u>		X

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>Proposed means of protecting existing plan material during construction</u>		X
<u>Proposed dates of installation</u>		X
<u>Landscape maintenance schedule</u>		X
<b><u>F. Building, Structure, ad Miscellaneous Site Information</u></b>		
<u>Location, height, and outside dimensions of all proposed buildings and structures</u>	X	X
<u>Building floor plans and total floor area</u>		X
<u>Details on accessory structures and any screening</u>		X
<u>Location, size, height, and lighting of all proposed site and wall signs</u>		X
<u>Building façade elevations for all sites, drawn at an appropriate scale</u>		X
<u>Description of exterior building materials and colors (samples may be required)</u>		X
<u>Location of exterior lighting (site and building lighting)</u>		X
<u>Lighting details, including size, height, initial lumen rating, type of lamp, method of shielding, type of lens, and depiction of lighting pattern for all site and building lighting</u>		X
<u>Lighting photometric grid overlaid on proposed site plan showing light intensity (in foot-candles) on site and 10 feet beyond parcel lines</u>		X
<u>Location of trash receptacle(s) and transformer pad(s) and method of screening</u>		X
<u>Location of any outdoor sales or display area</u>	X	X
<b><u>G. Information Concerning Utilities, Drainage, and Related Issues</u></b>		
<u>Location of existing and proposed sanitary sewer systems</u>	X	X
<u>Size of existing and proposed sanitary sewer systems</u>		X
<u>Location of existing and proposed water mains, water service, and fire hydrants</u>	X	X
<u>Size of existing and proposed water mains, water service, and fire hydrants</u>		X
<u>Site grading, drainage patterns, and other stormwater management measures</u>	X	X
<u>Stormwater drainage and retention/detention calculations</u>	X	X
<u>Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls</u>		X

**Site Plan Review ~~and Approval~~**

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>Location of storm sewers and drains</u>	X	X
<u>Size of storm sewers and drains</u>		X
<u>Location of above and below ground gas, electric, and telephone lines, existing and proposed</u>	X	X
<u>Location of transformers and utility boxes</u>		X
<u>Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable</u>		X
<b><u>H. Additional Information Required for Multiple-Family Residential Development</u></b>		
<u>The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)</u>	X	X
<u>Density calculations by type of residential unit (dwelling units per acre)</u>	X	X
<u>Garage and/or carport locations and details, if proposed</u>		X
<u>Mailbox clusters</u>		X
<u>Location, dimensions, floor plans, and elevations of common building(s) (e.g. recreation, laundry, etc.), if applicable</u>		X
<u>Swimming pool fencing detail, including height and type of fence, if applicable</u>		X
<u>Location and size of recreation and open space areas</u>		X
<u>Indication of type of recreation facilities proposed for recreation area</u>		X
<b><u>I. Additional Study (as required by the Zoning Administrator)</u></b>		
<u>Traffic Study</u>	<u>As required by Zoning Administrator</u>	
<u>Environmental Assessment</u>	<u>As required by Zoning Administrator</u>	
<u>Noise</u>	<u>As required by Zoning Administrator</u>	
<u>Additional Study as required by the Zoning Administrator</u>	<u>As required by Zoning Administrator</u>	

NOTE: If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.

## **Section 21.03-09 CRITERIA ~~OF~~ FOR SITE PLAN REVIEW**

**A. Standards.** The Planning Commission (and City Council) shall review the site plan to ensure that it complies with all of the criteria below:

A. The proposed use will be harmonious to the surrounding neighborhood.

- B. The location of buildings, outside storage receptacles, parking areas, lighting, fences or obscuring walls, and utility areas will minimize adverse effects of the proposed use for the occupants of that property and the tenants, owners, and occupants of surrounding properties.
- C. There is a proper relationship between roadways and proposed service drives, driveways, and parking areas to encourage the safety and convenience of pedestrian and vehicular traffic. The site plan includes the minimum number of driveways required to provide reasonable access. Driveways are spaced as far apart from intersections and other driveways as practical to reduce accident and congestion potential. Sharing driveways and parking with adjacent uses is encouraged.
- D. The site plan provides for proper development of roads, easements, and public utilities and protects the general health, safety, and welfare of the City and its residents.
- E. Building architecture, materials, roof line, colors, windows and similar elements shall be consistent with buildings in the immediate neighborhood area, ~~as determined by the Planning Commission (or City Council for Special Land Uses). In the case of commercial buildings, building floor plans, elevations and proposed materials shall be submitted with the Final Site Plan.~~ 3Three-dimensional color renderings or 2two-dimensional color elevations may be requested by the Planning Commission at any point in the review process. The Zoning Administrator may request material samples for verification in the field during construction. The intent of this standard is to provide a harmonious, unified community to help create a sense of place and contribute to the image and quality of life in the City. ~~Elevations, Floor plans, and materials to be used must be provided for the Planning Commissions review. The requested renderings may be presented at the Site Plan Review meeting or provided in advance when sets are submitted to the Zoning Administrator.~~
- F. The proposed site plan complies with all City codes and ordinances. ~~Site plans for Mobile Home Park Districts shall comply with the preliminary plan requirements established in the Michigan Mobile Home Commission Acts.~~
- G. The project and related improvements shall be designed to include the conservation and protection of existing natural resources and features, such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees and wooded areas, and to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.

H. Storm water detention, retention, transport, and drainage facilities shall be designed to conserve and enhance the natural storm water system on site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform ~~with~~<sup>to</sup> the requirements of the ~~county drain commissioner~~<sup>Washtenaw County Water Resource Commissioner</sup>. Deviations from the ~~Washtenaw County Drain Commissioner~~<sup>Water Resource Commissioner</sup> standards may be permitted upon review and approval by the City Engineer.

I. The proposed development will not cause soil erosion or sedimentation problems.

J. The plan meets the standards of other governmental agencies, where applicable, and the approval of these agencies has been obtained or is assured.

~~I. General-purpose floor drains shall be connected to public sewer system or an on-site holding tank (not a septic tank) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from Michigan Department of Environmental Quality. General-purpose floor drains, which discharge to groundwater, are prohibited.~~

~~J. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.~~

~~K. Secondary containment facilities shall be provided for above ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with the state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains or other means, directly or indirectly, into a sewer system or into the waters of the state (including groundwater).~~

~~L. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.~~

~~M. Out of service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.~~

- ~~N. Aboveground storage tanks shall be certified, installed, operated, maintained, closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.~~
- ~~O. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture. Low phosphorus fertilizers are encouraged.~~
- ~~P. Abandoned water wells (wells no longer in use or in disrepair), abandoned monitoring wells, cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the County or District Health Department.~~
- ~~Q. State and Federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water shall be allowed without approval from state, county and local agencies.~~

## ~~Section 21.04 APPLICATION FOR SITE PLAN REVIEW~~

- ~~A. The site plan approval process is a two (2) phase process. The process shall include a preliminary site plan and a final site plan unless otherwise requested and approved in conformance with Section 21.05.~~
- ~~B. An applicant may request a pre application meeting with the City Zoning Administrator and/or the Site Plan Review Committee per the pre application meeting schedule, as appropriate. During the conceptual review phase, a generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. The meeting permits the applicant to obtain information regarding the most optimum location of building(s), points of ingress and egress to the site and an indication of other improvement necessary for site plan submittal. At this stage, details of landscaping, site grading, drainage and utilities, etc. are not essential. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. No decisions are made at this level.~~
- ~~C. The detailed site plan presented for review and recommendation by the Planning Commission and consideration by the City Council shall contain all information required in this Ordinance. The following are the submittal requirements. Unless eligible for administrative review pursuant to section 21.06, applications for site plan review shall conform to the following:~~

- ~~1. Planning Commission regular meetings are hold the first Monday of the month. Site plans are due at the City Office by 4:00 p.m. on the first Monday of the month to be placed on the following months agenda.~~
- ~~2. A completed application form and Environmental Permits Checklist as provided by the City, along with the required fee and deposit established by resolution of the City Council. The owner's signed consent is required on the application if the applicant is not the owner.~~
- ~~3. Sixteen (16) sets of site plan drawings, folded to approximately 8 ½ x 11 inches, or as prescribed by the Zoning Administrator, which will be forwarded by the Zoning Administrator to the Fire Department, Department of Public Services, Planner, and Engineer for review, if applicable. Site plans shall be prepared, signed and sealed by the professional responsible for the work under Michigan law (architect, engineer, community planner, landscape architect, or land surveyor registered by the State of Michigan). All submitted sheets shall be sealed (with ink stamps or embossments). In addition, the title and index sheet of each drawing set and project manual shall be signed by the professional whose seal is applied to the documents.~~
- ~~4. Site plans shall always include an overall site plan for the entire development. Sheet size shall be at least 24" x 36". Site plans shall be drawn to a scale of not less than 1" = 20' for property less than three (3) acres, or to scale of not less than 1" = 100' for property of three (3) or more acres. One (1) set of 11" x 17" plans shall also be included with the submittal, along with color renderings of the building elevation, if applicable. Included on the site plan will be all of the following data as applicable, per this Article.~~

#### ~~D. Preliminary site plan.~~

- ~~1. Information Required – Each preliminary site plan submitted for review shall provide the following information:
 
  - ~~a. Location map, address and legal description of the property, dimensions and area of the site;~~
  - ~~b. A scaled black and white elevation drawing of all sides of the building and sixteen (16) sets of 11" x 17" color elevations of all sides of the building depicting the color and character of all materials.~~
  - ~~c. Topography and site soil classifications;~~~~

- ~~d. Name, address, phone number of the property owner and the applicant;~~
- ~~e. Title block, scale, north arrow, and date of plan;~~
- ~~f. Dimensional Requirements; The following should be taken into account when designing a site layout: scale and design compatibility, circulation of light and air, provision of adequate access to and around buildings for fire and police protection services, establishment of pleasant vistas, and arrangements conducive to enhancing the environmental quality of the site when developed minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
  - ~~(1) Location and exterior dimensions of proposed buildings/structures; outline; floor area; distances between buildings/structures; height in feet and stories; finished floor elevations and number and type of dwelling units (where applicable).~~
  - ~~(2) Location and general alignment of all proposed streets and drives; right-of-way where applicable; surface area, width dimension; location and typical details of curbs; acceleration, deceleration, passing and turning lanes, and approaches, with details (where applicable); location and width of all entries and exits and curve radii. Except for large parking lots, driveways shall be limited to one (1) per development.~~
  - ~~(3) Proposed parking location and lot dimensions, space and aisle dimensions, angles of spaces, surface type and total number of spaces. Proposed Landbanked parking spaces should also be noted on the plan pursuant to section 5.~~~~
- ~~g. Location and size of open areas and recreation areas, if applicable; percentage of open areas or recreational areas if applicable.~~
- ~~h. Existing zoning classification of property, delineation of required and proposed district regulations, dwelling unit schedule, density of development, FAR and lot area per dwelling unit for residential projects, lot coverage (percent), location and size of required buffers, if applicable;~~
- ~~i. Area of intended filling and/or cutting, outline of existing buildings/structures and drives, existing natural and man-made features to be retained or removed.~~

- ~~j. Location, width, and surface of proposed sidewalks and pedestrian ways.~~
- ~~k. Existing building, structures and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts and a clear indication of all improvements to remain and to be removed.~~
- ~~l. Adjacent land uses and zoning, location of adjacent buildings, drives and streets;~~
- ~~m. location and area of development phases, building program for each phase, projected schedule of development by phase;~~
- ~~n. Location and width of all existing and proposed easements on the site;~~
- ~~o. General location and size of proposed water, sanitary sewer, and storm drainage systems; and location of overhead wire and poles; location of hydrants; and~~
- ~~p. All adjacent property owned or controlled by the applicant or owner of the subject property.~~
- ~~q. existing topographic elevations at two (2) foot contour intervals. Indicate the direction of drainage flow.~~
- ~~r. Location and elevations of existing water courses and water bodies, including county drains and surface drainage ways, floodplains and wetlands.~~
- ~~s. Proposed storm water management plan including design of sewers, swales, outlets, and retention or detention ponds. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of the feasibility of storm water detention and/or retention as well as the impact on local surface and groundwater.~~
- ~~t. Location and status of any floor drains discharging to grade or anywhere other than public sanitary or septic systems shall be specified on the site plan.~~
- ~~u. Description and location of any existing or proposed outdoor storage facility (above ground and below ground storage).~~

- ~~v. Description and location of on-site wastewater treatment and disposal systems.~~
- ~~w. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.~~
- ~~x. Size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous waste, and/or polluting materials.~~
- ~~y. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup or closure.~~
- ~~z. Inventory of hazardous substances to be stored, used, or generated on-site, presented in a format acceptable to the local fire marshal.~~
- ~~aa. Completion of the state and county environmental permits checklist using the form provided.~~
- ~~2. Standards for Review – In reviewing a preliminary site plan the Planning Commission shall consider the following standards:~~
  - ~~a. That all required information has been provided;~~
  - ~~b. That the proposed development conforms to all regulations of the zoning district in which it is located;~~
  - ~~c. That the applicant may legally apply for site plan review;~~
  - ~~d. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient;~~
  - ~~e. That the proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area;~~
  - ~~f. That natural resources will be preserved to a maximum feasible extent;~~

- ~~g. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required;~~
  - ~~h. That organic, wet, or other soils, which are not suitable for development, will be undisturbed or will be modified in an acceptable manner;~~
  - ~~i. That the proposed development properly respects floodway and flood plains on or in the vicinity of the subject property; and~~
  - ~~j. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.~~
- ~~3. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting where action is sought.~~
- ~~4. The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.~~
- ~~5. Planning Commission and City Council Action – If a completed application and site plan are received, the Planning Commission shall study the plan and shall, recommend approval, disapproval or approval with modification of the preliminary site plan.~~
- ~~After recommendation of the Planning Commission, the City Council may approve, disapprove or may require changes in the plan, and may attach conditions to its approval. The City Council shall advise the applicant in writing of its actions on a preliminary site plan.~~
- ~~6. Effect of Approval – Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.04 (c)(2), herein.~~

~~The City Council may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and~~

~~foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the City from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion. The applicant must request, in writing, permission from City Council to authorize grading and foundation work, if not specifically permitted by City Council.~~

- ~~7. Expiration of Approval - Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the City Zoning Administrator. The City Council shall, within two (2) weeks of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. Phased Site Plans: If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three (3) years from the date of approval of the previously approved final site plan. If such period is exceeded, the City Council may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the development schedule. In such case, the City Council may require that the site plan be revised to meet current ordinance requirements.~~
- ~~8. Extensions of Time Limits: Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.~~

#### ~~E. Final Site Plan~~

- ~~1. Application - Following approval of a preliminary site plan, the applicant shall provide required copies of a final site plan, the review fee, and a completed application form with the Zoning Administrator. The Zoning Administrator, upon receipt of the application, shall transmit the final site plan drawing(s) to the Planning Commission prior to its next regular meeting. City consultants require two (2) weeks for issuance of a review letter.~~
- ~~2. Information Required - Each Final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:~~

- ~~a. The site plan shall be presented on more than one (1) drawing, for the purposes of clarity.~~
- ~~b. Title block, scale, north arrow, name and date of plan; date of revisions thereto.~~
- ~~c. Name and address of property owner and applicant; interest of applicant in property; name and address of developer.~~
- ~~d. Name and address of designer. Site plans shall be prepared, signed and sealed by the professional responsible for the work under Michigan law (architect, engineer, community planner, landscape architect, or land surveyor registered by the State of Michigan). All submitted sheets shall be sealed (with ink stamps or embossments). In addition, the title and index sheet of each drawing set and project manual shall be signed by the professional whose seal is applied to the documents.~~
- ~~e. A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearing shall be indicated on the plan. Lot line dimensions and angles or bearing shall be based upon a boundary survey prepared by a contract land surveyor or registered surveyor and shall correlate with the legal description. Lot iron locations shall be identified.~~
- ~~f. Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. All trees eight (8) inch diameter or larger shall be accurately located on the final site plan. Label each tree as to either preserved or removed and include a tree replacement plan in accordance with section 6.14.~~
- ~~g. General description of deed restrictions, if any, and covenants and/or development agreement, and association by-laws shall be submitted for review per Section 21.14.~~
- ~~h. Owner, use and zoning classification of adjacent impacts; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.~~
- ~~i. Existing public utilities on or serving the property - location and size of water lines and hydrants it shall be noted on the plan that all hydrants shall have Storz connections; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and~~

~~catch basins (proper casting shall be noted on plan), location and size of wells, septic tanks and drain fields.~~

- ~~j. Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations at intersections with streets and drives of the proposed development. Federal, State, County or Locally required right-of-way signs shall be noted on the plan. Fire Lanes and Fire Lane signage shall be noted on the plan.~~
- ~~k. Zoning classification of the subject property; location of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size and type of dwelling units. In the case of commercial buildings, dimensioned building floor plans, a scaled black and white elevation drawing of all sides of the building and sixteen sets of 11" x 17" color elevations of all sides of the building depicting the color and character of materials. 3-dimensional color renderings may be requested by the Planning Commission. The Zoning Administrator may request material samples for verification in the field during construction.~~
- ~~l. Grading plan, showing finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.~~
- ~~m. Location and exterior dimensions of proposed buildings/structures, with the location to be referenced to property lines or to a common base point; distances between buildings/structures; height in feet and stories; finished floor elevations and contact grade elevations.~~
- ~~n. Location and alignment of all proposed streets and drives; right-of-way where applicable; surface type and width, and typical cross-section of same showing surface, base, and sub-surface materials and dimensions; location and typical depth of curbs; acceleration, deceleration, turning and passing lanes and approaches, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve radii.~~
- ~~e. Location and dimensions of proposed parking lots; number of spaces in each lot; proposed landbanked parking spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-surface materials; angles of spaces.~~

- ~~p. Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.~~
- ~~q. Locations, width, and surface of proposed bike paths, sidewalks and pedestrian ways.~~
- ~~r. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.~~
- ~~s. Locations of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions. Location of proposed transformers and method of screening. Location of proposed roof top units and method of screening.~~
- ~~t. Location, type, size, area, and height of proposed signs, if applicable at the time of submittal. If signage details are not known at time of application a note shall be added to the plan indicating conformance with the City's current sign regulations listed in the Zoning Ordinance.~~
- ~~u. Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of swales, detention and retention basins and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes, retaining walls; shall be submitted to and approved by the City Engineer prior to Planning Commission approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Washtenaw County Health Department shall be submitted to the Planning Commission Secretary prior to Planning Commission approval of the final site plan. Detention and retention basin maintenance schedules shall be included on the final site plan.~~
- ~~Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction and shall to the minimum extent~~

- ~~feasible, utilize non structural control techniques, including but not limited to: limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, grass, vegetated, or rock-lined swales; use of infiltration devices, including but not limited to rain gardens, native landscaping, and bio-retention swales.~~
- ~~v. Landscape plan showing location, size, species and diversity of plant materials.~~
  - ~~w. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.~~
  - ~~x. Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties; where applicable, retaining walls over 18 inches require engineering review.~~
  - ~~y. Location, type, fixture detail, direction, height and photometric of outside lighting and/or decorative street lighting shall be shown on the plan. For decorative street lights within the public right-of-way a separate plan and CAD drawing must be submitted for review for conformance with the City's Detroit Edison (DTE) Community Lighting Program.~~
  - ~~z. Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted.~~
- ~~3. Standards for Review - In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following standards;~~
- ~~a. That the final site plan conforms to the preliminary site plan as approved by the City Council;~~
  - ~~b. That the plan meets all applicable standards in Section 21.04D(2) herein;~~
  - ~~c. That the plan meets the specifications of Dexter City for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been reviewed by the City Planner, City Fire Chief and the City Engineer;~~

- ~~d. That the proposed development will not cause soil erosion or sedimentation problems;~~
  - ~~e. That the drainage plan for the proposed development is adequate to accommodate anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area; that the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity;~~
  - ~~f. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets;~~
  - ~~g. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties;~~
  - ~~h. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties;~~
  - ~~i. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets;~~
  - ~~j. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured; and~~
  - ~~k. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.~~
  - ~~l. That the plan meets all other requirements /standards established by the City of Dexter.~~
- ~~4. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting where action is sought.~~
- ~~5. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.~~

- ~~6. Planning Commission and City Council Action – The Planning Commission shall study the final site plan and shall, if the submitted application is complete, recommend approval or disapproval of the final site plan to the City Council. After receiving a recommendation from the Commission the City Council may approve, disapprove or require changes in the plan or may attach reasonable conditions to its approval.~~

~~The Planning Commission shall include in its study of the site plan consultation with the City Zoning Administrator, the City Fire Chief, City Planner and the City Engineer, and other governmental officials and departments and public utility companies that might have an interest in or be affected by the proposed development.~~

~~Upon City Council approval of a final site plan, and resolution of any approval contingencies, the applicant, the owner(s) of record, or the legal representative thereof, and the Zoning Administrator shall each sign and stamp five (5) copies of the approved final site plan. One (1) electronic CD copy of the approved site plan in PDF and/or DWG format shall also be provided for the City's records. The Zoning Administrator shall transmit two (2) signed copies of the plan and any conditions attached to the approval to the applicant and City project file. If the final site plan is rejected, the City Council shall notify the applicant in writing of such action and the reasons therefore within two (2) weeks following the action.~~

- ~~7. Effect of Approval – Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.~~
- ~~8. Expiration of Approval – Approval of a final site plan shall expire and be of no effect 2 years (730 days) following the date of approval unless a Zoning Compliance application has been issued and construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.~~
- ~~9. Extensions of Time Limits: Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.~~

## **Section 21.05 COMBINING PRELIMINARY AND FINAL SITE PLANS**

~~An applicant may, at the applicant's discretion and risk, with approval of the Zoning Administrator, combine a preliminary and final site plan in an application for approval. The Zoning Administrator shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in his/her opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.~~

## **SECTION 21.06 ADMINISTRATIVE REVIEW**

~~The City Zoning Administrator may review a site plan without submission to the Planning Commission, subject to all of the criteria, requirements and standards as followings:~~

- ~~A. The Zoning Administrator may review and consider for approval, conditional approval or denial of site plans without submission to the Planning Commission in the following cases:~~
- ~~1. Expansion or reduction of an existing conforming structure or use of one thousand (1,000) square feet or less.~~
  - ~~2. Changes of use within an existing building. The use change must be a permitted use within the subject zoning district and will be subject to all other applicable zoning provisions, i.e. parking, landscaping, dumpsters, etc.~~
  - ~~3. Provision for additional parking, loading/unloading spaces and landscape improvements as required by Ordinance.~~
- ~~B. The Zoning Administrator is authorized to employ the City Planner, City Engineer or other experts to assist in the review of site plans submitted under this section.~~
- ~~C. At the direction of the Zoning Administrator, any information required in Section 21.04 of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:~~
- ~~1. Proprietors', applicants, and owner's names, addresses and telephone numbers.~~
  - ~~2. Date (month, day, year), including revisions.~~
  - ~~3. Title Block and Scale.~~
  - ~~4. North arrow.~~

- ~~5. Proposed and existing structures, parking areas, etc. on the parcel, and within one hundred (100) feet of the parcel.~~
- ~~6. Floor plans and Elevations. Two or Three dimensional color renderings may be requested by the Zoning Administrator.~~
- ~~D. The Zoning Administrator shall consider the criteria set forth in Section 21.03 in the review of the site plans submitted under this Section.~~

## **Section 21.10 FINAL SITE PLAN AND ENGINEERING**

- A. No certificates of zoning compliance or building permits shall be issued until all required site plans and engineering plans have been approved and all applicable construction permits are in effect.
- B. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, and construction permits are issued, except as otherwise provided in this Ordinance.

## **Section 21.~~07~~11 MODIFICATION OF PLAN DURING CONSTRUCTION**

All site improvements shall conform to the approved final site plan, including engineering drawings approved by the City Engineer. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant's risk, without any assurances that the City Council will approve the changes.

It shall be the responsibility of the applicant to notify in writing the Zoning Administrator, and the City Council of any changes. The Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan, approve the proposed modification or require the applicant to make the modification request to the City Council.

## **Section 21.~~08~~12 AS-BUILT DRAWINGS**

- A. The applicant shall provide as-built drawings and a project engineer's certificate of all sanitary sewer, water, and storm-sewer lines and all appurtenances, which were installed on a site for which a final site plan was approved. As-built drawing requirements are available in the City's current engineering standards. The drawings shall be submitted to the City Zoning Administrator, and shall be approved by the City Engineer prior to the release of any performance guarantee or part thereof covering such installation. An as-built performance deposit is required to ensure the completion of the as-built drawings.

- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location of any type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.
- D. Upon acceptance of the as-built drawings the applicant shall submit the required information for the dedication of public infrastructure, if applicable.

### **Section 21.09-13 - PHASING OF DEVELOPMENT**

The applicant may divide the proposed development into two or more phases. In such case the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase. A construction timeline must be submitted for phased development. The City Council may impose restrictions on the approval of subsequent plans and phases due to lack of permit activity for a period of more than one ~~(1)~~ year. Prior to the approval of subsequent phases the City Council may require that incomplete site work, such as but not limited to incomplete sidewalks, roads or other site amenities that affect the quality of life for residents, be completed.

### **Section 21.10-14 - INSPECTION**

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements, such as utilities sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall deposit with the City, to be held by the City in escrow, an amount deemed reasonable by the Zoning Administrator and/or City Engineer to pay for anticipated inspections. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the City Fire Chief, and Engineer, where applicable. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the City Council and the Planning Commission in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the City Council and the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the City Council and the Planning

Commission of progress toward compliance with the approved final site plan and when compliance is achieved.

### **Section 21.~~11~~15 PERFORMANCE GUARANTEES**

- A. Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the City. The guarantee shall be provided after a final site plan and/or zoning compliance certificate is approved, but prior to issuance of a certificate of final zoning compliance, or as determined by the Zoning Administrator, for any improvements covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate ~~of~~ final zoning compliance. Site improvements shall include but not be limited to: streets and drives, parking lots, sidewalks, street signage, grading, required landscaping, required screens, storm drainage, exterior lighting, trash enclosures, utilities and any other information shown on the approved final site plan.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C. If the applicant shall fail to provide any site improvement according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed. The City Council may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and City Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to sign a certificate of final zoning compliance in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of final zoning compliance shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

### **Section 21.~~12~~16 - FEES**

Fees for the application and review of site plans and inspections as required by this Article shall be established and may be amended by resolution of the City Council.

## **Section 21.13-17 - VIOLATIONS**

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the City Council agrees to such changes as provided in this Article. Any violation of the provisions of this Article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.

## **Section 21.14-18 PROPERTY MAINTENANCE AFTER APPROVAL**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. A storm water management maintenance schedule shall be part of the master deed. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities, which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

Prior to the transitional control date, the developer shall not amend the Master Deed without approval from the Planning Commission.

## **Section 21.19 DEVELOPMENT AGREEMENTS**

The City Council may as a condition of final site plan approval, require the proprietor and/or developer to enter into a Development Agreement with the City. Such agreement shall set forth and define the responsibilities of the proprietor and the City, as set forth in Section 22.13.

## **Article XXII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 22.01 - PURPOSE**

It is the purpose of this article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of provisions of this Ordinance and amendments thereto.

#### **Section 22.02 - ADMINISTRATION**

The provisions of this Ordinance shall be administered by the Zoning Administrator, or their designee, to enforce the provisions of this Ordinance. The Zoning Administrator shall be appointed by the City Council. When the position of Zoning Administrator is vacant the City Manager shall act as Zoning Administrator until such time a Zoning Administrator is appointed by the City Council.

#### **Section 22.03 - DUTIES AND POWERS OF THE ZONING ADMINISTRATOR**

The Zoning Administrator shall have the following duties and powers.

- A. The Zoning Administrator shall interpret all provisions of this Ordinance.
- B. The Zoning Administrator shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with said provisions.
- C. The Zoning Administrator shall receive applications for and issue certificates of zoning compliance in accordance with this Ordinance and shall sign certificates of occupancy as required herein.
- D. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the City Fire Chief, and Engineer as deemed necessary, in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections subject to the approval of the City Council.
- E. The Zoning Administrator shall identify and process violations of this Ordinance. The Zoning Administrator shall be responsible for making periodic inspection of the city or parts thereof for the purpose of finding violations of this Ordinance.
- F. The Zoning Administrator shall keep official record of applications received, certificates issued, fees collected, reports of inspections, and notices and orders

issued.

- G. The Zoning Administrator shall submit to the City Council a quarterly report in which a summary of the activities of the office is presented.

## Section 22.04 - CERTIFICATE OF ZONING COMPLIANCE

A. **Purpose.** The certificate of zoning compliance signifies that, in the opinion of the Zoning Administrator, the intended use, building or structure complies with all provisions of this Ordinance. No building permit shall be issued unless certificates of zoning compliance have been issued. It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure, or to extend any use on any lot on which there is a non-conforming use or structure, until a certificate of zoning compliance has been issued. No occupancy permit shall be issued for any lot, building, or structure that does not have a certificate of zoning compliance.

B. **Requirements.**

~~A.~~

1. Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a description of the proposed use, specifications including a dimensional plot plan or site plan as required in Section 21.04 herein, or any other information requested by the Zoning Administrator necessary to determine zoning compliance. The Zoning Administrator may waive information requirements that do not affect compliance with the Ordinance. The Zoning Administrator shall retain the original documents in accordance with the City's document retention policy.
2. A certificate of zoning compliance shall be issued for a use or structure and the lot on which situated in which one or more legal non-conformities exist. In such case, the certificate of zoning compliance shall clearly list each legal non-conformity. A certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal non-conformity exists thereon.
3. Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee,

applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

4. Subject to the limitations of this section, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the zoning compliance is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

C. ~~C.~~ **Issuance of a Certificate.** The Zoning Administrator shall examine or cause to be examined all applications and required supplemental materials for a certificate of zoning compliance and amendments thereto within seven days after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing and state the reasons therefor. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance as soon as possible. The Zoning Administrator shall attach his/her signature to every certificate, or may authorize a subordinate to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such applications as "Approved."

D. **Voiding of a Certificate.** An application for a certificate of zoning compliance shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding 90 days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after time of commencing the work.

The Zoning Administrator may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.

## **Section 22.05 - BUILDING PERMITS**

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Zoning Administrator.

## Section 22.06 - CERTIFICATES OF OCCUPANCY

- A. **General Requirement.** It shall be unlawful to use or occupy or to permit the use or final zoning compliance of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of final zoning compliance has been issued t by the Zoning Administrator. A certificate of final zoning compliance shall not be approved until it has been signed by the Zoning Administrator, signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall state the building, structure, lot, and use thereof, conform to the requirements of this ordinance, and shall list each legal non-conformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 22.09, herein.
- B. **Change in Use.** A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- C. **Existing Structure and Use.** A certificate of occupancy shall be issued upon the request of the owner for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if, after inspection of premises, it is found that such structures or uses comply with all provisions of this Ordinance, or otherwise have legal non-conforming status. All legal non-conformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal non-conformities exist.
- D. **Accessory Structures.** An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- E. **Application.** Application for certificates of occupancy shall be made in writing to the Zoning Administrator on forms therefore furnished.
- F. **Certificate to Include Zoning.** Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.
- G. **Temporary Certificates.** Where permitted under the County Building Code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the Zoning Administrator.

## **Section 22.07 RECORDS**

The Zoning Administrator shall maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

## **Section 22.08 NOTICES**

Except as otherwise provided below, notices of hearings regarding zoning amendments, special land uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act as follows:

**A. Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the City ~~At least~~ not less than 15 days before the hearing.

**B. Notice Requirements.** At least 15 days before the hearing, notices shall be mailed or hand-delivered to the following:

1. The applicant and the owner(s) of the property, if the applicant is not the owner.
2. All persons to whom real property is assessed within 300 feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the ~~owner and~~ property is located within the City.
3. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City, except as set forth in Section 22.08 B.4.
4. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
5. The notice under Section 22.08 is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

**C. Exemption.** Actions exempt from notification:

1. Requirements for individual notice to property owners shall not apply to

Ordinance text amendments.

2. Requirement for individual as set forth in Section 3.05.B. does not apply to any group of adjacent properties numbering 11 or more that are proposed for rezoning.

**D. Content of Notice.** The notices shall:

1. Describe the nature of the request.
2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel ID numbers within the property. If there are not street addresses, other means of identification (including illustrations) may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

## **Section 22.09 FEES**

The City Council shall establish a schedule of fees, by resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the Office of the Zoning Administrator and may be altered or amended only by the City Council. No permit, certificate, space land use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until charges and fees have been paid in full.

## **Section 22.10 COMPLIANCE WITH PLANS AND APPLICATIONS**

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 22.10, herein.

## **Section 22.11 VIOLATIONS**

- A. A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal Civil Infraction Ordinance of the City of Dexter (Section 22-9). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor prevent the Township from seeking injunctive relief or any other remedy available

under the law. It shall be the responsibility of the Zoning Administrator to initiate the procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:

1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation. Or,
2. Issue a "Stop Work Order" if any one of the following apply:
  - a. A zoning permit has not been issued.
  - b. Work in progress does not comply with the plan of the zoning permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A copy of the order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her re-inspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

- B. If work continues after posting of the stop work order or the noted violation has not been rectified within the time period afforded, the Zoning Administrator is authorized to issue a Municipal Civil Infraction violation notice per Section 22-9 of the City of Dexter General Code. Any person who violates any provision of this section shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Section 22-9 of the City of Dexter General Code.
- C. **Public Nuisance Per Se.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## Section 22.11-12 PERFORMANCE GUARANTEE

- A. A performance guarantee shall be provided by the applicant to the City. The guarantee shall be provided after a final site plan and/or zoning compliance certificate is approved, but prior to issuance of a certificate of final zoning compliance, or as determined by the Zoning Administrator, for any improvements to be covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of final zoning compliance. Site improvements shall include but not be limited to: streets, and drives, parking lots, sidewalks, street signage, grading, required landscaping, required screens storm drainage, exterior lighting, trash enclosures, utilities and any other information shown on the approved final site plan.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to the amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C. If the applicant shall fail to provide any site improvement according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed. The City Council may reimburse itself for the cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and the City Zoning Administrator shall decide at the time of the deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to ~~sign~~ sign a certificate of final zoning compliance in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of final zoning compliance shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

## Section 22.12-13 DEVELOPMENT AGREEMENTS

- A. **Development Agreement Requirement.** ~~Prior to~~ Following the approval of a ~~site plan, special land use,~~ planned unit development, or conditional rezoning, an applicant shall execute a development agreement, in a form approved by the City, specifying all the terms and understandings relative to the proposed development. Development agreements following the approval of site plans or special land uses shall be at the City's discretion. All costs incurred by the City, including attorney

fees, in drafting and approving the development agreement shall be paid by the applicant.

**B. Minimum Terms.** The content of the agreement shall outline the specifics of the proposed development, but shall at a minimum provide the following terms:

1.        A survey of the acreage involved in the proposed development.
2.        A description of the ownership of the subject property.
3.        A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
4.        Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas.
5.        Description of required improvements to common areas, recreational facilities, and non-motorized pathways.
6.        General description of any improvements to roads or utilities.
7.        Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.
8.        Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
9.        Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the City.
10.        Provisions to ensure adequate protection of natural features.
11.        Financial assurances in accordance with Section 22.11 Performance Guarantee, to guarantee the completion of all site improvements.
12.        Requirements that the applicant maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and required insurance provisions after the development is completed.
13.        The site plan, special land use, planned unit development, or conditional rezoning shall be incorporated by reference and attached as an exhibit.

14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.
15. An acknowledgement by the applicant that the terms and conditions of he approval are fair, reasonable, and equitable, and that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each condition and provision of the development agreement.

## Article IV

### NON-CONFORMITIES

#### Section 4.01 INTENT

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such legal non-conforming lots, structures, or uses to continue until they are removed, but not to encourage their survival or where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved.

#### Section 4.02 NON-CONFORMING LOTS OF RECORD

Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record -at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance requests from district yard requirements may be applied for through the City of Dexter Zoning Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes

compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

Upon application, the Zoning Administrator may permit the combination, in whole or in part, of non-conforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of non-conformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

### **Section 4.03 NON-CONFORMING USES OF LAND**

The lawful use of any land existing on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform to the provisions of this Ordinance or amendments subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. If such non-conforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with Article XXII.

### **Section 4.04 NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Restriction on Creating Non-conformities:** No such building or structure may be enlarged or altered in a way which increases its non-conformity.

- B. **Restriction on Movement:** Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- C. **Restrictions on Alteration or Modification:** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.
- D. **Restrictions on Replacements:** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance.

Any non-conforming building which has been damaged substantially or destroyed may be repaired, rebuilt or replaced within 18 months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing non-conforming structure.

Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire or act of God is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

#### **FOR DISCUSSION:**

A non-conforming structure, except a single-family dwelling and its accessory structures, which are damaged by any means to an extent of more than 50% of its replacement cost, shall not be reconstructed except in conformity with the regulations of the district in which it is located. Any non-conforming structure, except single-family dwellings and their accessory structures, that is damaged to an extent of 50% or less of its replacement cost, may be replaced in its location existing prior to such damage, provided replacement is commenced within 18 months of date of damage and is diligently pursued to completion. Failure to commence replacement within 18 months shall result in the loss of legal non-conforming status.

Non-conforming structures may be replaced or expanded in accordance with the following requirements:

1. A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards:
  - a. The dwelling is a permitted use in the district in which it is located; and
  - b. Any expansion shall meet yard, lot coverage, floor area ratio, and impervious surface regulations of the zoning district in which it is located.

2. All other non-conforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in Section 24.05 F.

## **Section 4.05 NON-CONFORMING USES OF STRUCTURES AND LAND**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Prohibition on Enlargement of a Building Housing Non-conforming Use:** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. **Extension Throughout Building:** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Changing Use:** If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. **Prohibition of Re-establishment if Replaced by Conforming Use:** A non-conforming use of any structure which is replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. **Discontinuance or Termination of Non-conforming Use of Structure:** When a non-conforming use is discontinued or ceases to exist for six consecutive months the non-conforming -structure or use of land shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be ~~excepted~~ exempt from this provision. ~~Appeals for continuation of such uses shall be provided and determined by making application to the City of Dexter Zoning Board of Appeals.~~

- F. **Repairs to Non-conforming Use:** On any building devoted in whole, or in part, to any non-conforming use, work may be done in any period of 18 consecutive months on ordinary repairs, improvements, or modernization, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to correct deterioration, obsolescence, depreciation and wear. Such repairs, improvements, replacement, or modernization activities shall be permitted providing the total area (in square feet) of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Repairs begun within the required 18 consecutive months but not completed upon the expiration of the permitted time period may be completed provided the repairs have been issued and approved and valid building permit and the work has continued without interruption to eventual completion.
- G. **Safety Repair.** Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part, thereof declared unsafe by an official charged with protecting public safety, upon order of such official.

#### **FOR DISCUSSION:**

If a structure devoted in whole or in part to a non-conforming use is destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

#### **Section 4.06 NON-CONFORMING SITES**

The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Chapter were established or amended. This section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current zoning ordinance standards. Non-conforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A non-conforming site shall not be improved or modified in a manner that increases its non-conformity.
2. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access, and pedestrian/vehicle conflicts.
3. The proposed site improvements shall include exterior lighting, landscaping, screening, and building improvements that are in reasonable proportion to the scale and construction cost of the proposed building improvements, expansions, or other improvements.
4. The proposed site improvements shall include the installation, restoration, or expansion of sidewalks within the through the site, where appropriate.

5. A reasonable timeline for completion of site improvements to an existing non-conforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

## **Section 4.06-07 GENERAL REQUIREMENTS**

- A. **Structure and Land in Combination.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- B. **Illegal Non-conforming Uses:** Those alleged non-conforming uses which cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

## **Section 4.07-08 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

## **Section 4.08-09 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures and land in combination provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

## **Section 4.10-10 ACQUISITION OF NON-CONFORMING USES**

The City Council may acquire private property, or an interest in private property, to remove a non-conformity, as provided in Act 207, PA of 1921, as amended.

## Article XXIII

### ~~ORDINANCE AMENDMENTS~~ PROCEDURE

#### Section 23.01 INITIATION OF AMENDMENTS

The City Council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments ~~to the provisions of this Ordinance~~ may be initiated by resolution of the City Council, the Planning Commission, ~~the Board of Zoning Appeals, the Zoning Administrator~~ or by petition of one or more ~~residents or land~~ property owners to be affected by the proposed amendment. ~~Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the City Council prior to action by the City Council.~~

#### Section 23.02 ~~APPLICATION PROCEDURE~~ AMENDMENT REQUEST

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the Zoning Amendment application form:

- A. A legal description and street address of the subject property, together with a scaled map identifying the subject property in relation to surrounding properties clearly showing the property's location.
- B. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property.
- D. The land use classification for the subject site as illustrated on the City's Master Plan.
- E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- F. A written description of how the requested rezoning meets Section 23.05 Criteria for Amendment of the Official Zoning Map, or Section 23.06 Criteria for Amendments to the Zoning Ordinance Text.

## **Section 23.03 AMENDMENT PROCEDURE; ~~PUBLIC HEARING AND NOTICE~~**

- A. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) as provided in Section X.XX.
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. The Planning Commission shall consider the criteria listed in Section 23.05 for a requested amendment to the Official Zoning Map, and the criteria listed in Section 23.06 for requested amendments to the standards and regulations in the text.
- C. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. A Zoning Ordinance and any amendment shall be approved by a majority vote of members of the City Council. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in Section 23.05.
- D. Except as otherwise provided under Section 23.03 F., a Zoning Ordinance shall take effect upon the expiration of seven days after publication as required by Section 23.03 E. or at such later date after publication as may be specified by the City Council.
- E. Following adoption of a zoning ordinance or any subsequent amendments by the City Council, the Zoning Ordinance or subsequent amendments shall be filed with the City Clerk, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the City of Dexter within 15 days of after adoption.

The notice required shall include all of the following information:

1. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Dexter."
2. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

3. The effective date of the ordinance or amendment.
4. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

## **Section 23.04 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE**

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.

## **Section 23.05 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

A. **Review.** In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall identify and evaluate all factors relevant to the application, and shall report its findings in full, along with its recommendations for disposition of the application, to the City Council. ~~consider the following criteria in making its findings, recommendations and decision:~~

B. **Findings.** The facts to be considered by the Planning Commission and City Council shall include, but not be limited to the following criteria:

1. A. ~~Consistency with the goals, policies and future land use map of the City of Dexter Master Plan.~~ If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, ~~as determined by the City, the Planning Commission and Council shall consider the e~~Consistency with recent development trends in the area may be considered.
2. B. ~~Compatibility with the Environment.~~ Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. C. ~~Return on Investment.~~ Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one ~~(1)~~ of the uses permitted under the current zoning.
4. D. ~~Use Compatibility.~~ The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use,

traffic impacts, aesthetics, infrastructure and potential influence on property values.

5. ~~E.~~ **Impact on City Services.** The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare".
6. ~~F.~~ **Demand for Use.** The apparent demand for the types of uses permitted in the requested zoning district in the Dexter area in relation to the amount of land currently zoned and available to accommodate the demand.
 

~~G. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.~~
7. ~~H.~~ Other factors deemed appropriate by the Planning Commission and City Council.

### **Section 23.076 CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT**

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- A. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- C. The City Attorney recommends an amendment to respond to significant case law.
- D. The amendment would promote implementation of the goals and objectives of the City's Master Plan.
- E. Other factors deemed appropriate by the Planning Commission and City Council.

### **Section 23.07 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST**

An application for an amendment to the Official Zoning Map that has been denied shall not be reconsidered for one year, unless the applicant demonstrates that conditions have

changed.

## Section 23.~~06~~08 **CONDITIONAL REZONING OF LAND**

A. **Authorization and Limitations.** As an alternative to a rezoning amendment as described in Section 23.01 of this Ordinance, the City ~~of Dexter may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of Public Acts of Michigan of 2006 as amended. It is recognized that, in certain instances, it would be an advantage to both the City and petitioners seeking Rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the City, could be proposed as part of a petition for Rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.~~ Council shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the City Council. In exercising its authority to consider a conditional rezoning, the City is also authorized to impose the following limitations:

~~A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article 23 of this Ordinance.~~

~~B. In addition to the procedures as noted in Section 23.02, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests:~~

1. (1) A conditional rezoning request must be voluntarily offered by an owner of land within the City. All offers must be made in writing and must provide the specific conditions to be considered by the City as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the City and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time of the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.

2. (2) Conditional rezoning The owner's offer of conditions may not authorize uses or developments not permitted ~~shall not allow a use or activity that would not otherwise be allowed~~ in the proposed zoning district. The

owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

3. ~~(3) Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with~~ Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with ~~Any zoning variance must follow~~ the provisions of Article 24 of this Ordinance.

4. ~~(4) Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article 8 of this Ordinance.~~

~~(5) All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.~~

5. ~~(6) In addition to the informational requirements provided for in Section 23.02 of this ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may~~ The site plan shall show the location, size, height or other ~~measures~~ dimensions for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that ~~is~~ are the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the City. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

B. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the City Council, provided such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- C. Procedure. The procedure for consideration of a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article 23 of this Ordinance in addition to the following:
1. A conditional rezoning request shall be initiated by the applicant submitting a proposed Conditional Rezoning Agreement. A conditional Rezoning Agreement shall include the following information:
    - a. A written statement that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
    - b. A written statement that confirms the property will not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
    - c. A list of conditions proposed by the applicant.
    - d. A timeframe for completing the proposed improvements.
    - e. A legal description of the land.
    - f. A sketch plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
  2. The notice of public hearing on a conditional rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
  3. A conditional rezoning may only be approved upon a finding and determination that all of the following are satisfied:
    - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
    - b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
      - i. A change in City policy since the Master Plan was adopted.
      - ii. A change in conditions since the Master Plan was adopted.
      - iii. An error in the Master Plan.

- c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
- d. Public services and facilities affected by the proposed development will be capable of accommodating service and facility loads caused by use of the development.
- e. The conditions, proposed development and/or proposed use shall ensure compatibility with adjacent uses of land.

D. **Amendment to Zoning Map.** Upon approval by the City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

E. ~~C. Expiration Time Limits and Reversion of Land to Previous District.~~ A Conditional Rezoning Approval shall expire two years from the effective date of the rezoning unless development has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City.

- 1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
- 2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
  - a. The property owner seeks a new zoning classification for the property; and/or
  - b. The City initiates a new request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- 3. ~~(5) The time limits~~ two year allotted approval ~~specified and approved by the City may be extended upon the application of the landowner and approval of the City.~~

~~(1) If the proposed conditions of rezoning are acceptable to the City, the City may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning.~~

~~classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 23.03 of the Zoning Ordinance.~~

~~(2) Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.~~

F. Recording. ~~(3) Upon approval of a conditional rezoning,~~ A Conditional Rezoning Approval shall not become effective until ~~a copy of the written Conditional Rezoning agreement Agreement between the property owner and City shall be~~ is filed with the Washtenaw County Register of Deeds, and a certified copy of the Agreement is filed with the City Clerk. ~~which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the City.~~

G. Violation of Conditional Rezoning Agreement. If development and/or actions are undertaken in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

~~(4) The City may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.~~

~~(5) The time limits specified and approved by the City may be extended upon the application of the landowner and approval of the City.~~

~~D. Review Procedures. The factors found in Section 23.05 of this Ordinance must be considered in any conditional rezoning request.~~

## ~~Section 23.07 CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT~~

~~The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.~~

- ~~A. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.~~
- ~~B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.~~
- ~~C. The City Attorney recommends an amendment to respond to significant case law.~~
- ~~D. The amendment would promote implementation of the goals and objectives of the City's Master Plan.~~
- ~~E. Other factors deemed appropriate by the Planning Commission and City Council.~~

### ~~Section 23.08 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST~~

~~An application for an amendment to the Official Zoning Map (i.e. a rezoning request) that has been denied shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.~~

## Article XXIV

### ZONING BOARD OF APPEALS

#### Section 24.01 CREATION

A Zoning Board of Appeals is hereby established in accordance with Act 110, P.A. 2006, as amended.

#### Section 24.02 MEMBERSHIP AND TERMS

- A. **Number of Members.** The Zoning Board of Appeals shall consist of not less than five members and no more than two alternate members to be appointed by the legislative body, and shall be composed of the following five members whose terms shall be as stated:
1. One member shall be a member of the Planning Commission and one member shall be a member of the City Council. The member of the City Council that serves on the Zoning Board of Appeals shall not serve as chairperson of the Zoning Board of Appeals.
  2. The remaining regular and any alternate members of the Zoning Board of Appeals shall be selected from the electors residing within the City. The members selected shall be representative of the population distribution and of the various interests present in the City.
- B. **Terms of Office.** The term of office for each member shall be for three years except for members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time they are members of the Planning Commission or City Council respectively, and the period stated in the resolution appointing them, whichever is shorter. A successor shall be selected and appointed by resolution of the City Council for any unexpired vacated position.
- C. **Employees/Contractors as Members.** An employee or contractor of the City Council shall not serve as a member of the Zoning Board of Appeals.
- D. **Removal of Members / Conflict of Interest.**
1. The City Council shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
  2. A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- E. **Alternate Members.** ~~The City Council may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals.~~ An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

## **SECTION 24.03 MEETINGS**

All meetings of ~~the Zoning~~the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary, or his representative, shall keep minutes of the proceedings, recording the vote of each member upon each question, and indicating absences and abstentions, and shall keep records of hearings and other official action. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

## **Section 24.04 APPEAL**

~~An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board, council or bureau affected by a decision of the Zoning Administrator.~~The Zoning Board of Appeals shall hear and decide appeals from and a review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance. Decisions related to Planned Unit Developments or Specials Land Uses shall not be appealed to the Zoning Board of Appeals. Such appeal shall be in writing **and taken within such time as shall be prescribed by the Zoning Board of Appeals**, by filing with the Zoning Administrator and with the Zoning Board of Appeals, a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the documents and records pertaining to the action being appealed.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the

appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee, as established by the City Council shall be paid to the City Clerk at the time the notice of appeal is filed.

## Section 24.05 JURISDICTION

- A. **General Powers.** The Zoning Board of Appeals has the power to act on matters as provided in this Article and Public Act 110 of 2006, as amended. The specific powers of the Zoning Board of Appeals are enumerated in this section.
- B. **Delegated Duties.** To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- C. **Administrative Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body ~~in-charged with the~~ enforcement of the Zoning Ordinance. In exercising the powers set forth in this Article, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order requirements, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the ~~zoning official~~administrative official or body from whom the appeal is taken.
- D. **Interpretation.**
1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the zoning map, taking into consideration the intent and purpose of this Ordinance and the Master Plan.
  2. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the rules of interpretation set forth in Section 2.01.
  3. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The Zoning Board of Appeals shall request the Planning Commission to review any ordinance amendment it deems necessary.
- E. **Variances.** Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties ~~within the meaning of this Ordinance~~by reason of narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exception topographic conditions or other extraordinary or exceptional conditions of a property, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the dimensional provisions of

this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless ~~all of the following facts and conditions exist:~~ the requirements of Section 24.06 A. are met.

~~E.~~

1. ~~-~~That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purpose of objectives of the master plan.
5. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.

~~5.~~ No provision contained in this Section shall be construed to give or grant the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, to rezone or to grant use variances, such power and authority being reserved to the City Council in the manner provided under Public Act 110 of 2006, as amended.

~~F. **Temporary Uses:** The Zoning Board of Appeals may permit, temporary uses not otherwise permitted by Section 3.06, not to exceed 12 months with the granting of one 12-month extension being permissible for uses which do not require the erection of any site improvement or structure. In considering granting a permit for a temporary use, the Zoning Board of Appeals shall review the following criteria:~~

- ~~-1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use is permitted.~~
- ~~-2. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.~~

- ~~3. All setbacks, land coverage, off-street parking and lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City, shall be made at the discretion of the Zoning Board of Appeals.~~
- ~~4. In classifying uses as not requiring site improvements and/or structures, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.~~
- ~~5. The use shall be in harmony with the general character of the district.~~
- ~~6. No temporary use permit shall be granted without first giving notice to owners of adjacent property and all owners of record listed in the latest assessment roll of the City located within 300 feet of the area of the request of the time and place of a Public Hearing to be held as further provided for in this Ordinance. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.~~

**G.F. Expansions, Alterations, and Substitutions:** The Zoning Board of Appeals is required to determine whether a non-conforming structure may be enlarged, expanded, or extended or whether a non-conforming use can be substituted. In considering expansions, alterations, and/or substitutions related to non-conforming structures and uses, the Zoning Board of Appeals shall review the following criteria:

1. The reasons for a non-conformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a structure that is non-conforming due to lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the existing non-conformity, except as permitted under a variance.
2. The existing and proposed uses of such buildings and structures shall be permitted in the district in which situated.
3. The proposed improvement shall conform to all requirements of the district in which situated.
4. The retention of the non-conforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;
5. ~~that~~ The proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare; and

6. ~~that~~The proposed improvement is reasonably necessary for continuation of the use on the lot.
7. The Zoning Board of Appeals shall have authority to require modification of the non-conformity, where such requirement is reasonable, as a condition of approval. The Zoning Board of Appeals may attach other conditions of approval which it deems necessary to protect the public health, safety, and welfare.
8. All expansions permitted under this Section shall meet all requirements of Article XXI, herein, Site Plan Review, if a site plan is required. The site plan may be a final site plan, and shall be first reviewed by the Planning Commission. Upon completion of its review, the Planning Commission shall transmit the site plan and a summary of its review to the Zoning Board of Appeals. The Zoning Board of Appeals shall then act upon the request and return the site plan and the Board's findings on the request to the Planning Commission for its action.
9. A structure which does not conform to zoning ordinance regulation shall not substitute for, or replace, any conforming or non-conforming structure.
10. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Zoning Board of Appeals, provided that no structural alterations are made, and that such nonconforming use is more appropriate than the existing non-conforming use in the district in which it is located. The Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the intent of this Ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

## **Section 24.06 STANDARDS FOR VARIANCES AND APPEALS**

Variances ~~and~~ or reversal on appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the Zoning Board of Appeals; however, all of the applicable criteria must be found by the Zoning Board of ~~Zoning~~ Appeals in order to receive a variance or appeal.

### **A. Criteria Applicable to Variances.**

1. **Practical Difficulties:** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

2. **Substantial Justice:** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.
  3. **Public Safety and Welfare:** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured. The granting of such variance or modification will not be detrimental to the public welfare or injurious to the property or improvement in such zone or district in which the property is located.
  4. **Extraordinary Circumstances:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
  5. **No Safety Hazard or Nuisance:** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
  6. **Relationship to Adjacent Land Uses:** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to the purpose and objectives of the master plan, prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.
- B. **Criteria Applicable to Appeals:** The Zoning Board of Appeals shall reverse an order of an Enforcement Official only if it finds that the action or decision appealed (Also refer to Section 24.06A for decision criteria):
1. Was arbitrary or capricious, or
  2. Was based on an erroneous finding of a material fact, or
  3. Constituted an abuse of discretion, or
  4. Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

5. Appeals from denial of Zoning Board of ~~Zoning~~ Appeals may be taken to Washtenaw County Circuit Court.

## Section 24.07 ORDERS

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such an order, requirement decision, or determination as ought to be made, and to that end, shall have all the powers of the ~~Zoning Administrator~~administrative official or body from whom the appeal is taken. ~~However, in the event that the Planning Commission representative has already voted on a matter which is now being appealed to the Zoning Board of Appeals, that member shall abstain from voting.~~

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or City Council shall not participate in a public hearing on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.

~~A 2/3 vote of the members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator matter upon which is authorized by this Ordinance to render a decision. Nothing contained herein shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map.~~The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirements, decision, or determination of the administrative official or body, decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the Zoning Ordinance.-

## Section 24.08 NOTICE

The Zoning Board ~~of Appeals~~of Appeals shall make no determination, except in a specific case, until after a public hearing. Notice of the public hearing shall be published in the manner required by Section X.XX Notices.

## Section 24.09 EFFECTIVENESS

No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection

or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

## **Section 24.10 APPEAL OF BOARD OF ZONING APPEAL DECISION**

Any party aggrieved by a decision of the Zoning Board ~~of Appeals~~of Appeals may appeal to the Washtenaw County Circuit Court as provided in Act 110 of Public Acts of Michigan of 2006, as amended. An appeal under this section shall be filed within ~~30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision~~whichever of the following deadlines comes first:

- A. Thirty days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson.
- B. Twenty-one days after the Zoning Board of Appeals approves the minutes of its decision.

# NEW ARTICLE

## SITE CONDOMINIUMS

### **Section X.01 INTENT**

The intent of this Article is to regulate site condominium projects to ensure compliance with this Ordinance and other applicable standards of the City, to provide procedures and standards for review and approval or disapproval of such developments, and to ensure that each project will be consistent and compatible with other developments in the community.

### **Section X.02 APPROVAL REQUIRED**

Pursuant to the authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the City Council, in accordance with the provisions set forth in Article XXI.

### **Section X.03 GENERAL REQUIREMENTS**

- A. Each condominium lot shall be located within a zoning district that permits the proposed use.
- B. For the purpose of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- C. In the case of a site condominium containing single-family detached dwellings, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the area of the condominium lot.
- D. Each condominium lot shall be connected to the City of Dexter's water and sanitary sewer facilities.
- E. Each condominium lot shall front on and have direct access to a public road.
- F. All condominium projects shall conform to the plan preparation requirements, design, layout, and improvement standards, and all other requirements established by the City.

## **Section X.04 SITE PLAN REQUIREMENTS**

Preliminary and Final Site Plan approval and approval of condominium documents by the City Council shall be required as a condition to the right to construct, expand, or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in the site condominium development until a final site plan has been approved by the City Council and is in effect. Preliminary and Final approval shall not be combined.

A. The following information shall be submitted:

1. **Site Plan.** A Site Plan in conformance with Article XXI.
2. **Master Deed and Bylaws.** The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the City including: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common areas; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
3. **Engineering Plans.** In addition to the Final Site Plan, the applicant shall also submit engineering plans in sufficient detail for the City to determine compliance with applicable laws, ordinances, and design standards for construction of the project.
4. **Outside Agency Approvals.** The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Water Resource Commissioner and the Department of Natural Resources. The City shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction
5. **Performance Guarantee.** In the interest of ensuring compliance with this Ordinance and protecting the health, safety, and welfare of the residents of the City, the City Council, as a condition of final approval of the site plan shall require the applicant to deposit a performance guarantee as set forth in Section 3.20 of the Zoning Ordinance for the completion of improvement associated with the proposed use.
6. **Required Condominium Documents.** Any other condominium documents required by the Condominium Act.

## **Section X.05 REQUIRED IMPROVEMENTS**

A. All design standards and required improvements that apply to a subdivision under the provisions of Chapter 20, Land Division and Subdivision Ordinance of the City of Dexter,

shall apply to any condominium development. However, nothing in this Article shall be construed as requiring a site condominium to obtain plat approval under the Land Division and Subdivision Ordinance or the Subdivision Control Act.

- B. Utility standards stated in the Building Code shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided.
- C. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
- D. Road rights-of-ways shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium preliminary and final site plans. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the City for all public water and sanitary sewer lines and appurtenances.

## **Section X.06 INFORMATION REQUIRED PRIOR TO OCCUPANCY**

Prior to issuance of any occupancy permits for any condominium unit, the applicant shall submit the following information to the Zoning Administrator:

- A. A copy of the recorded Condominium Documents (including exhibits).
- B. A copy of any recorded restrictive covenants.
- C. A copy of the site plan on laminated photostatic copy or mylar sheet, as well as digital copies.
- D. Evidence of completion of improvements associated with the proposed use including two hard copies of an “as-built survey”, as well as a digital copy.

## **Section X.07 REVISION OF CONDOMINIUM SUBDIVISION PLAN**

If a condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the City Council before any building permit may be issued, where such permit is required.

## **Section X.08 AMENDMENT OF CONDOMINIUM DOCUMENTS**

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan or any conditions of approval of a preliminary or final site plan shall be reviewed and approved by the Planning Commission and City Council before any building permit may be issued, where such

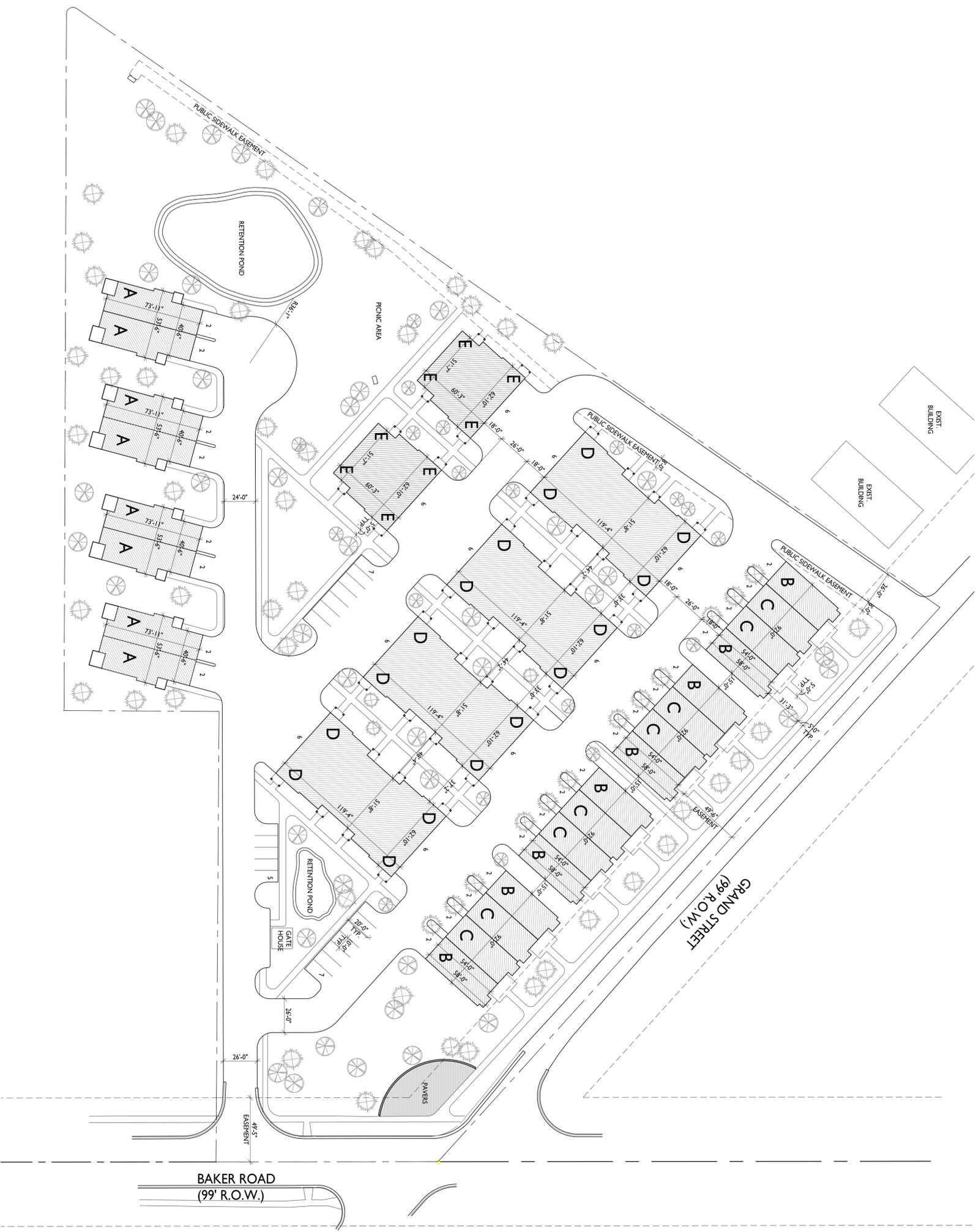
permit is required. The Zoning Administrator may require Planning Commission and City Council review of an amended site plan, if in their opinion, such changes in the master deed or bylaws required corresponding changes in the approved site plan.

## **Section X.09 RELOCATION OF BOUNDARIES**

Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

## **Section X.10 SUBDIVISION OF CONDOMINIUM LOT**

Each condominium lot resulting from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.



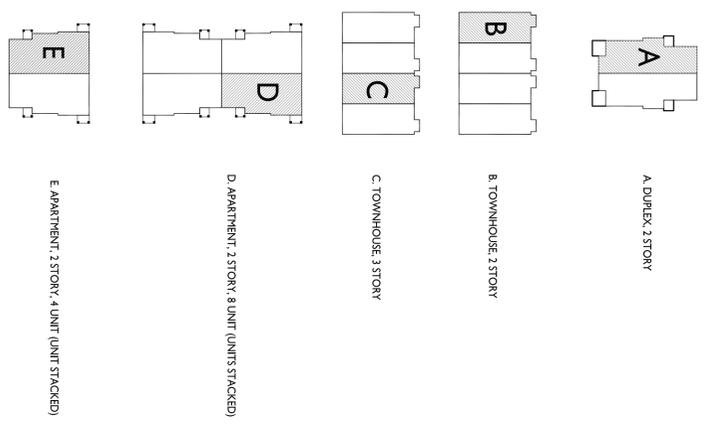
PRELIMINARY SITE PLAN  
SCALE: 1" = 40'-0"

**UNIT MATRIX**

Building Type	Type Count	Unit/Type	Unit Total
A Duplex	8	1	8
B Townhouse, 2 Story	8	1	8
C Townhouse, 3 Story	8	1	8
D 8 Unit Bldg, 2 Bed	4	4	16
E 4 Unit Bldg, 1 Bed	4	4	16
E, 4 Unit Bldg, 2 Bed	2	2	4
4 Unit Bldg, 1 Bed	2	2	4
<b>Total Units:</b>			<b>64</b>

**BUILDING LEGEND**

SCALE: 1/4" = 1'-0"



NOTES:  
(2) INDICATES NUMBER OF PARKING SPACES AT LOCATION  
\* DOES NOT INCLUDE GARAGE PARKING COUNT

**BOWERS+ASSOCIATES**  
ARCHITECTURE DESIGN  
2400 SOUTH HURON PARKWAY • ANN ARBOR, MI 48104  
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WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION  
**DEXTER / GRAND STREET**  
DEXTER, MICHIGAN

PROJECT + NUMBER  
**15-205**

ISSUE + DATE  
30 NOV 2015  
7 DEC 2015  
11 DEC 2015  
28 MARCH 2016  
REV  
REV  
REV  
REV

SHEET + TITLE  
PRELIMINARY  
SITE PLAN  
15202R100H.dwg

SHEET + NUMBER  
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## OFFICE OF COMMUNITY DEVELOPMENT

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

### STAFF MEMO

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

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

**RE:** **PUD-AP 2016-01, Grandview Commons** – Alternative site design layout

**Date:** April 1, 2016

Accompanying this memo you will find an alternative site design concept for Grandview Commons. Please add this concept to your worksession packet for Monday's meeting. It will aid in the discussion.

#### Background

Over the last month, staff has worked with the applicant to understand the comments and concerns articulated by the Planning Commission and Pre-application Committee, regarding the proposed Grandview Commons Area Plan. Recognizing this is the biggest development in downtown Dexter in recent history, and concerned that efforts were not hitting their mark, last week staff reached out to Jim Tischler, a colleague with expertise in urban housing design and development, to pick his brain. He directed me to Kent Anderson.

Mr. Anderson, formerly a principal with Hamilton Anderson Associates, a multi-disciplinary design firm with expertise in architecture, landscape architecture, planning, urban design, etc., has over three decades of urban design experience, and is recognized as an expert in the field planning and site design.

After speaking with Mr. Anderson by phone, he offered to come to Dexter. We met for 2 ½ hours in the afternoon of March 23<sup>rd</sup>. During that time we reviewed the proposed site plan, the Master Plan, and DDA Plan. We discussed urban infill and pocket neighborhood development, and then toured the site. When we were done he took a copy of the plan. He said he wanted to think about the site a little and would let me know if he had any suggestions. He made no promises.

On Monday, March 28<sup>th</sup>, I received the attached concept along with the following comments:

*"This is an alternate design that attempts to add communal elements like a small green that can be shared or be used for "neighborhoods" gatherings. The intersection of Grand and Baker is enhanced and anchored by a small garden-like space that frames the public art (relocated from the original plan). This intersection becomes the strongest statement for the new development, with townhomes fronting it. Notice that they don't face the gas station. Hope this helps."*

When staff asked why he went to the trouble to be so helpful, he said, *"I felt Dexter has so much potential, and was hoping the developer might consider trying something different."*

From staff's perspective it is very helpful. Staff believes the alternative site design communicates the Planning Commission's vision for the site, and better supports the goals of the Baker Road Corridor-Mixed Use category in the Master Plan, as well as those of the Downtown Development Strategic Plan. The alternative site design concept has been shared with the applicant.

#### Additional Information

Staff has used the term *urban infill* when describing the redevelopment of the southwest corner of Grand Street and Baker Road. Staff thought it might be helpful to provide some definition of the term. According to the National League of Cities Sustainable Cities Initiative, urban infill is defined as *new development that is sited on vacant or undeveloped land within an existing community, and that is enclosed by other types of development*. The term implies that existing land is most likely built-out and the new development fills in the gaps between existing developments. The term most commonly refers to the

construction of single-family structures in existing neighborhoods, but also describes commercial, office and mixed-use development.

Urban infill does not occur only in large cities, like Detroit, Grand Rapids or Lansing. Dexter has been planning for infill development for 30 years; specifically the neighborhood between Grand and Forest Streets and Mill Creek Park and Baker Road. The desire to have underdeveloped, run-down or blighted properties redeveloped for higher density residential and mixed-use development has fueled the community's desire for infill development.

Infill lots/sites come with unique challenges, such as, size (often small), possibly irregular shapes, undesirable locations, topographic constraints, or even environmental contamination (i.e. brownfields). Benefits and Risks associated with infill development include:

#### Benefits

- Removes the eyesore and safety concerns associated with undeveloped or vacant property
- Allows communities to achieve or sustain population density thresholds that are needed to attract certain amenities (parks, community services, retail)
- Can be an effective tool for increasing supply of more affordable homes efficiently

#### Risks

- If not properly managed by local governments, can adversely affect adjacent properties or the community as a whole
- Can contribute to the tearing down of historic buildings in order to make way for new development
- May contribute to displacement of residents of homes that are being bought for tear-down and redevelopment
- Can lead to investor speculation and corresponding dramatic increases in property values

Additionally, attached to this memo is a copy of the American rural-to-urban Transect, to further aid in our discussion. As you can see the Transect is divided into 6 zones, referred to as T-zones or Transect Zones. The 6 T-zones provide not only the basis for form-based code neighborhoods structure – walkable streets, mixed use, transportation options, and housing diversity – it also illustrates the development patterns of cities and towns, including Dexter. T6, T5, T4 reflect the development patterns in the downtown and platted neighborhoods adjacent to the downtown. Whereas, T3 reflects the development patterns south of Hudson Street along Baker Road, south of Kensington Street along Dexter Ann Arbor Road, and north of Mill Creek.





City Manager Courtney Nicholls  
8140 Main St  
Dexter, MI 48130-1092

Dear Tree City USA Supporter;

On behalf of the Arbor Day Foundation, I write to congratulate Dexter on earning recognition as a 2015 Tree City USA. Residents of Dexter should be proud to live in a community that makes the planting and care of trees a priority.

Dexter is one of more than 3,400 Tree City USAs, with a combined population of 140 million. Started in 1976, The Tree City USA program, sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters, is celebrating its 40th Anniversary this year. In honor of this milestone a national public awareness campaign is being executed across the country including a strong emphasis on media relations and a social media contest which are referenced in the tool kit received by your state coordinators.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to your state forester's office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Dexter and thank you for helping to create a healthier planet for all of us.

Best Regards,



Dan Lambe  
President

cc: Michelle Aniol

enclosure

FOR IMMEDIATE RELEASE:

### **Arbor Day Foundation Names Dexter Tree City USA**

Dexter, MI was named a 2015 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

Started in 1976, the Tree City USA program, sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters is celebrating its 40th Anniversary this year.

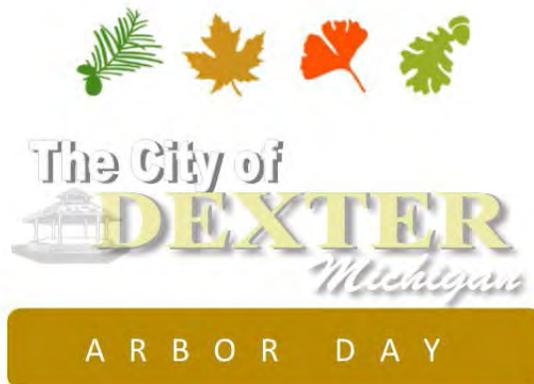
Dexter achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

“Tree City USA communities see the impact an urban forest has in a community first hand,” said Dan Lambe, President of the Arbor Day Foundation. “Additionally, recognition brings residents together and creates a sense of community pride, whether it’s through volunteer engagement or public education.”

Trees provide multiple benefits to a community when properly planted and maintained. They help to improve the visual appeal of a neighborhood, increase property values, reduce home cooling costs, remove air pollutants and provide wildlife habitat, among many other benefits.

More information on the program is available at [arborday.org/TreeCityUSA](http://arborday.org/TreeCityUSA).

**About the Arbor Day Foundation:** The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information is available at [arborday.org](http://arborday.org).



April 29, 2016

Plant a tree the week of April 25<sup>th</sup> or pick up a **FREE** tree seedling to plant on Arbor Day, Friday, April 29<sup>th</sup> at one of the following locations:

- Dexter District Library            10 am to noon
- Downtown Clock            11:00 am to noon  
(weather permitting)
- Dexter Mill            1:00 -3:00 pm

# CITY OF DEXTER MICHIGAN

## DOWNTOWN RETAIL MARKET STUDY

MARCH 2016



*Prepared for the:*

**Office of Community Development  
City of Dexter  
8140 Main Street  
Dexter  
Michigan, 48130-1092**

(734) 426-8303



## Chuck Eckenstahler

2013 Melrose Drive  
Long Beach, Indiana 46360  
219-861-2077  
pctecken@comcast.net

FANNING HOWEY

March 1, 2016

Michelle Aniol  
Community Development Manager  
City of Dexter  
8140 Main Street  
Dexter, MI 48130-1092

Dear Ms. Aniol:

We are pleased to present the report entitled, **CITY OF DEXTER, MICHIGAN DOWNTOWN RETAIL MARKET STUDY**. This report has been prepared pursuant to the scope of services dated June 30, 2015. It describes the methods used in the analysis and contains the data gathered in the investigations, resulting in the estimates of retail spending potential within the trade area as of the date of this report, March 1, 2016.

Additionally, this report includes our recommended plans for certain aspects for the physical redevelopment of the downtown, prepared pursuant to our completion of the scope of services.

Our analysis is subject to the limiting conditions, assumptions and methodologies employed as referenced in specific sections of the report. The results are our personal, unbiased professional analysis, opinions, and conclusions. Further, we have no personal interest or bias with respect to the outcome or the parties involved.

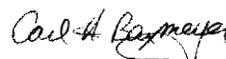
You may reproduce this report for general circulation with appropriate reference to the firm, conditions and date of the report. We will be available to answer any questions you may have.

Sincerely,

Sincerely,



Charles Eckenstahler



Carl Baxmeyer, Director  
Solutions Group  
Fanning/Howey Associates, Inc.



## EXECUTIVE SUMMARY

The objective of the Dexter Downtown Retail Market Study and its recommendations is to identify the additional retail spending potential that will result in the location of new businesses in the downtown.

The additional retail spending potential is directly tied to population growth and the number of households in the study area. The overall population in the study area is projected to increase from its current level of 21,297 to over 25,000 persons during the next ten years. The number of households is projected to increase from just less than 8,000 currently to 8,800 in five years.

### KEY FINDINGS

1. The increased number of households and household incomes will result in an additional spending for retail goods and services in excess of \$50,000,000 in 2021.
2. Currently slightly less than 50% of household shopping for goods and services is done external to the retail market area, a proportion that will increase to 55% during the 5-year analysis term.
3. While unfilled demand can support approximately 500,000 square feet of building space, the approximate 50% “leakage” indicates market area support for approximately one-half of this building space or 250,000 square feet.
4. High downtown building occupancy limits the ability to accommodate new building space.
5. Recommended downtown store types focus on “specialty retailers”; including furniture, home furnishings, clothing, etc., with the most probable being unique multi-offering general merchandise stores.

### KEY RECOMMENDATIONS

1. **Downtown Land Use Planning** – Planning for additional retail building space in the future is needed to expand and complement the current inventory of retail establishments within the downtown.
2. **Concentrated Resident Marketing Program** – Engage a retail marketing analyst to study and identify advertising and other customer communication programs to increase customer patronage frequency to reduce the current spending leakage and to prevent increased leakage in the future.
3. **Downtown PlaceMaking and Walkability** - Households and their incomes are the “key” to downtown economic suitability. Downtown residential living increases customer patronage and is promoted by State of Michigan through financial support for city installation of “PlaceMaking” and walkability infrastructure projects. The City of Dexter should study actions to increase the desirability for downtown residential dwelling units especially projects that expand PlaceMaking and further enhance walkability.



## SECTION ONE

### INTRODUCTION

#### BACKGROUND

The City of Dexter enjoys an historic “small town” picturesque and economically vibrant downtown. Blessed with its physical location in growing Washtenaw County, the City of Dexter, since 2000, has experienced rapid population growth which is expected to continue into the future.

There are several reasons for this population growth. They include proximity to the University of Michigan, strong employment growth throughout the region and a highly desired “livability” of the City as a small-town, tight-knit, family orientated community.

The Dexter Community Schools also contribute significantly to this family orientated community desirability with outstanding educational credentials providing education for over ninety percent of the school age population. That represents a public education enrollment rate near the top enrollment rate for all Michigan school districts.

While the foundation for economic and social community development is well established and positioned to advance positive economic and social sustainability in the future, it is recognized that active community leadership is required to maximize these advantages for the betterment of citizens and visitors.

To this end, governmental, business and civic leaders have committed to the realization of a community betterment strategy designed to maximize future opportunities by implementation of the City Master Plan and Downtown Development Authority, Strategy Development and Tax Increment Financing Plan. These plans call for the creation of a vibrant, diverse, mixed-use downtown regional cultural, recreational, entertainment and shopping experience.

To aid in this pursuit, City and business leaders seek to quantify the amount of household consumer spending available in the downtown retail trade area to help identify new retail and service providers who can locate in the downtown and enjoy business success.

#### STUDY OBJECTIVE

The objective of this study and its recommendations is to identify the additional retail spending potential that will result in the location of new businesses in the downtown.

## **SCOPE OF THE ASSIGNMENT**

The consulting team was chosen to prepare the ***Downtown Retail Market Study*** according to the scope of services dated June 30, 2015. The goal of the study process is to:

1. To identify, and map, the retail trade area serviced by downtown businesses.
2. To identify the current amount of retail spending occurring within the trade area and estimate the spending currently captured by downtown businesses.
3. Survey merchants concerning complementary and undesired downtown businesses, other needed improvements, building size and rent data including gross sales information.
4. To estimate the growth of the spending potential available within the trade area in the next five-years due to growth in the number of households and expected increases in current and future household incomes.
5. To identify specific store types for goods and services demanded in excess of goods and services currently provided by downtown businesses.
6. To calculate, by store type, the square footage of business spaces which can be economically supported by unfulfilled demand.
7. Prepare conclusions, recommendations and an implementation strategy designed to attract additional spending in the downtown for both existing and prospective new businesses that can be recruited to locate in the downtown.

## **LIMITATIONS OF ANALYSIS**

The consulting team does not warrant future projected retail spending estimates, as the accuracy of information received from various secondary sources concerning market data for the study area cannot be guaranteed. Moreover, the ultimate success of redevelopment efforts in the City of Dexter is dependent on a variety of factors beyond the control of the consulting team.

However, the assessment and recommendations contained in this report represent the best judgment of the consulting team based on information gathered within the scope of this assignment. The consulting team cannot overemphasize the importance of public/private sector cooperation in carrying out the recommended strategies focused toward the economic development and commercial revitalization efforts of the City of Dexter.

**SECTION TWO**

**IDENTIFICATION OF THE RETAIL MARKET AREA**

**INTRODUCTION**

In reality, the identification of a retail market area is as much mathematical science as it is human perception gathered via survey and interviews. For the purposes of this analysis, a mathematical model is first used to identify the geographic territory of the downtown market area. The mathematical defined downtown market area is then subject to rigorous review by downtown business owners who assist in shaping the geographic territory where a majority of their customers reside.

**RILEY’S LAW OF RETAIL GRAVITATION**

Riley’s Law is a formula used to identify the mid-point between two shopping experiences – the mid-point being the dividing line or boundary between two equal shopping experiences.

$$BP = \frac{\text{distance between city a and b}}{1 + \sqrt{\frac{\text{pop. b}}{\text{pop. a}}}}$$

**BP is distance from city a to breaking point**

In the Dexter example the distance between the principal shopping destinations offering equal shopping experiences is divided by one plus the result of dividing the population of city b by the population of city a.

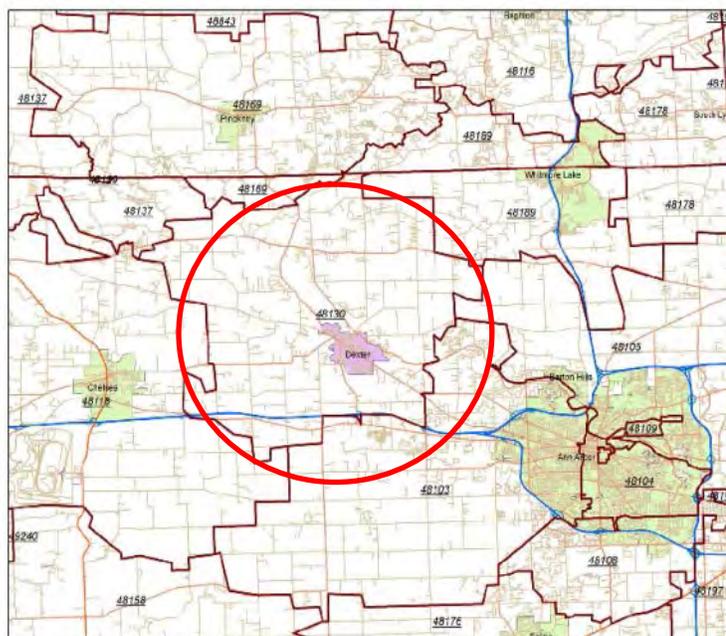
The resulting BP is the distance from city a to the 50% boundary of the trade area.

**RETAIL TRADE AREA**

The result of the mathematical model shows the retail market area encompassing the City of Dexter US Postal Zip Code area (48130).

**SURVEY AND INTERVIEW PROCESS**

In December 2015 interviews were held with proprietors of selected businesses to validate the geographic boundary.



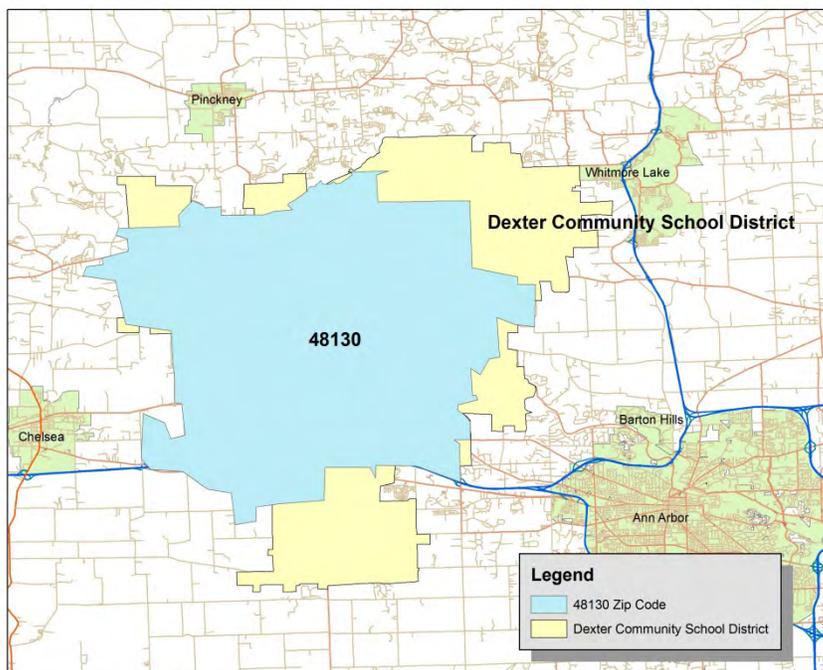
Based on the result of these discussions, the Zip Code boundary expanded to include the Dexter School District boundary was determined the best descriptor of the downtown retail market area.

### SCHOOL DISTRICT – POSTAL ZIP CODE GEOGRAPHY

The adjoining map illustrates the school district and zip code geography.

### SUMMARY AND CONCLUSIONS

1. Riley's Law illustrates the mid-point boundary of competing, but equal, shopping experiences available in surrounding communities defining the downtown retail market area being the geography of the Dexter US Postal Zip Code.
2. The survey and interview validation conducted with downtown business proprietors identified a strong opinion that the geographic boundary exceeded the US Postal Zip Code geography leading to the conclusion that a truer expression of the downtown retail market area can best be described as the Dexter School District geographic boundary.
3. Due to the distance between competing, but equal, shopping experiences, there is very limited secondary downtown market area, with the secondary trade area effect having minimal impact on the total household income shopping potential credited to the downtown retail market area.
4. Discussion with downtown business proprietors, except for specialty businesses that service customer originating outside of the downtown retail market area, non-market area customer trade currently provides a smaller portion of total sales and likely contributes marginally to the business profitability, and thus do not substantiate a true secondary downtown retail market.
5. Discussion with downtown business proprietors indicate a desire to establish a secondary downtown retail market area that could aid in increased business sales and profitability in the future.



## SECTION THREE

### SOCIO-ECONOMIC ANALYSIS

#### INTRODUCTION

A key element to analyzing the retail market of the City of Dexter is an understanding of the current and projected socio-economic characteristics of the population. This section presents a “most likely” projection of the total population within the study area. The driving factors are detailed as substantiation of the projection. In the last part of this section the characteristics of the projected population in terms of the number of households and their associated profile is shown.

#### DEMOGRAPHIC PROJECTIONS

Population projections are based on a straightforward equation.

$$\text{Number of People} = \text{Births} - \text{Deaths} + \text{Migration In} - \text{Migration Out}$$

The cohort survival method is the term for the typical method for developing population projections. It uses that equation to project the number of persons likely to reside in a particular area in the future. Data on births and deaths and persons moving into and out of an area affects the number of persons in each age group or cohort. The average change in the number of persons in each age cohort in the past is used to project the number of persons in the future.

Demographic projections are often referred to as “part science and part art”. Certainly, if the factors affecting the population are known and are stable projections become a relatively simple mathematical exercise, hence the “part science” term.

Unfortunately, the factors driving changes in the population are not static. Birth and death rates change over time. The number of people migrating into or out of an area changes as well. The gain or loss of a major employer to an area may accelerate the number of people moving into or out of that area to take advantage of new employment opportunities. An aging population may see empty nesters and seniors relocate to alternative, easier to maintain housing. Those persons may be replaced in their original homes by younger people with children. Accounting for the potential impact of these and other changes is the “part art” factor of demographic projections.

The larger the population being projected the less susceptible the projection is to changes. The gain or loss of employers on a statewide level tends to balance out in favor of long-term trends. Those changes become more significant when the projection is on a county level. When projecting population on a local community level, accounting for the impact of changes becomes essential.

Therefore, demographers often rely on extracting local projections from projections done for larger demographic areas. The theory being that the factors affecting the larger population will also affect the

population in a smaller geographic area.

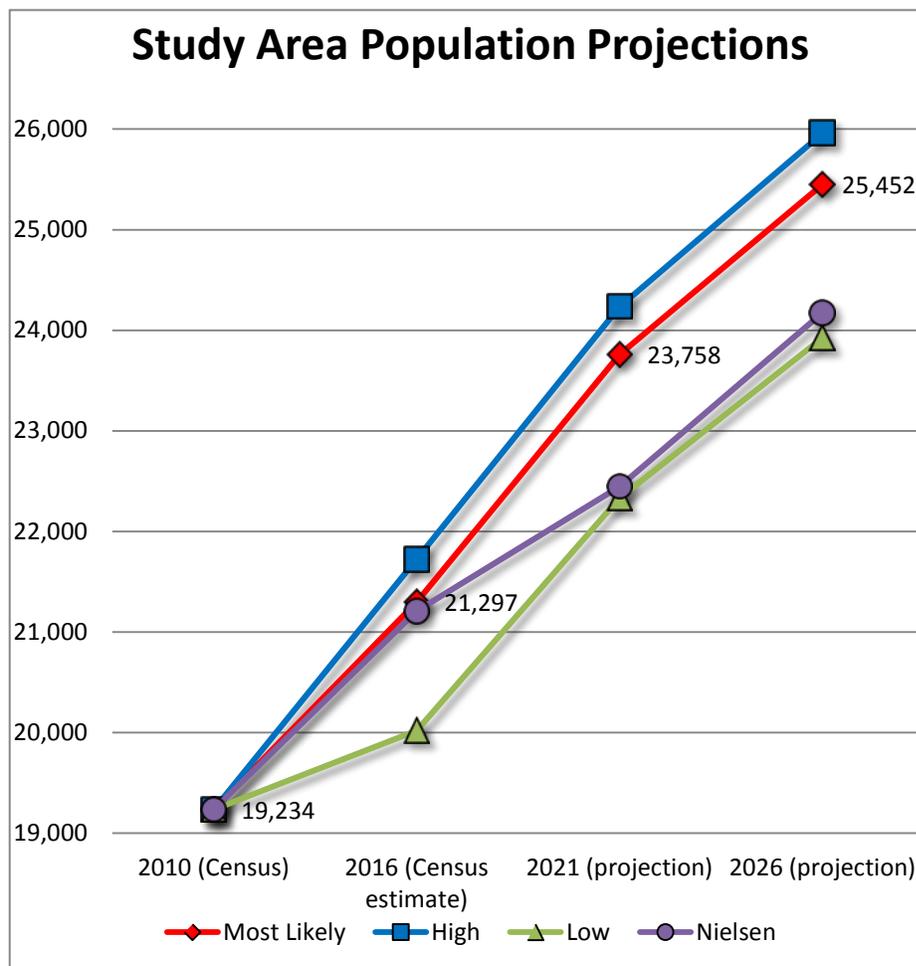
There is certainly merit to that theory especially when demographers are being asked to generate multiple projections. They are often not afforded the opportunity to “drill down” into the factors that affect changes in the population. For the City of Dexter Downtown Retail Market Analysis that opportunity exists.

Demographic projections for the state, county and sub-county areas have been developed by the U.S. Census Bureau, the State Data Center and other sources. In addition, private companies such as the Nielsen Company collect socio-economic information and generate reports and projections. This study relies on such information.

As part of this study demographic projections from these sources have been and analyzed. Three different scenarios were developed with a population projection for each generated specifically for this study along with the Nielsen projection. The following graph shows the anticipated population within the study area from these projections.

Four projections were developed or used as follows:

- **“Most Likely”** – based on continuation of current housing development (450 units annually in county)
- **“High”** – return to 50% of pre-recession development levels (1,000 units annually in county)
- **“Low”** – decline to 50% of current development levels (225 units annually in county)
- **“Nielsen”** – projections to 2021 extrapolated to 2026



Source: Fanning Howey projections and the Nielsen Company

As stated, the first three projections are driven by changes in housing development in Washtenaw County and applied to the study area which is the Dexter Community School District boundary. The fourth projection is the Nielsen projection. The Nielsen Company provides a projection until 2012. That projection was extended by the study team to 2026 to provide a ten-year projection.

The “Most Likely” and “High” projections developed as part of this study show more growth of approximately 1,500 and 2,000 persons respectively over the next ten years than the Nielsen projection. The “Low” scenario projection is more closely aligned with the Nielsen projection.

Again, that is not a questioning of the Nielsen data. Rather it is a result of being able to “drill down” into the underlying factors to generate alternative projections. The impact of that analysis is detailed in the next sub-section.

The table on the next page provides details of the “Most Likely”, “High” and “Low” projections by age cohort. At the bottom of the table the information is presented by age groups.

Overall, the projections developed for this study; the Nielsen projection; and, other federal, state and regional projections for the county all indicate that the population is anticipated to continue to grow during the next ten years. The projection for the study area deemed “Most Likely” shows an increase in population to 25, 452 persons in ten years.

## Study Area Population Projections

*By Scenario to Year 2026*

Age Cohorts	Most Likely				High				Low			
	2010	2016	2021	2026	2010	2016	2021	2026	2010	2016	2021	2026
Age 0 – 4	1,019	1,164	1,252	1,340	1,019	1,187	1,277	1,367	1,019	1,094	1,177	1,260
Age 5 – 9	1,462	1,539	1,658	1,777	1,462	1,570	1,691	1,813	1,462	1,447	1,559	1,670
Age 10 – 14	1,693	1,731	1,974	2,118	1,693	1,766	2,013	2,160	1,693	1,627	1,856	1,991
Age 15 – 17	831	806	878	943	831	822	896	962	831	757	826	887
Age 18 – 20	692	725	780	838	692	739	796	855	692	681	734	788
Age 21 – 24	554	750	779	837	554	765	795	854	554	705	732	787
Age 25 – 34	1,519	1,985	1,976	2,129	1,519	2,025	2,016	2,172	1,519	1,866	1,857	2,001
Age 35 – 44	2,943	3,256	3,283	3,651	2,943	3,321	3,349	3,724	2,943	3,061	3,086	3,432
Age 45 – 54	3,731	3,457	4,630	4,690	3,731	3,526	4,723	4,784	3,731	3,250	4,352	4,409
Age 55 – 64	2,827	3,038	3,619	3,705	2,827	3,099	3,691	3,779	2,827	2,856	3,402	3,483
Age 65 – 74	1,193	1,629	1,736	1,947	1,193	1,662	1,771	1,986	1,193	1,531	1,632	1,830
Age 75 – 84	539	857	793	1,044	539	874	809	1,065	539	806	745	981
Age 85 and over	231	360	399	433	231	367	407	442	231	338	375	407
<b>Total Population</b>	<b>19,234</b>	<b>21,297</b>	<b>23,758</b>	<b>25,452</b>	<b>19,234</b>	<b>21,723</b>	<b>24,233</b>	<b>25,961</b>	<b>19,234</b>	<b>20,019</b>	<b>22,333</b>	<b>23,925</b>
<i>Demographic Groups</i>	<i>2010</i>	<i>2016</i>	<i>2021</i>	<i>2026</i>	<i>2010</i>	<i>2016</i>	<i>2021</i>	<i>2026</i>	<i>2010</i>	<i>2016</i>	<i>2021</i>	<i>2026</i>
Pre-school	1,019	1,164	1,252	1,340	1,019	1,187	1,277	1,367	1,019	1,094	1,177	1,260
School Age Children	3,985	4,076	4,510	4,838	3,985	4,157	4,601	4,935	3,985	3,831	4,240	4,548
Young Adults	1,246	1,475	1,560	1,675	1,246	1,505	1,591	1,708	1,246	1,387	1,466	1,574
Parents (25-44)	4,462	5,241	5,259	5,780	4,462	5,346	5,364	5,896	4,462	4,927	4,943	5,433
Empty Nesters	6,559	6,495	8,249	8,395	6,559	6,625	8,414	8,563	6,559	6,105	7,754	7,891
Seniors	1,962	2,846	2,928	3,424	1,962	2,903	2,987	3,492	1,962	2,675	2,752	3,219
Total	19,234	21,297	23,758	25,452	19,234	21,723	24,233	25,961	19,234	20,019	22,333	23,925

Source: Fanning Howey projections and U.S. Census Bureau – American FactFinder

## FACTORS AFFECTING DEMOGRAPHIC PROJECTIONS

There are five (5) key factors that were used to augment the cohort survival method which produced the projections presented in this report. This section provides information on each factor and the impact on the projections.

### ***Natality***

Natality, or the fertility rate, is an essential factor in developing a population projection. The fertility rate is expressed as the number of births per 1,000 women age 15 to 44. Demographers often use the birth rate in projections. The birth rate is the number of births per 1,000 persons in the population.

Natality is a more exact factor and was used in this study. The more commonly used related birth rate does not account for differences in the number of women of childbearing age. This is especially true for the study area. As shown in the following table between 2000 and 2010 the number of women of childbearing age in the study area increased from 3,278 to 3,355. During the same period the number of women in that age group in Washtenaw County declined.

	Study Area	Washtenaw County	Study Area	Washtenaw County
Female population				
		<u>2000</u>		<u>2010</u>
15 to 19 years	525	13,994	703	15,072
20 to 24 years	263	19,222	300	19,771
25 to 29 years	351	13,853	363	13,346
30 to 34 years	532	12,954	473	11,063
35 to 39 years	798	12,652	628	10,699
40 to 44 years	810	12,362	888	11,387
Totals	3,278	85,036	3,355	81,338
Pct (%) of County	3.9%		4.1%	

Source: U.S. Census Bureau – American FactFinder

This is a key factor. Applying the natality rate of 48.0 births per 1,000 women of childbearing age in the study area more accurately reflects the projected number of births that will occur. While nationwide and within Washtenaw County the overall rates are declining having a growing number of women in the study area offsets, in large measure, changes in natality.

The affect of having more women of childbearing age was factored into the population projection. It resulted in a slightly greater number of future births projected to occur within the boundaries of the Dexter Community Schools which has been defined as the study area.

### ***Mortality***

As with births the number of deaths within a given population is affected by the distribution of persons in each age group. Obviously, an older population can be expected to experience more deaths than a younger population.

The overall mortality rate in Washtenaw County has been holding fairly steady at 4.2 deaths per 1,000 persons. However, the population within the study area is older than the overall county population. The median ages are 35.4 and 29.2 for the study area and the county respectively.

Typically, an adjustment would be made to reflect an older population. However, due to the fact that the age distribution for the county is weighted somewhat disproportionately to younger persons due to the student population at the University of Michigan, no adjustment was made.

### **Housing Development**

Housing starts are a prime indicator of population growth. The following table shows the number of housing units constructed within the study area as compared to Washtenaw County as a whole since records were started in 1939.

	Study Area			Washtenaw County	
	Built	Cumulative	% of County	Built	Cumulative
Built 2000 to 2014	1,664	8,071	5.4%	17,037	148,106
Built 1990 to 1999	1,808	6,407	4.9%	20,295	131,069
Built 1980 to 1989	1,098	4,599	4.2%	17,488	110,774
Built 1970 to 1979	1,141	3,501	3.8%	26,125	93,286
Built 1960 to 1969	618	2,360	3.5%	24,648	67,161
Built 1950 to 1959	473	1,742	4.1%	16,310	42,513
Built 1940 to 1949	232	1,269	4.8%	7,519	26,203
Built 1939 or earlier	1,037		5.6%	18,684	

Source: U.S. Census Bureau

Since the 1960's the percentage of homes in the county that are located in the study area has steadily increased. This indicates steady growth in the study area.

Digging deeper into the data shows that pre-recession (1998 to 2007) there was an average of 2,019 units constructed annually in the county. During the recession (2008 to 2012) construction fell to an average of 344 new units annually. That has begun to rebound to some degree. Post-recession (since 2013) there has been an average of 450 units constructed annually. That has been fairly steady for the past three years; however, 2015 numbers are not yet fully available.

Using housing starts as an adjustment factor in the projections was done. In addition, the change in housing starts was used in the development of the "Most Likely", "High" and "Low" scenarios. How the area rebounds from the Great Recession will be the single greatest factor influencing population growth.

The three projection scenarios used are:

- "Most Likely" – based on continuation of current housing development (450 units annually in county)
- "High" – return to 50% of pre-recession development levels (1,000 units annually in county)
- "Low" – decline to approximately 50% of current development levels (225 units annually in county)

As previously stated a fourth projection based on the Nielsen Company projection was included for comparison purposes. It cannot be determined from available data exactly what parameters the Nielsen Company uses in their projection.

### ***Economics***

Changes in the area economics drives the housing starts and affects population growth or decline.

Economic Activity	Employees				Establishments	
	Employees	Establishments	Change	Pct	Change	Pct
Washtenaw County						
1998	150,034	8,071				
1999	154,719	8,188	4,685	3.1%	117	1.4%
2000	157,464	8,252	2,745	1.8%	64	0.8%
2001	157,248	8,270	-216	-0.1%	18	0.2%
2002	150,487	8,296	-6,761	-4.3%	26	0.3%
2003	150,135	8,349	-352	-0.2%	53	0.6%
2004	153,330	8,283	3,195	2.1%	-66	-0.8%
2005	151,721	8,337	-1,609	-1.0%	54	0.7%
2006	149,581	8,286	-2,140	-1.4%	-51	-0.6%
2007	145,096	8,247	-4,485	-3.0%	-39	-0.5%
2008	140,524	8,132	-4,572	-3.2%	-115	-1.4%
2009	135,600	7,932	-4,924	-3.5%	-200	-2.5%
2010	132,543	7,905	-3,057	-2.3%	-27	-0.3%
2011	134,317	7,889	1,774	1.3%	-16	-0.2%
2012	138,860	7,957	4,543	3.4%	68	0.9%
2013	143,487	7,971	4,627	3.3%	14	0.2%

Source: U.S. Census Bureau – County Business Patterns

In the second and third columns from the left, the number of employees and number of establishments in Washtenaw County are shown. The change by number and percent of employees and establishments is shown to the right.

Data is only available on a county-wide basis. This information, the U.S. Census Bureau is only current through 2013. Later data have not yet been released.

During the 1998 to 2007 period there had been an overall slight decline in the number of employees working in Washtenaw County. During the same period the overall number of establishments employing workers had increased.

Clearly, the county economy felt the effects of the Great Recession. There was a significant loss of both employees and establishments during the years 2008 to 2011. With the nationwide recovery from the recession the Washtenaw County economy has also begun to rebound. While the 2014-2015 data are not yet available, during the first two years of the recovery the local economy reclaimed over 9,000 jobs and almost 100 employers.

While no adjustment directly was made on the basis of this information it does support the “Most Likely” demographic projection. That projection is based on a continuation of the factors, particularly housing starts, that has occurred post-recession.

### **Migration**

According to data from the Internal Revenue Service, Washtenaw County has generally experienced an out-migration of persons. The IRS tracks the location of where tax returns are filed based on the address of the primary filer. From this tables are generated on a county-by-county basis showing the number of persons moving into or out of a county and the county of origin or destination.

The average net change pre-Great Recession was less than 1,000 more people moving out of the county than the number of people moving into the county. Initially, this seems contrary to other indicators. Overall, the total population has increased. Good employment opportunities and more housing all support a growth in population.

In general the greater number of persons moving out rather than moving in appears to be driven by younger persons initially moving into the area; starting and family; then moving out of the area. This is most likely college and particularly graduate students moving into and out of the county. The data supplied by the IRS shows the number of persons (exemptions) filed with each return. There are fewer exemptions per return from those persons moving into the county than on those moving out of the county.

The following table contrasts migration in the years 2004 and 2012. It also shows the top ten counties of origin and destination for persons migrating in and out of the county.

Migration	2004 Inflow	2004 Outflow	2012 Inflow	2012 Outflow
	17,813	18,615	18,096	19,880
<b>Net Change</b>	-802		-1,784	
<b>1</b>	Wayne Co.	Wayne Co.	Wayne Co.	Wayne Co.
<b>2</b>	Oakland Co.	Oakland Co.	Oakland Co.	Oakland Co.
<b>3</b>	Livingston	Livingston	Livingston	Livingston
<b>4</b>	Jackson	Cook (IL)	Cook (IL)	Cook (IL)
<b>5</b>	Cook (IL)	Jackson	Lenawee	Jackson
<b>6</b>	Lenawee	Lenawee	Monroe	Monroe
<b>7</b>	Monroe	Monroe	Jackson	Lenawee
<b>8</b>	Macomb	Ingham	Macomb	Foreign – Overseas
<b>9</b>	Ingham	Los Angeles (CA)	Ingham	Ingham
<b>10</b>	Genesee	New York (NY)	Los Angeles (CA)	Macomb

Source: U.S. Internal Revenue Service

In 2004 there was a net out-migration of 802 persons. In 2008 that had increased to over 3,000 persons. By 2012 that rate of out-migration had dropped to below 2000 persons. The 2013 data from the IRS has not been released. However, the trend is towards a return to the more stable pattern seen prior to the recession.

## SOCIO-ECONOMIC PROJECTION

Coupled with the change in overall population is the change in the number and characteristics of the households. As stated throughout this report, change in households is the primary driver affecting the retail market in any area.

Households	Most Likely	High	Low	Nielsen
<b>2026</b>	9,504	9,694	8,934	9,182
<b>2021</b>	8,871	9,049	8,339	8,080
<b>2016</b>	7,952	8,111	7,475	7,668
<b>2010</b>	7,182	7,182	7,182	7,182

Sources: Fanning Howey Projection, U.S. Census Bureau, the Nielsen Company

Reviewing data from past decennial census and estimates from the U.S. Census Bureau through their American Fact Finder program, overall the number of persons per household has remained at 2.68. Therefore, applying that factor to the projected population developed as part of this study based on the “Most Likely”, “High” and “Low” scenarios that table above shows growth in the number of households. The same information is also shown based on the Nielsen population projection.

## DEMOGRAPHIC SUMMARY

The demographic projections either developed for the region by outside sources or for the study area as part of this analysis point to continued population growth. The primary reasons supporting that projection in the Dexter Retail Trade Area include:

- Number of women of childbearing age in study area is increasing offsetting declining birth rate
- Out-migration rate is declining
- Births offset deaths and out-migration
- Percent of new housing construction in the study area as compared to the county is increasing
- Area economy in terms of number of employees and establishments is rebounding

As with all demographic projections they represent the best estimate based on the knowledge of the driving factors at the time. As stated, the “Most Likely” projection shows the number of persons increasing to over 25,000 over the next ten years. This is a solid increase from the last Census in 2010 which showed a population of 19,234. The most recent estimate of the current population extrapolated from the data provided by American Fact Finder puts the population of the study area at 21,297.

If the underlying factors including continued housing development in the study area and a rebounding area economy hold, solid population growth should continue over the next ten year period.

**SECTION FOUR****DOWNTOWN HOUSEHOLD RETAIL SPENDING ANALYSIS****INTRODUCTION**

The principal objective of a downtown retail market analysis is to determine the amount of household income available within the market area and the proportion of this household income that is spent for good and services by the various households.

For the purposes of analysis, a household is a group of people, living together, in which their combined annual incomes (including, wages, retirement and government benefits) is spent for goods and services necessary for daily life.

These households vary in many ways, including the age of the head of householder, number (and age) of persons, income, and lifestyle.

In the first portion of this section total household income is determined for the current population and an estimate of the increase in household income available in 2021 is made; the increase reflecting the growth in the number of households and income during the five-year analysis period.

This information is then analyzed to determine how much of this household income is capture by downtown businesses and the amount of spending that can be used to expand existing businesses or support a new business in the downtown. The goal of this portion of the downtown market analysis is to determine the total annual household income and the consumer speeding trends present in the retail market area for the period of 2016-2021.

**TRADE AREA HOUSEHOLD INCOME AND ESTIMATE OF REAIL SPENDING**

Using the estimated 2016 retail market area population and household estimate and projections for 2021, coupled with the estimate of current average household income and its projected increase for the year 2021, provides an estimate of the total household income available for purchase of retail goods and services.

The process to estimate the amount of spending that will occur the downtown retail market area is a mathematical function based on the survey data prepared by the US Department of Labor, Bureau of Labor Statistics (BLS). BLS conducts a survey of household expenditures to inventory their monthly purchases and spending.

Since the survey start in the 1930's the average household has spent between 28 and 33% of their annual income for retail goods and services.

Economist and academic researchers have established the formula for estimating the trade area as the number of households, multiplied by the average household income for the market area with 33% being the estimate of retail spending in within the retail market area.

Applying this formula estimates a total retail spending in the retail market area of \$301,497,615 for the year 2016 which will increase by 17.3% in 2021 adding an additional \$52,059,816 of household income expenditure for retail goods and services.

Trade Area Household, Income & Spending Trends				
Year	HH's	Avg. HH Income	Total Income	Retail Goods
<b>2016</b>				
High	8,111	\$114,893	\$931,897,123	\$307,526,051
Most Likely	7,952	\$114,893	\$913,629,136	\$301,497,615
<b>2021</b>				
High	9,049	\$120,774	\$1,092,883,926	\$360,651,696
Most Likely	8,871	\$120,774	\$1,071,386,154	\$353,557,431
<b>Retail Goods Increase 2016 - 2021</b>				
				High
				\$53,125,645
				Most Likely
				\$52,059,816

Sources: Fanning Howey Projection, U.S. Census Bureau, the Nielsen Company, consultant calculations

#### **ZIP CODE AREA HOUSEHOLD INCOME AND ESTIMATE OF REAIL SPENDING**

Applying the same formula to the current household count information for the zip code area estimates that household income expenditures for retail goods and services will increase by 10.8% adding \$23,555,133.

This analysis shows the importance of the geographic area lying beyond the border of the zip code which currently contributes a little less than 50% of the household income spent for retail goods and services, a proportion that is expected to increase in the future.

Zip Code Area Household Income & Spending Trends				
Year	HH's	Avg. HH Income	Total Income	Retail Goods
2016	5,771	\$114,893	\$663,047,503	\$218,805,676
2021	6,081	\$120,774	\$734,426,694	\$242,360,809
<b>Retail Goods Increase 2016 – 2021</b>				<b>\$23,555,133</b>

Sources: Fanning Howey Projection, U.S. Census Bureau, The Nielsen Company, consultant calculations

#### **RETAIL MARKET AREA “LEAKAGE” OF HOUSEHOLD SPENDING**

It is easily recognized that a portion of the household shopping is done outside of the downtown and surrounding merchants. Comparing the retail spending data to estimates of retail sales captured allows the estimation of the amount of spending that is “leaked” to non-local business and internet and other on-line sales; being approximately 50%.

Trade Area Retail Spending “Leakage”			
Spending	Capture	\$ Leakage	% Leakage
<b>2016</b>			
\$301,497,615	\$159,205,575	\$142,292,040	47.2%
<b>2021</b>			
\$353,557,431	\$159,205,575	\$194,351,856	55.0%

Sources: Fanning Howey Projection, U.S. Census Bureau, the Nielsen Company, consultant calculations

## SUMMARY AND FINDINGS

6. Government sourced socio-economic data most likely demonstrates a localized “limited population growth scenario” due to reliance on population projection models that continue to place over emphasis on negative state demographic trends.
7. Dexter, representing a small town mid to upper-income characteristics with 83% being married households, with 75% having 2, or more vehicles, an active workforce with an unemployment rate slightly more than 4%, and with proximity to the Ann Arbor metropolitan demonstrates growth trends unique to the state of Michigan as a whole, suffers from the Michigan trend resulting in overly underestimated future growth projections.
8. Dexter Community Schools serving almost 90% of the K-12 school aged population is a significant contributor to desirability of the area for population growth, especially families with children to educate and aids the faster than Michigan growth scenario.
9. These factors lead to the conclusion that household growth will exceed state of Michigan growth rates, with the retail market area adding over 900 households between 2016 and 2021.
10. Wage growth within the trade area follows a similar upward trend with average household incomes increasing in excess of 5% during the period of 2016 to 2021.
11. The increased number of households and increased household incomes will result in an increase in household income spending for retail goods and services in excess of \$50,000,000 in 2021.
12. “Leakage”; household retail spending in to non-local businesses, internet and other on-line sales is estimated to be approximately 47% and will increase to over 50% during the analysis term.

**SECTION FIVE****DOWNTOWN MARKET OPPORTUNITY ANALYSIS****INTRODUCTION**

The purpose of this section of analysis is to identify the types of retail stores and businesses that can prosper within the identified projection of current and future household income retail spending potential available in the retail market area.

The process of identification of specific “store types” which can optimize available household spending potential begins with analysis of retail demand and supply data sources available from one of several commercial sources. The data used in this analysis is sourced from the Nielsen Company who publishes data summarizing household purchase information for various households and compares this information with data gathered from retail and service businesses.

The data is published using the North American Industrial Classification System (NAICS) which assigns a specific code defining every type of business operation.

Identification of businesses that can enjoy success is based on the projected availability of retail goods and service expenditures not now being captured by existing business within the retail trade area by use of a two-step process.

The first step is to identify business types by three digit NAICS code having an increase in demand of 15%, or more.

These three digit codes are then further analyzed to identify, by their four digit NAICS codes, specific businesses that could capitalize on the identified retail market opportunities.

Because some of these specific businesses may not be likely candidates for location within the retail market area, the analysts renders an opinion of those that have the most probable likelihood of location success.

The process concludes with the analysts’ recommendation of goods and services which, based on the data are unfilled household goods and services expenditures available for capture by existing or new businesses with the retail market area.

## STORE TYPE OPPORUNITIES – THREE DIGIT NAICS CODES

The following table identifies, by three digit NAICS codes, the nine store types that have greater than 15% opportunity for the Dexter retail market area.

General Retail Store Type Opportunity	HH		Opportunity
	Expenditures	Retail Supply	
Motor Vehicle & Parts Dealers-441	\$60,416,228	\$14,116,202	<b>\$46,300,026</b>
Furniture & Home Furnishings Stores-442	\$6,618,428	\$1,637,972	<b>\$4,980,456</b>
Building Material, Garden Equipment Stores -444	\$34,851,820	\$24,661,772	<b>\$10,190,048</b>
Food & Beverage Stores-445	\$39,755,018	\$10,176,837	<b>\$29,578,181</b>
Clothing & Clothing Accessories Stores-448	\$14,624,183	\$630,583	<b>\$13,993,600</b>
Sporting Goods, Hobby, Book, Music Stores-451	\$5,822,422	\$1,361,978	<b>\$4,460,444</b>
General Merchandise Stores-452	\$36,192,462	\$4,699,550	<b>\$31,492,912</b>
Non-Store Retailers-454	\$27,890,067	\$1,039,947	<b>\$26,850,120</b>
Foodservice & Drinking Places-722	\$35,742,166	\$20,997,080	<b>\$14,745,086</b>

Source: the Nielsen Company

## STORE TYPE OPPORUNITIES - FOUR DIGIT NAICS CODES

The table on the following page identifies, by four digit NAICS codes, forty-one specific store types demonstrating the greatest opportunity for economic success based on unfilled market opportunities demonstrated within the retail market area.

### BUILDING SAPACE ANALYSIS

The survey of downtown business owners indicated the average square foot of sales captured by business equaled \$368 per square foot of building area.

Applying this sales capture rate to the unfilled market opportunity indicates that unfilled market opportunity justifies an additional 496,171 square feet of building space within the retail market area.

Recognizing the current “leakage” of 47.2%, expected to increase to 55.0% of this unfilled opportunity, it is concluded the demand for building space ranges from 223,000 to 262,000 square feet.

Supportable Building Space	
	Sq. Ft.
Motor Vehicle & Parts Dealers-441	125,815
Furniture & Home Furnishings Stores-442	13,534
Building Material, Garden Equipment Stores -444	27,690
Food & Beverage Stores-445	80,375
Clothing & Clothing Accessories Stores-448	38,026
Sporting Goods, Hobby, Book, Music Stores-451	12,121
General Merchandise Stores-452	85,579
Non-Store Retailers-454	72,962
Foodservice & Drinking Places-722	40,068
<b>Total</b>	<b>496,171</b>
Based on \$368 sales per square foot by business owners	

Source: the Nielsen Company, consultant calculations

## SUMMARY AND CONCLUSIONS

1. Household consumer demand identifies forty-one specific store types that can enjoy economic success based on unfilled customer demand during the analysis term.
2. Based on this analysis, several categories such as 1) motor vehicle purchases, 2) electronics & appliances, 3) building materials & supplies, 5) home centers, and 6) office supply stores, traditionally housed in “big box” or neighborhood/regional shopping centers are deemed inconsistent with the pattern of building space available in a downtown shopping environment, and are unlikely candidates for siting in the current downtown pattern of land use.
3. Recommended downtown store types focus on “specialty retailers”; furniture, home furnishings, (indoor & outdoor) clothing, clothing accessories, jewelry, luggage, general merchandise, food service, reading materials, hobby/sewing, with the most probable being unique multi-offering general merchandise stores.
4. Based on the current sales per square foot of retail building space reported by exiting business proprietors of \$368, unfilled retail spending could support 223,000 to 262,000 square feet of additional retail building space.

**SPECIFIC STORE TYPES WITH 15% OR MORE FUTURE GROWTH**

<b>Automotive</b>		<b>Clothing &amp; Clothing Accessories</b>	
Other Motor Vehicle Dealers-4412	19.20%	Clothing Stores-4481	10.00%
Automotive Parts/Accessories, Tire Stores-4413	17.20%	Men's Clothing Stores-44811	10.20%
		Women's Clothing Stores-44812	10.40%
		Family Clothing Stores-44814	10.00%
<b>Furniture &amp; Home Furnishings</b>		Clothing Accessories Stores-44815	10.60%
Furniture Stores-4421	12.20%	Jewelry, Luggage, Leather Goods Stores-4483	17.50%
Home Furnishing Stores-4422	13.30%	Jewelry Stores-44831	18.10%
Electronics & Appliances Stores-443	28.40%	Luggage & Leather Goods Stores-44832	12.50%
<b>Electronics &amp; Appliances</b>		<b>Sporting Goods, Hobby, Book, &amp; Music</b>	
Household Appliances Stores-443141	21.30%	Sporting Goods, Hobby, Musical Instrument Stores-4511	16.50%
Electronics Stores-443142	29.50%	Sporting Goods Stores-45111	13.80%
		Hobby, Toy & Game Stores-45112	17.10%
<b>Building Material, Garden Equipment</b>		Sewing, Needlework & Piece Goods Stores-45113	11.30%
Building Material & Supply Dealers-4441	14.30%	Musical Instrument & Supplies Stores-45114	31.20%
Home Centers-44411	14.80%	Book, Periodical & Music Stores-4512	17.60%
Paint & Wallpaper Stores-44412	11.40%	Book Stores & News Dealers-45121	16.10%
Hardware Stores-44413	13.60%	Book Stores-451211	16.70%
Other Building Materials Dealers-44419	14.10%	News Dealers & Newsstands-451212	10.80%
Building Materials, Lumberyards-444191	14.60%	Prerecorded Tape, CD, Record Stores-45122	26.70%
Lawn/Garden Equipment/Supplies		<b>Miscellaneous Stores</b>	
Outdoor Power Equipment Stores-44421	14.70%	Florists-4531	12.10%
Nursery & Garden Centers-44422	16.20%	Office Supplies, Stationery, Gift Stores-4532	15.50%
<b>Health &amp; Personal Care</b>		Office Supplies & Stationery Stores-45321	19.20%
Optical Goods Stores-44613	18.40%	Gift, Novelty & Souvenir Stores-45322	12.20%
		Used Merchandise Stores-4533	12.50%
		Other Miscellaneous Store Retailers-4539	15.10%
		Non-Store Retailers-454	10.60%

Source: the Nielsen Company

**SECTION SIX****STUDY FINDINGS AND RECOMMENDATIONS****INTRODUCTION**

The objective of this section is to synthesize the data and analysis conducted previously, and produces specific recommendations for implementation. The findings are factual statements documented by the research completed by the consulting team. Recommendations are rendered by the consulting team based on their understanding of the findings and experience in promotion and redevelopment of downtown retail market areas. The goal is to meld together facts and experience to design an implementation program to capture additional retail spending in sufficient quantity resulting in the expansion of existing businesses and location of new businesses.

**STUDY FINDINGS**

Significant findings of the study include:

1. The retail market area is coterminous with the boundary of the Dexter Community Schools district.
2. Future projections of population and household growth within the retail market area is most likely negatively skewed due to State of Michigan slow growth trends employed in government and commercial socio-economic projection models.
3. Dexter's location within the Ann Arbor metropolitan area, the proximity to the University of Michigan, and the Dexter Community Schools superior K-12 educational system contributes to a faster than state average future growth scenario.
4. Socio-economic analysis projects a growth of about 900 households within the retail trade area in the 5-year analysis term.
5. Household and income growth during the 5-year analysis term indicates an increase in household income used for retail goods and services in excess of \$50,000,000.
6. Currently slightly less than 50% of household shopping for goods and services is done external to the retail market area, a proportion that will increase to 55% during the 5-year analysis term.
7. While unfilled demand can support approximately 500,000 square feet of building space, the approximate 50% "leakage" indicates market area support for approximately one-half of this building space.
8. High downtown building occupancy limits ability to accommodate new building space.
9. The Dexter Downtown Development Authority and Chamber of Commerce conduct a full complement of traditional and contemporary customer recruitment activities.
10. The Dexter Downtown Development Authority and Chamber of Commerce promote visitor attractions, social events, cultural entertainment which aids expansion of external trade area customer sales and increases resident customer patronage.

## STUDY RECOMMENDATIONS

Based on the forgoing analysis, the consulting team offered the following recommendations:

### 1. **Downtown Land Use Planning**

It is the opinion of the consulting team that additional retail building space in the future is needed to expand and complement the current inventory of retail establishments within the downtown.

As such, it is recommended a study of current building space, its utilization and conformity to current space requirements be conducted to identify potential building redeployment needs and special expansion possibility for the downtown retail pattern of land use.

### 2. **Concentrated Resident Marketing Program**

Continued economic success of the downtown is inseparable with patronage from households within the retail market area.

As such, it is recommended engagement of a retail marketing analyst to study and identify advertising and other customer communication programs to increase customer patronage frequency to reduce the current spending leakage and to prevent increased leakage in the future.

### 3. **Downtown PlaceMaking and Walkability**

Households and household incomes undoubtedly are the “key” to downtown economic suitability.

Downtown residential living is a “key” to increasing customer patronage and is promoted by State of Michigan financial support for city installation of “PlaceMaking” and walkability infrastructure projects.

As such, it is recommended that study of city action to increase desirability for location of downtown residential dwelling units be considered, especially projects expanding PlaceMaking and further walkability.

**From:** [Chuck Eckenstahler](#)  
**To:** ["James Davis"](#)  
**Cc:** [Michelle Aniol](#)  
**Subject:** RE: thank you! Two basic questions stemming from your fine presentation  
**Date:** Saturday, April 02, 2016 10:42:29 AM

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Good morning – sorry for the delay in answering you email. Below you will find my commentary.

## Chuck Eckenstahler

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*....we need to treat the future as a choice, not fate.....we have enough time and human leadership to make a true difference for our future....*

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My Blog –

<http://chuckeckenstahler.wordpress.com>

**From:** James Davis [mailto:davis@mail.ic.edu]  
**Sent:** Monday, March 28, 2016 8:17 PM  
**To:** [pctecken@comcast.net](mailto:pctecken@comcast.net)  
**Cc:** [cbaxmeyer@fhai.com](mailto:cbaxmeyer@fhai.com)  
**Subject:** thank you! Two basic questions stemming from your fine presentation

Hello Mr. Eckenstahler,

As a member of the audience this evening at the Dexter City Council meeting and as a former city councilman in Jacksonville, Illinois, where I lived for forty-one years, I was very pleased to hear your fine presentation concerning the city and probable growth. Your presentation brought back pleasant and interesting memories of my taking urban history nearly fifty years ago in grad school at The U of M and then teaching it in some of the courses I taught in college over the years.

I have two basic questions that are related I would like to ask. These questions hinge on what typically happens in many cities when the Central Business District expands, as has happened in Dexter. Specifically, over the decades some businesses have moved into perhaps eight or ten former residential homes in or near the CBD, and happily all of these businesses, including professional offices, seem to be thriving. These businesses also include a bicycle shop, a restaurant, and a specialty clothing/gift shop.

My experience with MI communities, especially those with growing household income

available for capture by local businesses, leads me to the conclusion that the traditional residential homes surrounding traditional central business districts first repurpose residential homes into commercial uses. This is caused due to the cost of new retail building construction exceeding investment rate of return for new construction unsupportable by current tenant rents. Another words, it is less expensive to repurpose a residential structure than build new. This was identified as an economic condition now present in Dexter by a DDA member. Therefore, I believe Dexter will see repurposed residential homes as a first step in the expansion of its central business district footprint. It is also the reason, I suggest the expanded retail space offering focus on mixed-use residential over retail new development where the residential rent roll will help subsidize the retail investment rate of returns, as incentive to expand the retail space offering within the central business district.

Do you think the likelihood that other businesses will pop up in former residential houses near the CBD is a possible, partial solution to the lack of business space for people who might want to open businesses in Dexter? If it is a partial solution for this problem, does it have limits that will ultimately limit such expansion? If it is a partial solution, is it truly a desirable solution?

Your question of “desirability” is one of local governance expressed through the City Master Plan. This situation prompted my recommendation that city planners explore the question and determine strategy for the future regarding expansion of retail footprint and desirability of mixed-use higher density downtown development. Michigan’s downtown policy is directly aimed at creation of a hierarchical structure of downtowns throughout the state designed to attract and retain select population groups. Therefore, the community must identify Dexter’s position in the scheme of Michigan’s Downtown’s policy for success in securing state funding and implementation of state supplied incentives.

Similarly, in many towns some of the old, gracious homes that were built near the CBD in the early decades of the town's existence have been chopped up into rooming houses and/or apartments structures. Do you think this use of former residential houses is a possible, partial solution to Dexter's lack of housing in or near the CBD for some specific demographic segments (e. g., young, single people, young couples without children, and elderly and widowed people)? If it is a partial solution for this problem, do you think it is a solution that is both beneficial for the community and one that has last value, or does this kind of housing present inherent problems, ones that the community might want altogether to avoid? (I favor the proposed project near the riverside park that would have commercial space on the first floor and condos or apartments on the second and third floors.)

I am a big supporter of a different type of residential housing within walkable central business districts, i.e. Michigan’s PlaceMaking” efforts designed to attract the millennial and retiree population. These units are typically rental and smaller in size, designed for a more active lifestyle and out-of-home interactive community social experience. This type of housing is part of the Michigan “PlaceMaking” program and is proven economically viable in many metro areas in Michigan as well others nationally. Personally, I am hopeful Dexter community leaders consider this housing type as an integral component of the downtown, as it will contribute to the economic success and future sustainability in my opinion.

Again, thank you for your informative and encouraging presentation. I greatly appreciate it.

Feel free to share your answers to my two basic questions with Mayor Keough and members of the Council.

I am including Michelle in this response allowing her to consider distribution to others as appropriate.

--James Davis

James E. Davis  
Home phone: 734 253-2311

email address: [davis@mail.ic.edu](mailto:davis@mail.ic.edu)

## STAFF REVIEW

**TO:** Zoning Board of Appeals  
**FROM:** Michelle Aniol, Community Development Director  
 Courtney Nicholls, City Manager  
**DATE:** April 18, 2016  
**RE:** **ZBA #2016-01, 7225 Dan Hoey Sign Setback Variance Revised Request**

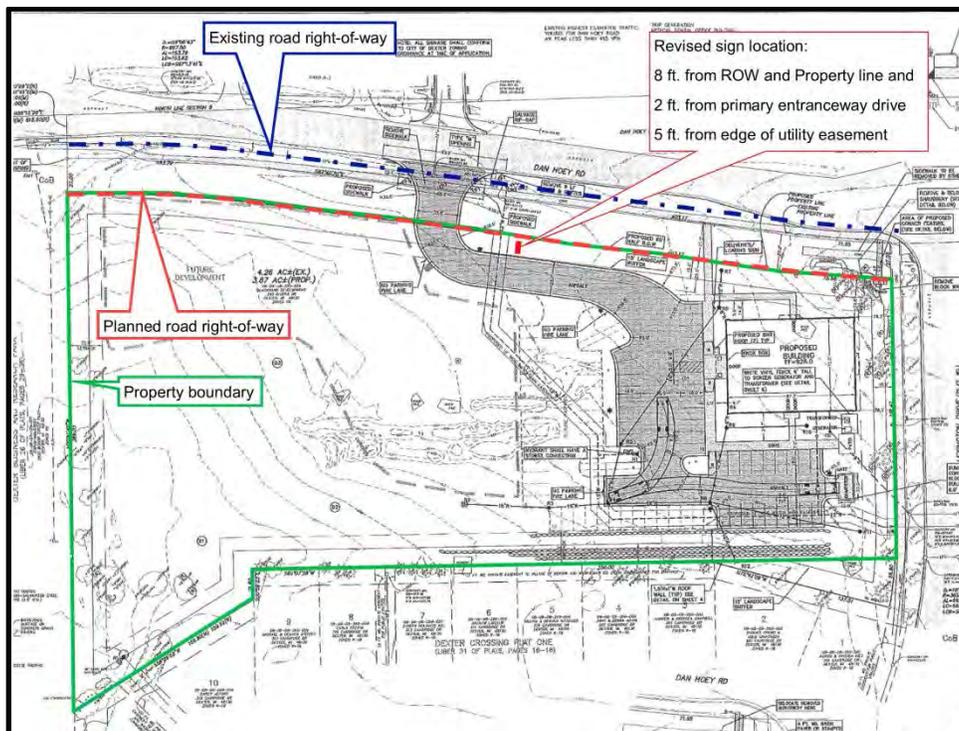
The Zoning Board of Appeals is scheduled to conduct another public hearing to consider a revised variance request submitted by, Dr. Brent Kolb, for property located at 7225 Dan Hoey (08-08-08-200-024), April 18, 2016. Dr. Kolb has requested the following variances from Section 7.03(1) for a ground sign:

- 2-foot variance from the required 10-foot setback from the road right-of-way, to allow a 8-foot setback from the road right-of-way;
- 7-foot variance from the 15-foot required setback from the property line, along Dan Hoey Road, to allow an 8-foot setback from the property line; and
- 13-foot variance from the required 15-foot setback from the primary entranceway drive, to allow a 2-foot setback from the primary entranceway drive.

If the request is granted, it would allow a 7-foot setback from the road right-of-way and (front) property line and a 13-foot setback from the primary entranceway drive. The applicant is citing practical difficulties associated with the property.

### ZONING

The applicant has seeks to erect a 9-foot tall x 6.67-foot wide ground mounted sign. The sign would be setback 8 feet from the Dan Hoey Road right-of-way and front property line, 2 feet north of the primary entranceway drive and 5 feet east of a public utility easement.



The subject site is zoned Dexter Crossing PUD with PB Professional Business as the underlying zoning district. The PB District is intended for offices of professionals and professional-type services. The uses in this district are generally lower impact uses than those found in the general commercial district, in respect to the normal hours of operation and the amount of automobile trips generated. The PB District is also intended to provide a transition between commercial uses and residential uses. Professional Business Districts shall be located along an arterial street in order to service both local and through traffic.

Dr. Kolb received final site plan approval for a multi-tenant medical office building in 2015. According to Section 7.03(1)D, one freestanding (i.e. ground mounted) identification sign maybe erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. Such sign can be used to identify the name of the business center or tenants. The sign area cannot exceed 1 square foot per front foot of the building or buildings for which the sign would be erected. The area of the sign is not permitted to exceed 60 square feet (per side). Additionally, the maximum height of the sign shall not exceed 10 feet.

Section 7.03(1)E states that for projects in PUD District, the number, size and location of ground signage shall be determined by the intended use of a property, subject to the review and approval of the PUD during plan review. This particular section of Article VII, Signs in the Zoning Ordinance was not in effect when the Dexter Crossing PUD was approved. Thus, signage is reviewed by the Zoning Administrator.

### **VARIANCE CONSIDERATIONS**

Section 24.05 A. outlines the criteria applicable to variance considerations. Variances shall be granted only in accordance with the Michigan Public Act 110 of 2006, as amended and based on the findings set forth below. The extent to which the following criteria apply to a specific case shall be determined by the ZBA; however, at least one (1) of the applicable criteria must be found by the ZBA for each variance request.

- 1. Practical Difficulties:** *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.*

The applicant claims compliance with the required setbacks for ground signage is impractical given that the northern property line and planned road right-of-way for Dan Hoey will be 47 feet from the edge of the road pavement.

The principal entranceway from Dan Hoey Road comes into the site approximately 57 feet, from north to south, before curving approximately 90 degrees to the east. As such, the area located east of the entranceway and between the ROW and the entranceway drive (going north to south) is 15 feet wide. Compliance with the setback requirements would not be possible in this area. The applicant could meet the requirements of Section 7.03(1)D by locating the sign west of the entranceway drive. However, this is the anticipated location of a future entranceway drive for a future development.

- 2. Substantial Justice:** *Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

The applicant has provided photographs of existing ground mounted signs. A review of city records demonstrated the following:

- Dexter Crossing (on Dexter-Ann Arbor and Dan Hoey Roads) - The ground signs at Dexter Crossing is setback 15 feet from the ROW easement and more than 32 feet from the road surface on Dan Hoey and more than 37 feet from the edge of the Dexter-Ann Arbor Road.
- LaFontaine (on Dexter-Ann Arbor Road) - The LaFontaine ground signs are setback approximately 25 feet from the Dexter Ann Arbor ROW and 35 feet from the edge of the road.
- DAPCO (Dan Hoey Road) - The DAPCO ground sign is located approximately 10 feet inside the Dan Hoey Road ROW. Staff was not able to locate documentation that would demonstrate this sign received a permit to locate within the ROW.

If the requested variances are granted, there would be ample distance between the current edge of the pavement and the proposed sign location. Additionally, the applicant has proposed to move the sign approximate 40 feet east of the entranceway drive. If Dan Hoey Road is expanded in the future, as planned, the proposed sign should not block visibility to the east on Dan Hoey Road, for motorists leaving the site.

- 3. Public Safety and Welfare:** *The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.*

Dan Hoey is a major road, which experiences significant semi-truck traffic to and from the industrial park, as well as school bus traffic to and from Cornerstone Elementary and the Dexter Community Schools complex. The proposed location of the sign should not present a risk to public safety and welfare, provided Dan Hoey Road is not expanded, as planned.

- 4. Extraordinary Circumstances:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties of other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

The distance from the edge of the road to the required location of the sign would be 57 feet. The applicant claims legibility of the sign would be compromised, if strict adherence to the ROW and property line setback is required.

Road right-of-way widths vary depending on the classification of the road. Within the city, the planned right-of-way for Dan Hoey, Baker and Dexter-Ann Arbor Roads are 120-feet, whereas most other road rights-of-way in the city are 99-feet wide. This standard does not include residential subdivision road rights-of-way, which are generally 66-feet wide. A roadway may have a planned width of 120 feet, but currently it may be constructed based on a 99-foot road right-of-way, as is the case along many sections of Dan Hoey, Baker and Dexter-Ann Arbor Roads. Traffic volumes and other factors impact the expansion of a road.

As identified previously, ground signs in the vicinity have been erected in accordance with the required setbacks. As such, these signs are located anywhere from 25 feet to 37 feet from the edge of the road, with the exception of the DAPCO sign, but it questionable if that sign was permitted. Additionally, a sign erected on the subject site, in accordance with the required setbacks, would be clearly visible more than 500 feet to the east or west.

- 5. No Safety hazard or Nuisance:** *The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.*

The proposed location of the sign should not increase the hazard of fire or otherwise endanger public safety or create a public nuisance, provided Dan Hoey Road is not expanded, as planned.

- 6. Relationship to Adjacent Land Uses:** *The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not*

*alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given prevailing shopping pattern, convenience of access for patrons, continuity of development, and the need of particular services and facilities in specific areas of the City.*

The subject property is zoned Dexter Crossing PUD with an underlying zoning of PB Professional Business District.

Property Location	Zoning/Use
North	R-3, Multiple-Family Residential C-1 General Business
East	Dexter Crossing PUD with an underlying zoning of R-3 Multiple-Family Residential
South	Dexter Crossing PUD with an underlying zoning of R-1B, One Family Residential-Small Lot
West	RD Research and Development District

The proposed location of the ground site is not consistent with the location of ground signs on adjacent properties, with the exception of the DAPCO sign, as cited herein.

**CONCLUSION/FINDINGS**

- Substantial justice could be served provided Dan Hoey Road is not expanded in the future, as planned.
- Risk to public safety and welfare would not be compromised, provided Dan Hoey Road is not expanded, as planned.
- Extraordinary circumstances have not been demonstrated.
- The hazard of fire or other dangers to public safety or creation of a public nuisance would not be increased, provided Dan Hoey Road is not expanded, as planned.
- The proposed location of the ground site is not consistent with the location of ground signs on adjacent properties, with the exception of the DAPCO sign, as cited herein.

**SUGGESTED MOTIONS**

Based on the information provided for ZBA #2016-01, at the April 18, 2016 Zoning Board of Appeals meeting, the Board determines that the request for a 2-foot variance from the required 10-foot setback from the road right-of-way, a 7-foot variance from the required 15-foot setback from the property line along Dan Hoey Road, and a 13-foot variance from the required 15-foot setback from the primary entranceway drive in Section 7.03(1), Ground Sign General Requirements be **(GRANTED / NOT GRANTED)**.

The application, submitted by Dr. Brent Kolb, for property at 7225 Dan Hoey (08-08-08-200-024) **(MEETS/FAILS TO MEET)** the conditions required for the granting of a variance. Therefore, an 8-foot setback from the Dan Hoey Road right-of-way, an 8-foot setback from the property line along Dan Hoey Road, and a 2-foot setback from north of the primary entranceway drive is **(PERMITTED / NOT PERMITTED)** to allow the erection of the requested ground sign.

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

The Board moves to **postpone** variance request ZBA2016-01 until (\_\_\_\_(date)\_\_\_\_) to allow the applicant to address the following items: (list items)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Please contact me prior to the meeting if you have questions.



Michigan

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APPLICATION FOR ZONING BOARD OF APPEALS HEARING

*amendment to ZBA 2016-01*

Application is being made for:  Appeal  Variance

Property Address: 7275 DAN HOEY RD Tax ID Number: 08-08-08 200-024

Proposed Use: DENTAL OFFICE

Applicant Name: MARK CHALOU Phone: 734 320 1215

X Applicant Address: 3458 E. PINEVIEW

Email Address: CHALOUDESIGNS@ATT.NET Mobile Phone: 734 320 1215

X Property Owner Name: BRENT KOLB Phone: \_\_\_\_\_

X Property Owner Address: 8031 MAIN ST SE, 303 DEXTER MI

Email Address: KOLB BRENT@GMAIL.COM Mobile Phone: 734 649 1948

Type of Improvement Proposed: NEW MONUMENT SIGN

Reason Waiver is Requested (explain practical difficulty or hardship): SEE ATTACHE + following 7.03(u)F } 2 ft variance from 15' req'd setback from property line; 2 ft variance from 10' foot req'd setback from ROW + a 13' variance from 15' req'd setback from entrance drive

Application Procedure: Please check if the following information is being provided, and attach the required documents to this application. MPC

Yes	No	
✓		A complete, signed application form, with application fee.
✓		A site plan, drawn to scale and fully dimensional, showing the entire lot; the location of all existing structures including buildings and signs; the proposed improvements; lot area calculations to show compliance with building coverage allowances for the zoning district; and land contours (if applicable).
✓		In the case of buildings, sketches or elevations. For additions, both the old and new structures must be included to show how the addition relates to the existing structure.
✓		In case of appeals, a clear description of the order, requirement, decision, or determination for which the appeal is made and grounds for appeal (Please attach to this application).

Application Zoning Board of Appeals Hearing - Page 2

General Information

At the public hearing, the applicant must present the Board with proof that there is a practical difficulty in carrying out the strict letter of the ordinance. By ordinance, the following four standards apply in determining whether practical difficulty is sufficient to warrant granting of the variance.

- 1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such restrictions unnecessarily burdensome;
2. Granting the variance would do substantial justice to the applicant as well as other property owners in the district; or granting some portion of the variance would give substantial relief to the owner and be more consistent with justice to other property owners;
3. The plight of the land owner is due to unique circumstances of the property; and
4. The problem is not self-created.

The application and a site plan must be filed at least 4 weeks prior to the public hearing. Please call the City Community Development Office at (734) 426-8303 x 15 for meeting dates and deadlines.

X [Signature] 3/28/2016
Owner's Signature Date

[Signature] 3/24/16
Applicant's Signature Date

Staff Review: Fee: Residential \$250 Non-Residential \$350 pd 2-18-16

Date Received: Receipt #

Regulations (Ordinance Sections) to be waived: 7.03(1) setback from ROW & property line 15ft from primary entrance drive

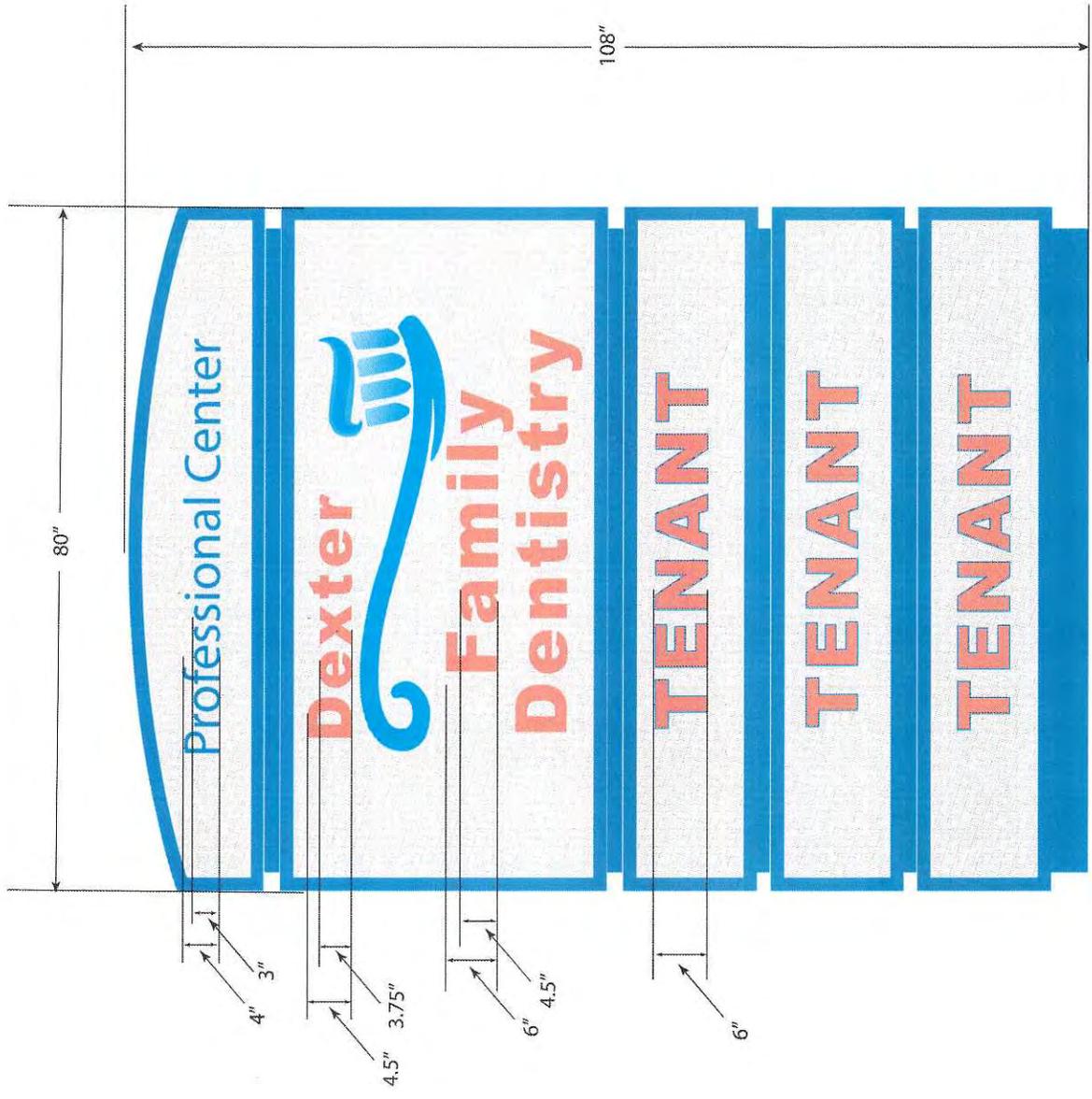
Code Requirement: 15 ft from property line, 10 ft from ROW 15 ft from primary entrance drive

Proposal: 2 ft variance from 10 ft setback from ROW; 7 ft variance from 15 ft setback from property line 13 ft variance from 15 ft setback from primary entrance drive

Zoning Board of Appeals Action: Approved Denied Date:

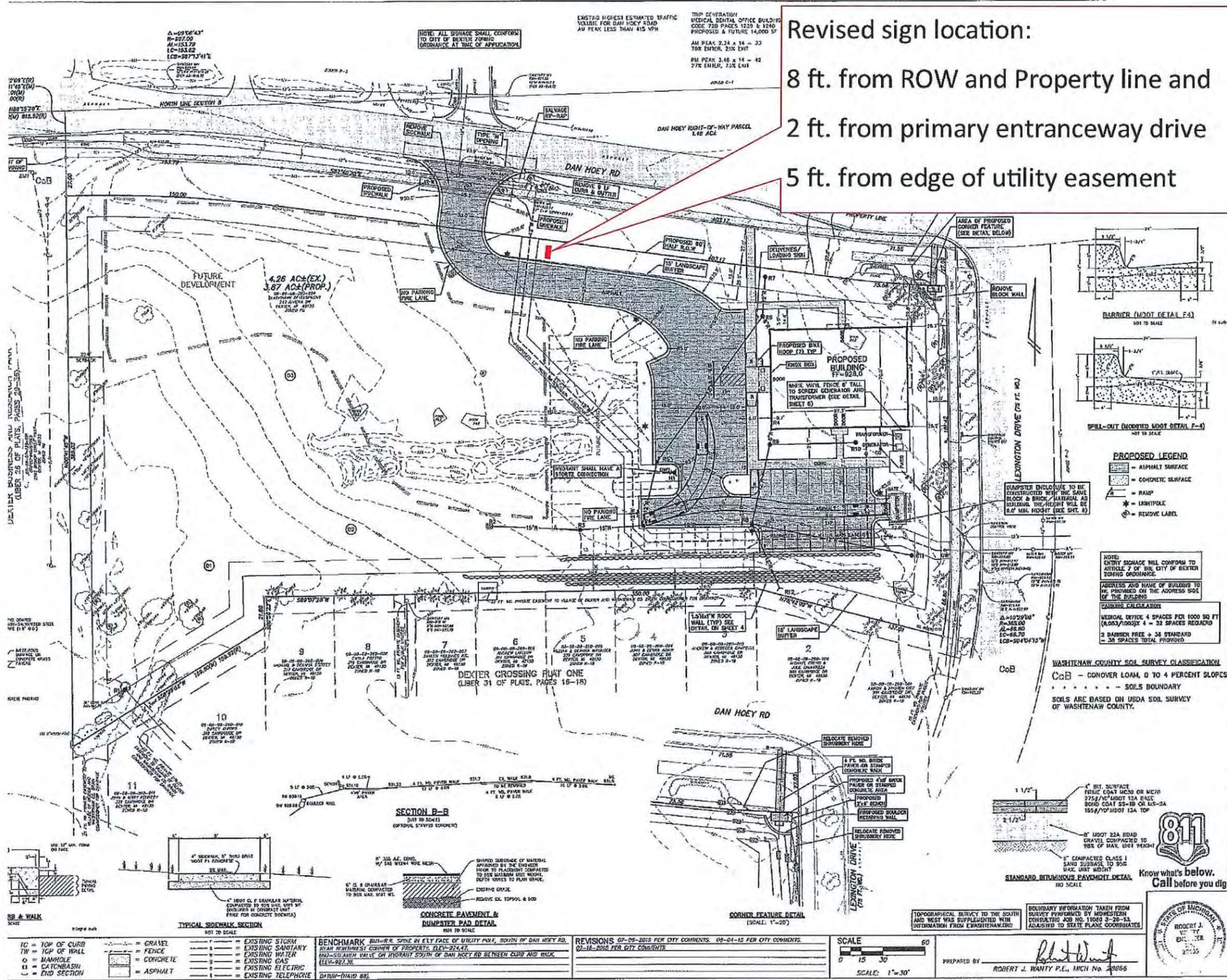
APPROVAL STAMP:

# Dexter Family Dentistry





33"  
FROM ROW.



**ENGINEERING**

**A.R. BROUWER COMPANY LLC**  
7444 DEWEY AVENUE, ANN ARBOR, MI 48106  
TEL: 734-626-9990

**FINAL SITE PLAN**

**DAN HOEY MEDICAL OFFICE BUILDING**

**PROJECT** SECTION 8 SOUTH R/W SIDE EAST

**CITY OF DEXTER**  
WASHINGTON COUNTY - MICHIGAN  
JOB NO. 31024  
DATE 5-27-15  
DWS NO. 874-07E  
FIELD BOOK NAME  
FILE NO. 10770

**ROBERT J. WANTY P.E.**  
MICHIGAN PROFESSIONAL ENGINEER  
NO. 28666

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STAFF REVIEW

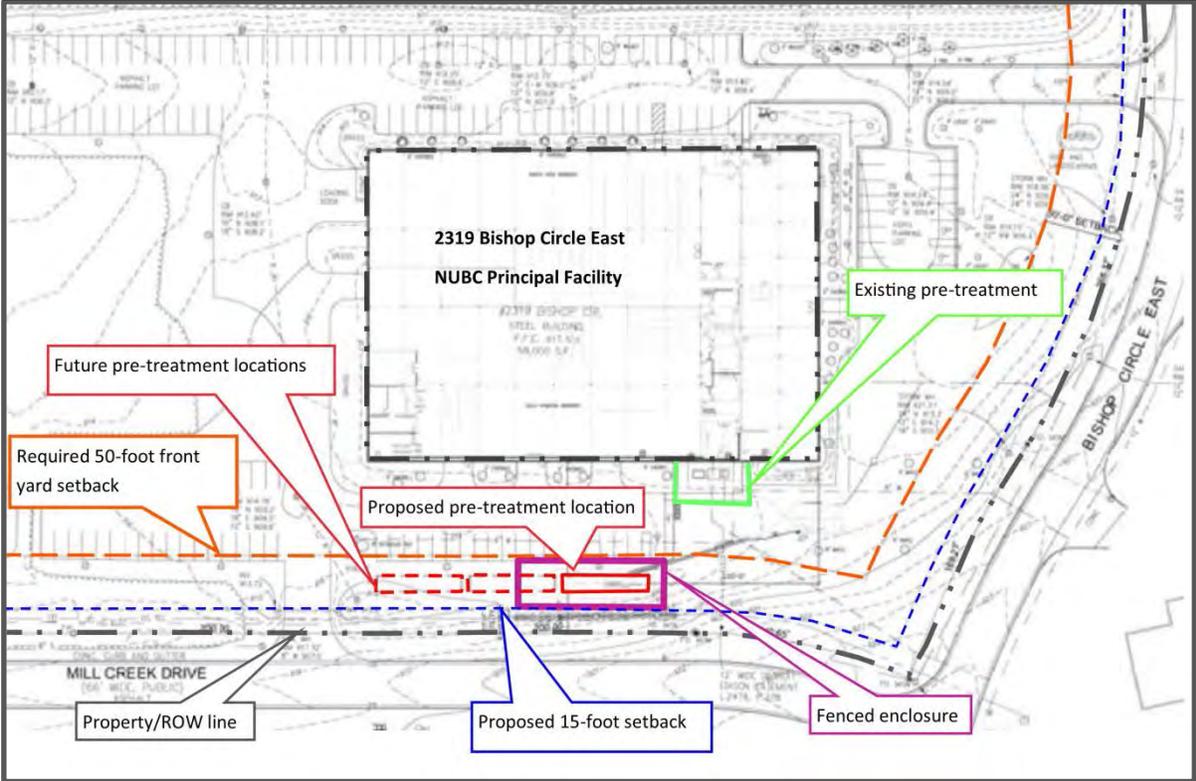
TO: Zoning Board of Appeals
Courtney Nicholls, City Manager
FROM: Michelle Aniol, Community Development Director
DATE: April 18, 2016
RE: ZBA #2016-02, NUBC, 2319 Bishop Cr E, Front Yard Setback Variance Request

The Zoning Board of Appeals is scheduled to conduct a public hearing to consider a variance request submitted by Northern United Holdings, LLC (a/k/a Northern United Brewing Company - NUBC), for property located at 2319 Bishop Circle East (08-08-07-125-025) on March 14, 2016.

The applicant has requested a 35-foot variance from the required 50-foot front yard setback in Section 20.01, Schedule of Regulations in the RD, Research and Development District, to allow the installation of a wastewater pre-treatment system and fenced enclosure. The variance, if granted, would allow a 15-foot front yard setback (along Mill Creek Drive). The applicant cites practical difficulties associated with the property.

ZONING

The applicant seeks to install a wastewater pre-treatment containment system, measuring 53' (L) x 8.5' (W) x 10.83' (H) (solid red line). The pre-treatment system would be located within a 6-foot tall chain-linked fenced enclosure measuring 94' x 30' (solid magenta line). The subject site fronts onto three (3) roads, Bishop Circle East, Mill Creek Drive (south), and Bishop Circle West. The pre-treatment system and fenced enclosure is proposed behind the south side of the facility, and would front onto Mill Creek Drive. The subject site is zoned RD, Research and Development District.



The RD District was established to:

- promote and to protect the health, safety and welfare of the general public;
- designate, regulate and restrict the location, purpose and use of buildings and all other research and development structures in Dexter and to protect the character and stability through promotion of orderly and beneficial development;
- prevent overcrowding;
- promote the most advantageous development and use of industrial park land;
- provide for appropriate facility design in keeping with the character of the subdivision; and
- encourage and promote a healthy, stable local economy.

The proposed pre-treatment system and fenced enclosure is accessory to the principal use, a manufacturing facility for the production of beer. Accessory uses, buildings or structures are principal permitted uses in the RD District.

### **VARIANCE CONSIDERATIONS**

Section 24.05 A. outlines the criteria applicable to variance considerations. Variances shall be granted only in accordance with the Michigan Public Act 110 of 2006, as amended and based on the findings set forth below. The extent to which the following criteria apply to a specific case shall be determined by the ZBA; however, at least one (1) of the applicable criteria must be found by the ZBA for each variance request.

1. **Practical Difficulties:** *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.*

The applicant purchased the subject site and existing building in 2012. The applicant retrofitted the building for its manufacturing operations, based on the location of existing infrastructure, such as public water and sanitary sewer, electricity and gas services, and loading/unloading areas.

As identified above, the subject site has frontage on three (3) roads. Hence it has three (3) front yards. The main entrance to the facility faces Bishop Circle East, the main loading and unloading area faces Mill Creek Drive, and an additional, smaller loading area faces Bishop Circle West.

The applicant could meet the setback requirements by installing the pre-treatment system to the west of the building. However, installing the system west of the building would be unnecessarily burdensome, as the applicant would need to complete a significant reconstruction of the facility, including the installation of underground infrastructure, which could then unreasonable prevent future building expansion.

2. **Substantial Justice:** *Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

Granting the requested variance would facilitate the installation of much needed additional wastewater pre-treatment capability. Without the additional pre-treatment capability, the applicant is unable to meet its wastewater discharge limits, which negatively impacts the city's own wastewater treatment capability.

3. **Public Safety and Welfare:** *The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.*

The applicant has proposed a row of evergreens to block the view of the pre-treatment system and fence enclosure from Mill Creek Drive. The proposed variance, if granted, would not jeopardize public safety and welfare, provide additional evergreens are installed to screen the proposed pre-treatment facility and fenced enclosure from Bishop Circle East.

- 4. Extraordinary Circumstances:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties of other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

As cited above, the property fronts onto 3 roadways. There is not another property in the industrial park that has 3 road frontages. Underground public infrastructure (i.e. water, sanitary sewer, telephone, electric and gas services) is located within 15-foot utility easements within the Bishop Circle East, Mill Creek Drive and Bishop Circle West Road right-of-ways. The site was originally developed and the building constructed to facilitate future building expansion (to the west). Hence, the main entrance faced Bishop Circle East, and the primary loading and unloading area utilized the sites Mill Creek frontage. It was neither practical, nor sounding planning nor engineering practice to install underground public utilities in future expansion area to the west. Thus, connections were made to public infrastructure along Bishop Circle East and Mill Creek Drive.

- 5. No Safety hazard or Nuisance:** *The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.*

The proposed pre-treatment system includes a gas burner and ignition system to burn-off excess biogas (i.e. methane). The gas burner/ignition system will be located within the fenced enclosure. The City operates a gas burner/ignition system at the wastewater treatment plant. The Fire Department's main concern "would be the possibility of calls for service from the public seeing flames." However, DAFD acknowledged that the City of Dexter's flare at the wastewater treatment plan has NOT generated additional calls for service. The applicant must demonstrate the flare will be minimized.

- 6. Relationship to Adjacent Land Uses:** *The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given prevailing shopping pattern, convenience of access for patrons, continuity of development, and the need of particular services and facilities in specific areas of the City.*

As cited above, the subject site is zoned RD Research and Development District. The following table identifies the zoning and existing land use of adjacent properties:

Property Location	Zoning/Use
North	RD Research and Development/Manufacturing
East	RD Research and Development/Manufacturing, Testing Laboratory
South	RD Research and Development/Manufacturing
West	RD Research and Development District/Manufacturing

The proposed pre-treatment system and fenced enclosure will be harmonious and compatible with properties adjacent to the subject site.

**CONCLUSION**

- Strict adherence to the front yard setback regulation would be unnecessarily burdensome and could prevent future building expansion.
- Granting the requested variance would facilitate the installation of much needed additional wastewater pre-treatment capability.
- Public safety and welfare would not be jeopardized, provide additional evergreens are installed to screen the proposed pre-treatment facility and fenced enclosure from Bishop Circle East.
- Frontage on 3 roadways is an extraordinary circumstance.
- Applicant must demonstrate the flare from the gas burner/ignition system will be minimized.
- The proposed pre-treatment system and fenced enclosure will be harmonious and compatible with properties adjacent to the subject site.

**SUGGESTED MOTIONS**

Based on the information provided for ZBA #2016-02, at the April 18, 2016 Zoning Board of Appeals meeting, the Board determines that the request for a 35-foot variance from the required 50-foot front yard setback in Section 20.01, Schedule of Regulations for Principal Buildings in the RD Research and Development District be **(GRANTED / NOT GRANTED)**. The application, submitted by Northern United Holdings, LLC, for the property located at 2319 Bishop Circle East (08-08-07-125-025) **(MEETS/FAILS TO MEET)** the conditions required for the granting of a variance. Therefore, a 15-foot front yard setback along Mill Creek Drive is **(PERMITTED / NOT PERMITTED)**, to allow the construction of a wastewater pre-treatment system and fenced enclosure.

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

The board moves to postpone the variance request until (\_\_\_\_ (date)\_\_\_\_) to allow the applicant to address the following items: (list items)

1. \_\_\_\_\_
2. \_\_\_\_\_

If you have any question prior to the meeting, please contact me.

Respectfully submitted,

\_\_\_\_\_  
Michelle Aniol  
Community Development Manager



**OFFICE OF COMMUNITY DEVELOPMENT**

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**APPLICATION FOR ZONING BOARD OF APPEALS HEARING**

Application is being made for:  Appeal  Variance

Property Address: 2319 Bishop Circle East Tax ID Number: 45-4048822

Proposed Use: Brewery/Wastewater Treatment

Applicant Name: Northern United Holdings LLC Phone: 734-792-9102

Applicant Address: same

Email Address: info@nubco.net Mobile Phone: N/A

Property Owner Name: Northern United Holdings LLC Phone: 734-792-9102

Property Owner Address: same

Email Address: info@nubco.net Mobile Phone: N/A

Type of Improvement Proposed: Wastewater Treatment Container-Ecovolt to have a 25' setback from the ROW (50' required per the ordinance)

**Reason Waiver is Requested (explain practical difficulty or hardship):**

As this is a reuse of an existing manufacturing facility the existing Infrastructure can be maintained with access unencumbered to the existing building. Waste treatment was unanticipated at the time of the initial startup and the drains for the waste exit the building at this location making it the most practical location for the treatment system. Three sides of the lot are "frontage" causing a hardship in utilizing the available space due to the setback requirements. Existing utility easements into the building need to be maintained for access. This allows the primary business growth potential within the existing building and any expansions in the future.

**Application Procedure:** Please check if the following information is being provided, and attach the required documents to this application.

Yes	No	
X		A complete, signed application form, with application fee.
X		A site plan, drawn to scale and fully dimensional, showing the entire lot; the location of all existing structures including buildings and signs; the proposed improvements; lot area calculations to show compliance with building coverage allowances for the zoning district; and land contours (if applicable).
X		In the case of buildings, sketches or elevations. For additions, both the old and new structures must be included to show how the addition relates to the existing structure.
	NA	In case of appeals, a clear description of the order, requirement, decision, or determination for which the appeal is made and grounds for appeal (Please attach to this application).

**RECEIVED**

MAR 14 2016

**CITY OF DEXTER**

**Application Zoning Board of Appeals Hearing - Page 2**

**General Information**

At the public hearing, the applicant must present the Board with proof that there is a practical difficulty in carrying out the strict letter of the ordinance. By ordinance, the following four standards apply in determining whether practical difficulty is sufficient to warrant granting of the variance.

1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such restrictions unnecessarily burdensome;
2. Granting the variance would do substantial justice to the applicant as well as other property owners in the district; or granting some portion of the variance would give substantial relief to the owner and be more consistent with justice to other property owners;
3. The plight of the land owner is due to unique circumstances of the property; and
4. The problem is not self-created.

The application and a site plan must be filed at least 4 weeks prior to the public hearing. Please call the City Community Development Office at (734) 426-8303 x 15 for meeting dates and deadlines.

<u><i>[Signature]</i></u>	<u>3/10/16</u>	<u>← same</u>	
Owner's Signature	Date	Applicant's Signature	Date

Staff Review: Fee: Residential \$250 Non-Residential \$350

Date Received: 3/8/16 Receipt # 52996

*pd \$350 + \$1,500 for new section*

Regulations (Ordinance Sections) to be waived: 20.01 schedule of Regulation in the RD, Research & Development District - front yard setback

Code Requirement: 50-foot front yard setback

Proposal: 35-foot variance to allow a 15-ft front yard setback

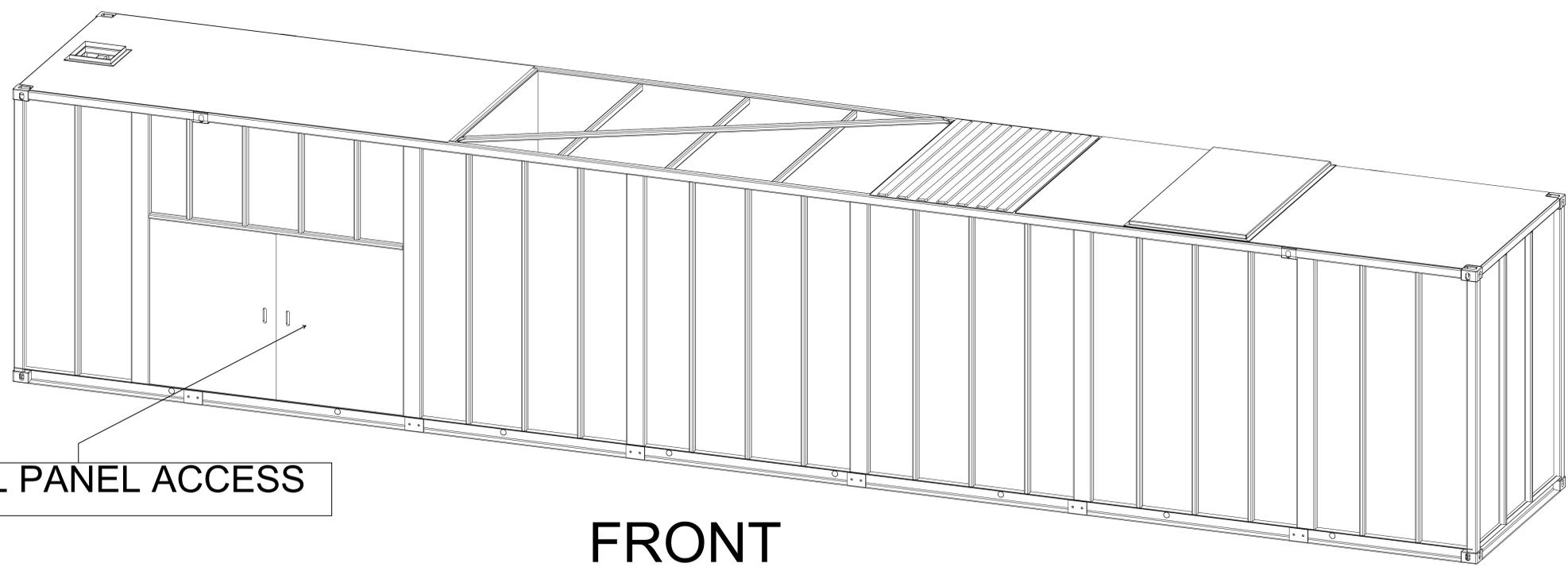
Zoning Board of Appeals Action:  Approved  Denied Date: \_\_\_\_\_

APPROVAL STAMP:



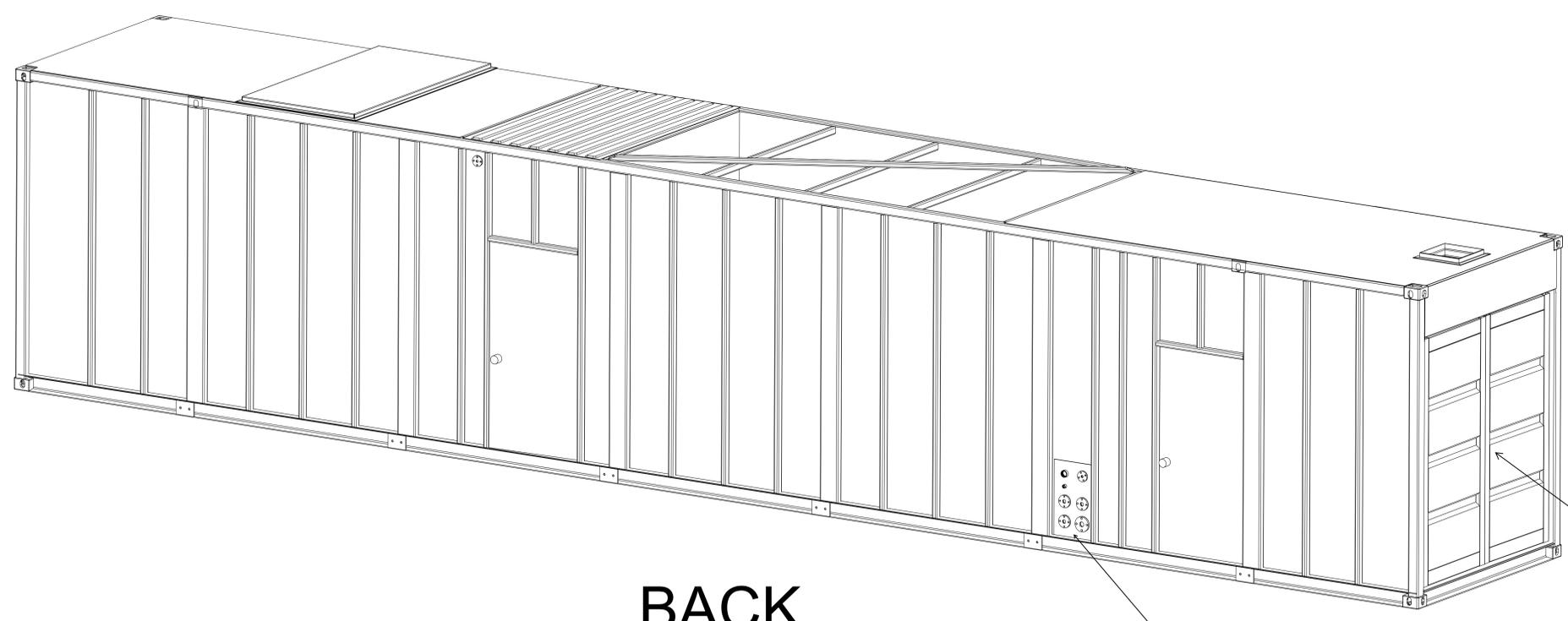






CONTROL PANEL ACCESS

FRONT



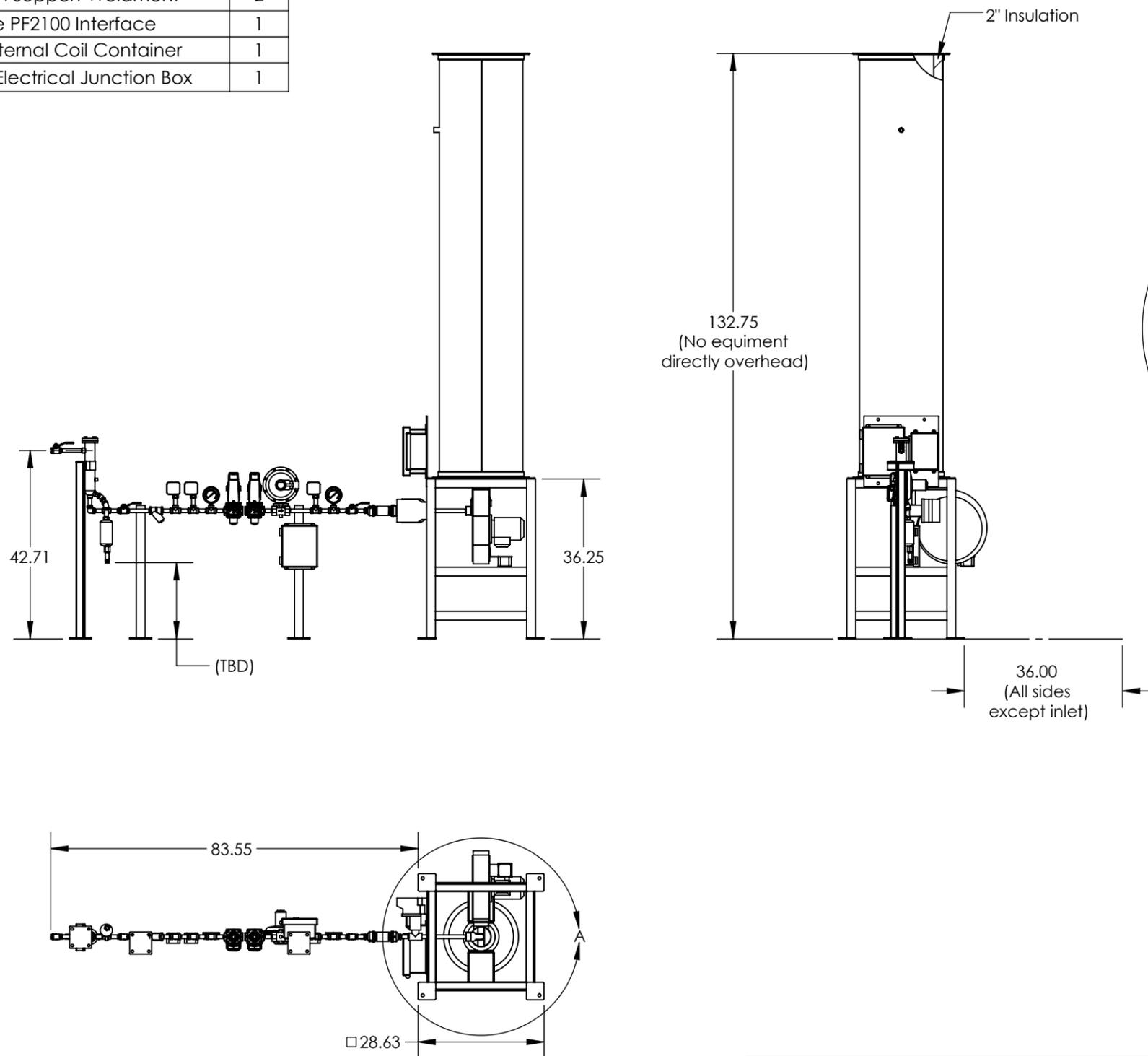
UTILITY CONNECTION PANEL

BLOWER SERVICE ACCESS

BACK

PROPRIETARY & CONFIDENTIAL

ITEM NO.	PART/DRAWING	DESCRIPTION	QTY.
1	15244 - Frame Assembly	Frame Weldment - Cambrian Flare	1
2	15244 - Stack Assembly	Stack Weldment - Cambrian Flare	1
3	15244 - Eclipse Burner	Burner and Blower Assembly - Eclipse	1
4	15244 - Gas Train	Thermair Gas Train - Cambrian Flare	1
5	15244 - Gas Train Support	KO Pot Support Weldment	1
6	15244 - Gas Train Support	Gas Train Support Weldment	2
8	Profire 2100 - Control Panel	Profire PF2100 Interface	1
9	Profire Coil Box	Profire External Coil Container	1
10	15244 - Junction Box	Thermair Electrical Junction Box	1



PROPRIETARY AND CONFIDENTIAL

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**ABUTECH**  
 Advanced Burner Technologies  
 2959 Cherokee Street, Suite 101  
 Kennesaw, GA 30144  
 www.abutech.com

UNLESS OTHERWISE SPECIFIED:  
 DIMENSIONS ARE IN INCHES  
 TOLERANCES:  
 FRACTIONAL ±

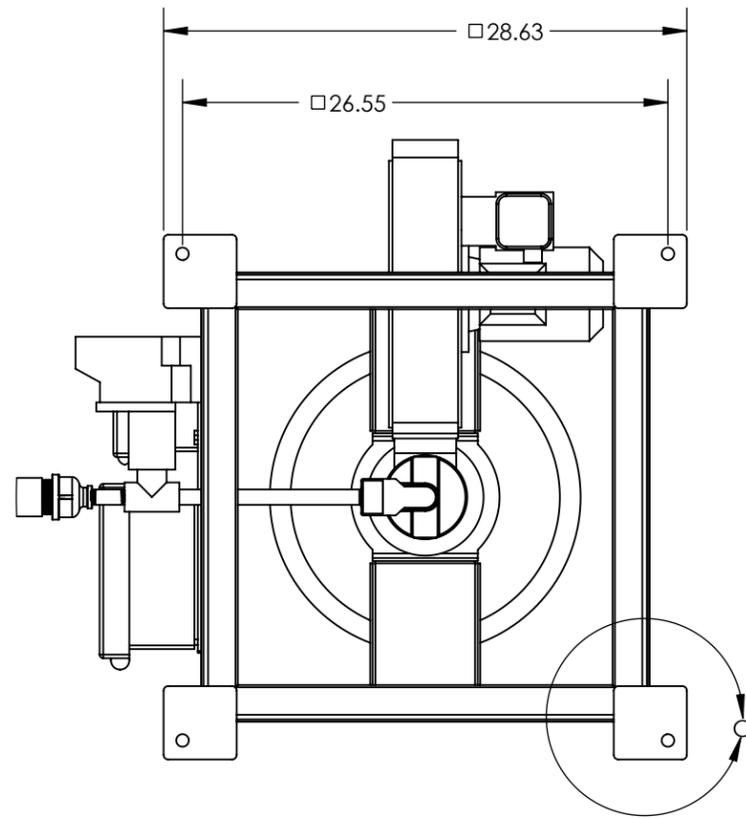
SCALE: 1:30

**B**

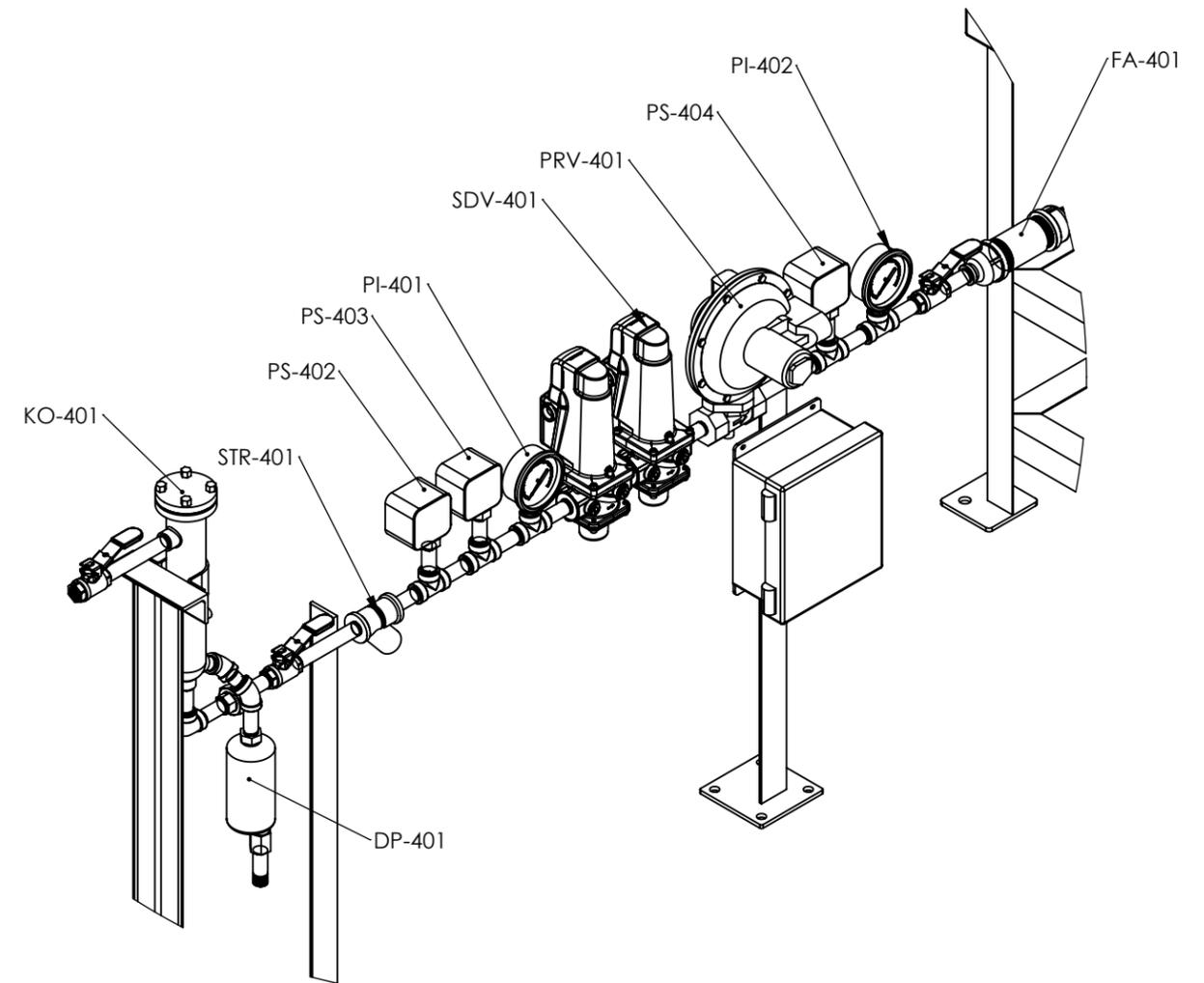
DRAWN: J.Savor      DATE: 4/7/2016  
 APP'D.:              WEIGHT (lbs): 769  
 DWG #: 1 OF 2      MAT'L:

TITLE: **GAD Details**  
 PART/ASSEM: **15244 - Cambrian Innovation**

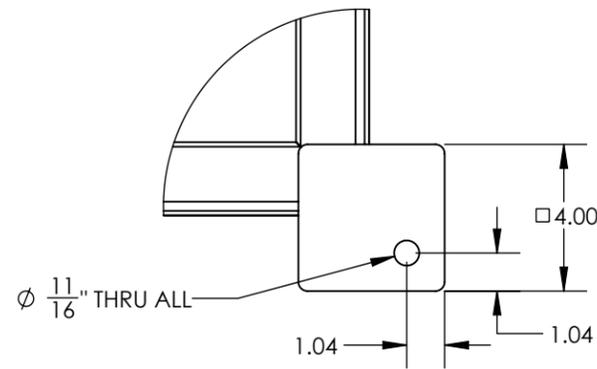
By: JS  
 Date: 4/7/2016  
 DRAWING STATUS: For Review



DETAIL A  
SCALE 1 : 10



DETAIL B  
SCALE 1 : 10



DETAIL C  
SCALE 1 : 5

DRAWING STATUS	By	JS
	Date	4/7/2016
For Review		

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www.abutech.com

UNLESS OTHERWISE SPECIFIED:  
DIMENSIONS ARE IN INCHES  
TOLERANCES:  
FRACTIONAL ±

SCALE: 1:30

**B**

DRAWN: J.Savor	DATE: 4/7/2016
APP'D.:	WEIGHT (lbs): 769
DWG #: 2 OF 2	MAT'L:

TITLE: Flare Footprint and Components
PART/ASSEM: 15244 - Cambrian Innovation

### VAREC BIOGAS 244W Series WASTE GAS BURNER IGNITION SYSTEM

The Varec Biogas 244W Series Waste Gas Burner is a highly reliable flare and ignition system ideal for use in burning excess biogas.

#### Introduction

The Varec Biogas 244W Series Waste Gas Burner is a highly reliable flare and ignition system. The pilot has proven reliability even in extreme climate conditions. The 244W Series is ideal for use in burning excess biogas.

#### Application

Excess biogas must be disposed of safely. The gas is flared to avoid an odor nuisance or an explosion hazard. Biogas is generated through the anaerobic digestion of organic solids. It is produced in municipal or industrial anaerobic digesters, lagoons, and municipal landfills. Biogas is typically a highly-moist mixture of gases. It consists of approximately 55 to 70% methane, 25 to 35% carbon dioxide and trace amounts of nitrogen, hydrogen sulfide, and water vapor. The biogas often has a fluctuating flow and BTU value. The 244W Series is designed to operate reliably at low and high flow rates, and is not affected by changes in the biogas BTU value.



#### Operation

The Varec Biogas 244WS Series Burner is a state-of-the-art, candle-stick flare. The burner utilizes a patented pilot ignition system. Pilot gas and air are mixed and ignited at ground level, remote from the burner stack. This controlled method results in a stable pilot flame with an ideal gas-to-air ratio. The pilot burns a true stoichiometric, non-smoking flame. It is not affected by changes in the biogas flow rate or BTU content.

The electronics package controls automatic pilot ignition and monitoring. During the ignition cycle, pilot gas is directed to the flame retention nozzle. Pilot gas is also directed to the venturi where air is inspired. The air/ gas mixture is ignited at the venturi outlet. The ignition generates a flame front which travels through the continuous flame line and exits the continuous flame nozzle at the burner tip. Gas flowing in the flame retention nozzle is ignited by this flame front.

A thermocouple is installed in the continuous flame nozzle. When it reaches its temperature setting, the pilot gas flowing in the secondary flame retention line is shut-off. Pilot is flowing only on the continuous flame line and only when there is demand to combust biogas at the burner. In case the pilot is lost, automatic pilot reignition occurs in AUTO mode. If the burner goes through the number of reignition attempts within the set time and the thermocouple fails to reach its temperature setting, a system alarm comes on requiring a manual re-set.

## Design Features

The 244W Series design includes features that provide reliable and efficient operation. The flare can withstand wind loading of 150 mph (242 km/h) and wind speeds of 110 mph (180 km/h). Baffles, downdraft preventers, vortex vanes, and secondary stacks are not required. The inclined continuous pilot nozzle provides a long-profile flame which penetrates the waste gas as it passes through. This feature ensures the biogas is ignited at near zero flows.

Installation is simplified. The burner allows high turndown ratios; therefore there is no need to manifold several burners together. Pre-cast concrete supports are not necessary. The burner includes an integral ANSI 150 RF flange. The contractor just has to provide a matching flange and pipe supports. These features keep installation costs to a minimum.

The venturi-driven pilot burns at higher temperature when fueled by propane, natural gas or biogas (see 244WG or 244WL systems). This improves H<sub>2</sub>S conversion, which reduces odor to a minimum. The heavy-wall continuous pilot nozzle and flame retention nozzle are both mounted at the burner tip. The nozzles are designed to withstand the elevated pilot temperature and H<sub>2</sub>S environment. A heavily protected thermocouple permits pilot flame monitoring. The thermocouple provides an extremely reliable pilot signal.

Contacts are provided as standard for remote pilot indication and system alarm. HAND and AUTO ignition mode is selectable.

The Varec Biogas 244WS is designed to operate satisfactorily in very cold climates.

The large venturi design allows the ignition components to be mounted up to 100 feet (30 m) away from the burner. The control package may also be mounted at this distance without suffering any performance loss.

The venturi includes a backflash preventer for safety. An anti-clog orifice is supplied which eliminates the need for pilot filters. The Varec Biogas Model 244WS is designed with operator safety in mind. All hi-tension leads and sparking devices are located a safe distance from the flame. Typical adjustments and maintenance are performed at ground level, away from the heat of combustion. Ignition components are also located remote from the burner, which provides optimum serviceability.

### BLOWER PACKAGE

A blower package is available when the pilot gas supply is less than 10 psig (70 kPa) and as low as 8" W.C. (2 kPa) pressure.

The burner stack and control panel design is the same as the standard 244WS with a venturi.

This option can also handle the same burner flow capacities. Local or "Remote-Start" features are still available. You retain the advantage of having the theory of operation using flamefront technology.

A blower panel replaces the venturi and valve + regulator panel and utilizes a blower to pre-mix air and pilot gas. The blower comes with an air/gas mixing chamber to achieve proper airgas mixture and is ignited at the chamber exit. It also includes the pilot gas solenoid valves, regulators and gauges required to control pilot gas.

See the Sample Specification Product Data Sheet for more information.

### 244WG Series Low Pressure Pilot Ignition System

The Varec Biogas 244WG option is specifically designed to burn biogas efficiently with the use of low pressure biogas for pilot fuel (4" < pilot gas pressure < 14" WC) without the requirement of blower-assisted fuel or air.

The burner comes with two inspirating venturis to help pre-mix air and pilot gas and ensure pilot reliability and efficient combustion of biogas even with the low volume biogas pilot fuel. The control panel and pilot gas control components are mounted on stainless steel plate. It is installed a maximum of 10 feet horizontal distance from the waste gas burner. The pilot gas piping from the venturis to the waste gas burner connection must be a straight pipe – no pipe bends allowed. This will ensure that the stoichiometric gas can travel to the burner tip.

The 244WG also utilizes flamefront technology like the 244WS option and follows the same operation scheme.

### 244WL Series Low Pressure Pilot Ignition System

The 244WL ignition system utilizes the same flame front technology as the industry standard for our Model 244W Waste Gas Burners. The pilot gas control components panel can be mounted up to 70 ft. (seventy feet) from the burner stack. It can utilize biogas, natural gas or propane at pressures as low as 4" WC.

The 244WL ignition system no longer requires a straight pilot gas piping run from the pilot gas control components panel to the burner stack.

45 degrees elbows are allowed providing for greater flexibility during design and installation.

The "L" ignition system comes equipped with a blower to pre-mix air with the pilot gas to achieve the proper air-gas mixture required for combustion. This pre-mixing of the pilot gas and air insures that the pilot stays lit under virtually all flow and weather conditions.

The sparkplug is located at the exit of the 2" mixing chamber. A flame front travels on the 2" pilot gas line and as it exits the burner stack, the 1/2" retention line is there to capture the flame front. The angled design of the pilot gas piping has been field tested to achieve the proper air-gas mixture needed for optimum combustion of the waste gas. All serviceable items are located remotely from the burner stack which protects all electrical components from the heat of combustion. More importantly, Operators are protected from radiant heat effects from the waste gas burner when it is in operation.

## Optional Features

### “REMOTE-START”

If biogas will be flared intermittently, an option to conserve pilot fuel is available through our “Remote-Start” pilot ignition option. It includes a pilot-gas supply solenoid valve, which opens when pilot ignition is required and remains open while the gas is flaring. The solenoid may be specified to: (a) fail open which will continue to deliver pilot fuel during a power failure and keep the burner operational in an emergency condition, or (b) fail close, which is used when a blower is available to deliver the biogas to the burner (“L” ignition system).

The “call for ignition” signal may be provided by a pressure switch, flow-switch, or through a contact change-over.

### FLASHBACK PROTECTION

It is recommended that suitable flame flashback protection be installed in fuel gas lines supplying any of the 244W burner systems. Please refer to 5200 Series Product Data Sheet for information.

### CONTROL

The standard control panel is provided with a programmable logic controller (PLC). The PLC can be provided with HMI touch screen controls. Relay logic panels available upon request.

### HEATER & THERMOSTAT

For ambient temperatures below -200F (-290C), a heater and thermostat is recommended.

### REMOTE SPARK GENERATOR

The hi-tension lead wire supplied with the unit is a maximum 10 feet (3 m) in length. In cases where the control panel that houses the transformer cannot be located within 10 feet of the spark plug location, a remote generator can be specified.

The transformer is supplied in either a NEMA 4, 4X or 4 & 7 enclosure and located within 10 feet of the spark plug. This allows an operator to have the control panel installed further away from the burner for improved burner monitoring.

## Specifications

### SIZES

2", 3", 4", 6", 8", 10" and 12"

### CONNECTIONS

Burner Stack  
ANSI 150 RF Flange

### CONTROL PANEL

Power Supply Input:  
115/ 120 VAC, 60 Hz, Standard  
220/ 240 VAC, 50 Hz, Option  
220/ 240 VAC, 60 Hz, Option

### Load:

Maximum 10 AMPS at 120 VAC or  
5 AMPS at 220 VAC (50-/ 60 Hz)

Ambient Temperature Rating:  
-20°F to +131°F (-29°C to +55°C),  
Standard

### REMOTE ALARM CONTACTS

SPDT (NC, NO and Common) Contacts  
Contact Rating:  
2 AMPS at 115 or 240 VAC (50/ 60 Hz)  
Function:  
Pilot Out and System Alarm

### Materials

#### BURNER

Stainless Steel Shroud and Upper 24" of  
Stack; Remainder Mild Steel, Standard.

All 304SS or 316SS (Optional)

#### PILOT NOZZLES

316 SS

#### THERMOCOUPLE

316 SS

#### CONTROL ENCLOSURE<sup>1</sup>

NEMA 4, Steel Construction, Standard

NEMA 4X, 316 SS Construction, Optional

NEMA 7, Aluminum Construction with O'ring  
or Steel, Optional

#### NOTES:

1. UL Certified

### HIGH PRESSURE PILOT GAS SUPPLY

Natural Gas or Propane  
Min. Supply Pressure: 10 PSIG (70 kPa)  
Max. Supply Pressure: 100 PSIG (700 kPa)

Recommended Pipe Length from Venturi to  
Continuous Flame Nozzle:  
Minimum Distance: 15 feet (5m)  
Maximum Distance: 100 feet (30m)

### LOW PRESSURE PILOT GAS SUPPLY

When available pilot gas pressure is less  
than 10  
PSIG (70 kPa) and greater than 4" WC.

### BLOWER PACKAGE

Natural Gas or Propane  
Minimum Supply Pressure: 6" - 8" WC  
Explosion Proof Motor and Switch, Standard

Recommended Pipe Length from blower  
package to continuous flame nozzle:  
Maximum distance: 33 feet (10m)

**Specifications**

**244WG Biogas Pilot Ignition System**

Dry Biogas Pilot of 500 BTU/ ft<sup>3</sup> Minimum

Biogas or Natural Gas Supply Pressure

Supply Pressure:

4" WC min. to 14" WC max.

(100mm WC - 360mm WC)

Recommended Pipe Length from Venturis to waste gas burner (244WG):

Maximum distance: 10 feet (3m)

Only one 90° bend allowed on pilot gas piping, Maximum.

**244WL Biogas Pilot Ignition System**

Dry Biogas Pilot of 500 BTU/ ft<sup>3</sup> Minimum

Biogas or Natural Gas Supply Pressure

Supply Pressure:

4" WC min. to 20" WC max.

(100mm WC - 500mm WC)

Pipe Gas Piping Connections

1. Pilot Fuel Supply - 1" NPT
2. Valve & Regulator Panel Connections.
  - a. Continuous Line - 2" NPT
  - b. Flame Retention Line - 1/2" NPT

**Recommended Pipe Length from Venturi Continuous Flame Nozzle:**

Maximum Distance: 70 Feet (21m)

45° Bend Allowed on Pilot Gas Piping

NOTE:

Varec Biogas does not supply the pilot gas piping between the valve & regulator panel to the combustion stack.

GAS TO BE FLARED

Biogas

Composed primarily of Methane (50 - 55%) and CO<sub>2</sub> (40 - 45%)

Minimum Inlet Pressure

4" WC (1 kPa)

OPTIONAL FEATURES

Auto-Start Signal (Specify With)

Dry Contact, Standard

Explosion Proof Pressure Switch

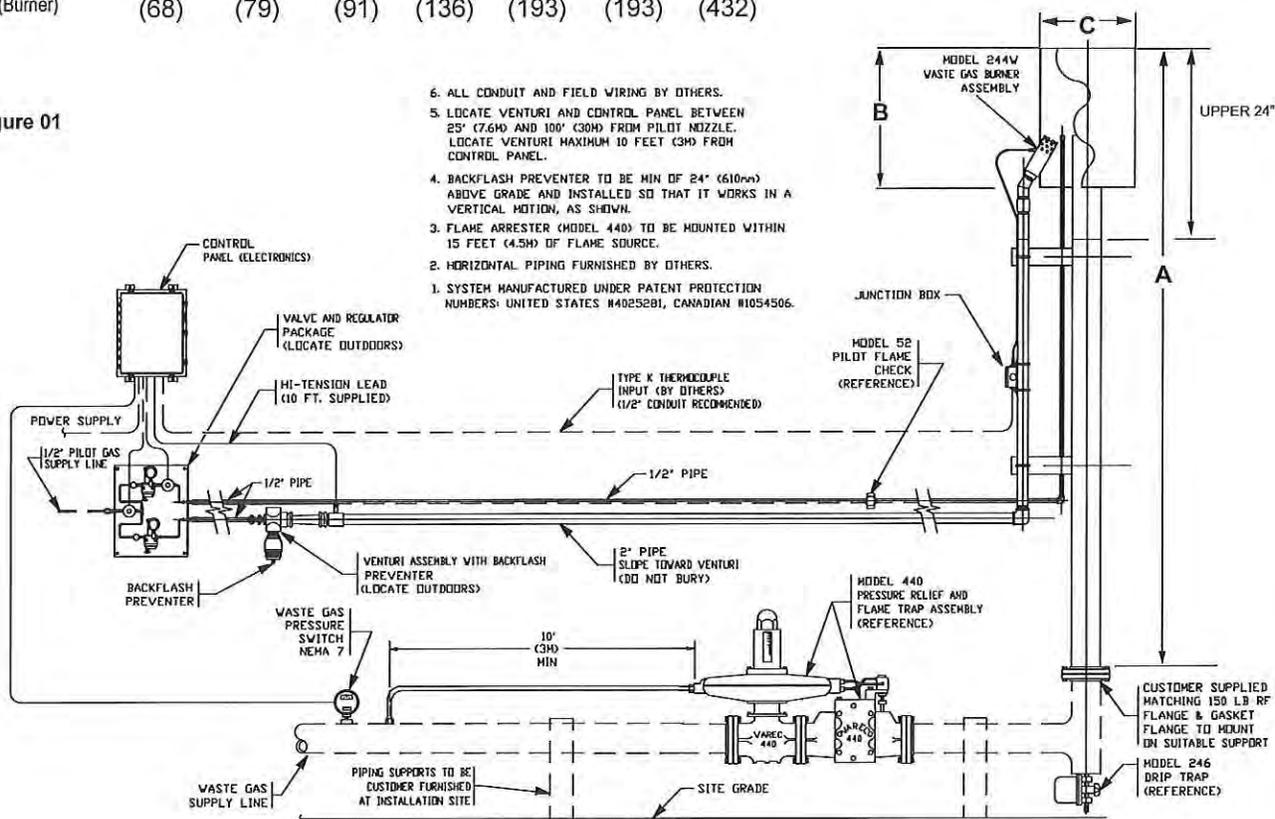
Operating Range: 4" - 20" (100mm - 500mm) WC

Deadband: Approximately 0.5" (13mm) WC

**Dimensions and Weights, inches [mm] and lbs. (kg)**

Size Code	2	3	4	6	8	0	1
Nominal Pipe Size	[50]	[80]	[100]	[150]	[200]	[250]	[300]
A	88 [2235]	92 [2337]	92 [2337]	128 [3251]	144 [3658]	176 [4470]	188 [4775]
B	20 [508]	24 [610]	24 [610]	32 [813]	48 [1219]	48 [1219]	60 [1524]
C	17 [431]	18 [457]	19 [482]	22 [559]	24 [610]	24 [610]	36 [914]
Weight (Burner)	150 (68)	175 (79)	200 (91)	300 (136)	425 (193)	425 (193)	950 (432)

Figure 01



6. ALL CONDUIT AND FIELD WIRING BY OTHERS.
5. LOCATE VENTURI AND CONTROL PANEL BETWEEN 25' (7.6M) AND 100' (30M) FROM PILOT NOZZLE. LOCATE VENTURI MAXIMUM 10 FEET (3M) FROM CONTROL PANEL.
4. BACKFLASH PREVENTER TO BE MIN OF 24" (610mm) ABOVE GRADE AND INSTALLED SO THAT IT WORKS IN A VERTICAL MOTION, AS SHOWN.
3. FLAME ARRESTER (MODEL 440) TO BE MOUNTED WITHIN 15 FEET (4.5M) OF FLAME SOURCE.
2. HORIZONTAL PIPING FURNISHED BY OTHERS.
1. SYSTEM MANUFACTURED UNDER PATENT PROTECTION NUMBERS: UNITED STATES #4025201, CANADIAN #1054506.

NOTE: 1 - The appropriate height of the flare must be calculate to ensure occupational safety. Consult factory for assistance.  
2 - Stack dimensions are the same for all the options available with the 244W (244WS or 244WG).

Specifications

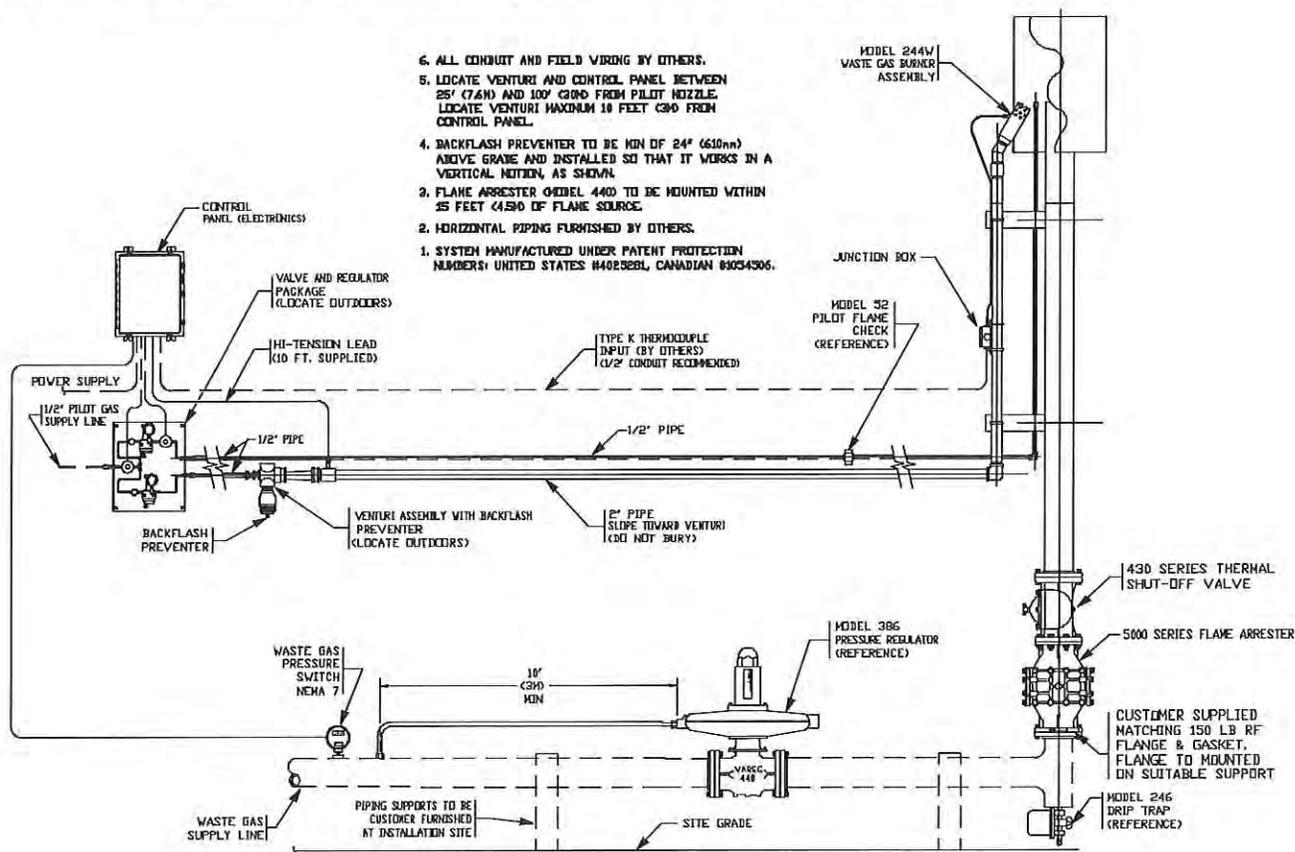
**Burning Capacity, FT<sup>3</sup> / HR [M<sup>3</sup> / HR] - Maximum Flows**

Flow stated for biogas with specific gravity 0.8 with 4" WC inlet pressure at flange connection and 0.5" WC pressure drop at 60°F (15°C) between the inlet flange and burner tip. Consult factory for flare sizing base on meeting 40 CFR Part 60.18 and Water Environment Federation, Manual of Practice (MOP) No. 8

Size Code	2	3	4	6	8	0	1
	2"	3"	4"	6"	8"	10"	12"
FT <sup>3</sup> / HR	3850	11600	22250	51300	88150	150000	250000
M <sup>3</sup> / HR	109	328	630	1453	2496	4245	7075
<b>MOP 8 Recommended Maximum Flow Rates*</b>							
FT <sup>3</sup> / HR	1100	2500	4275	9520	16350	25580	361701
M <sup>3</sup> / HR	31	71	121	270	463	724	024

\*The Water Environment Federation Manual of Practice Number 8 (MOP 8), copyright © 1998 recommends a velocity of no more than 12 feet per second. The maximum flow rates given are based upon Schedule 10 pipe leading up to the burner. Different schedule pipe will have different maximum recommended flow rates.

Figure 02: 244WS - Venturi with Varec Biogas 386 Series Regulator and 450 Series Flame Trap Assembly.



NOTE: The 450 Flame Trap Assembly is not designed to support burner weight. Alternate support may be required and is recommended.

Specifications

See Fig 01 for Dimensions

Figure 03: 244WG - Venturi with Varec Biogas 440 Series Flame Trap Assembly

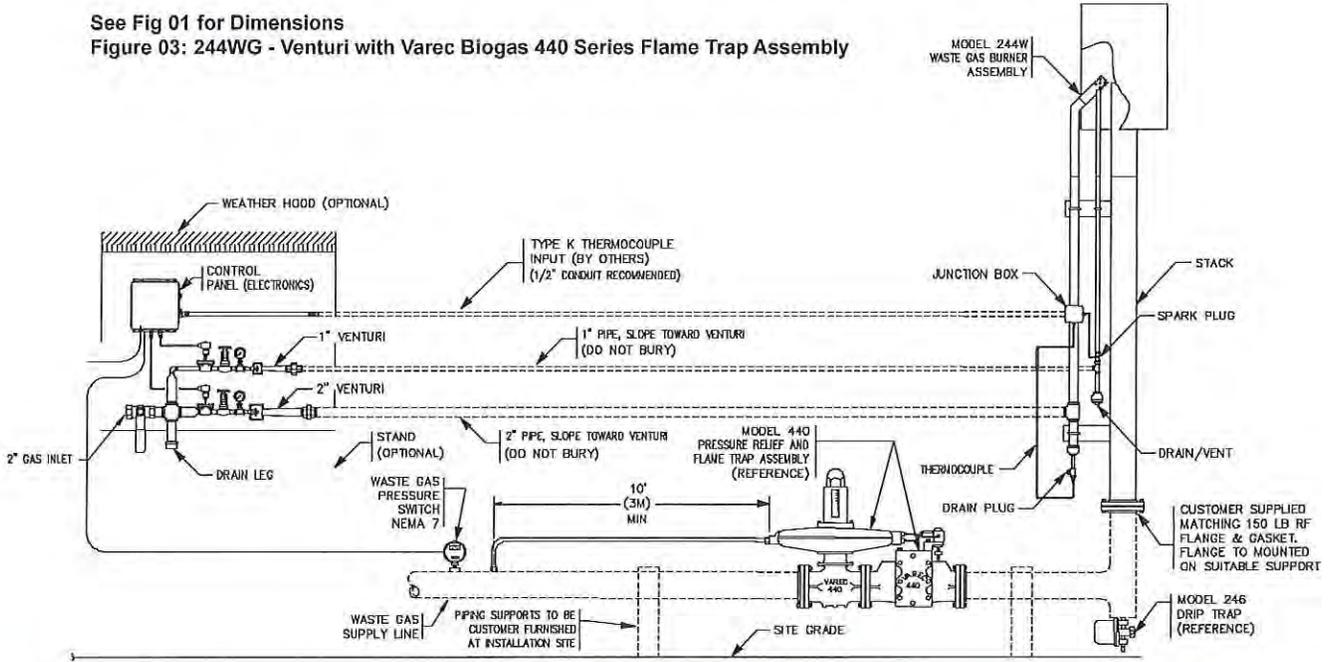
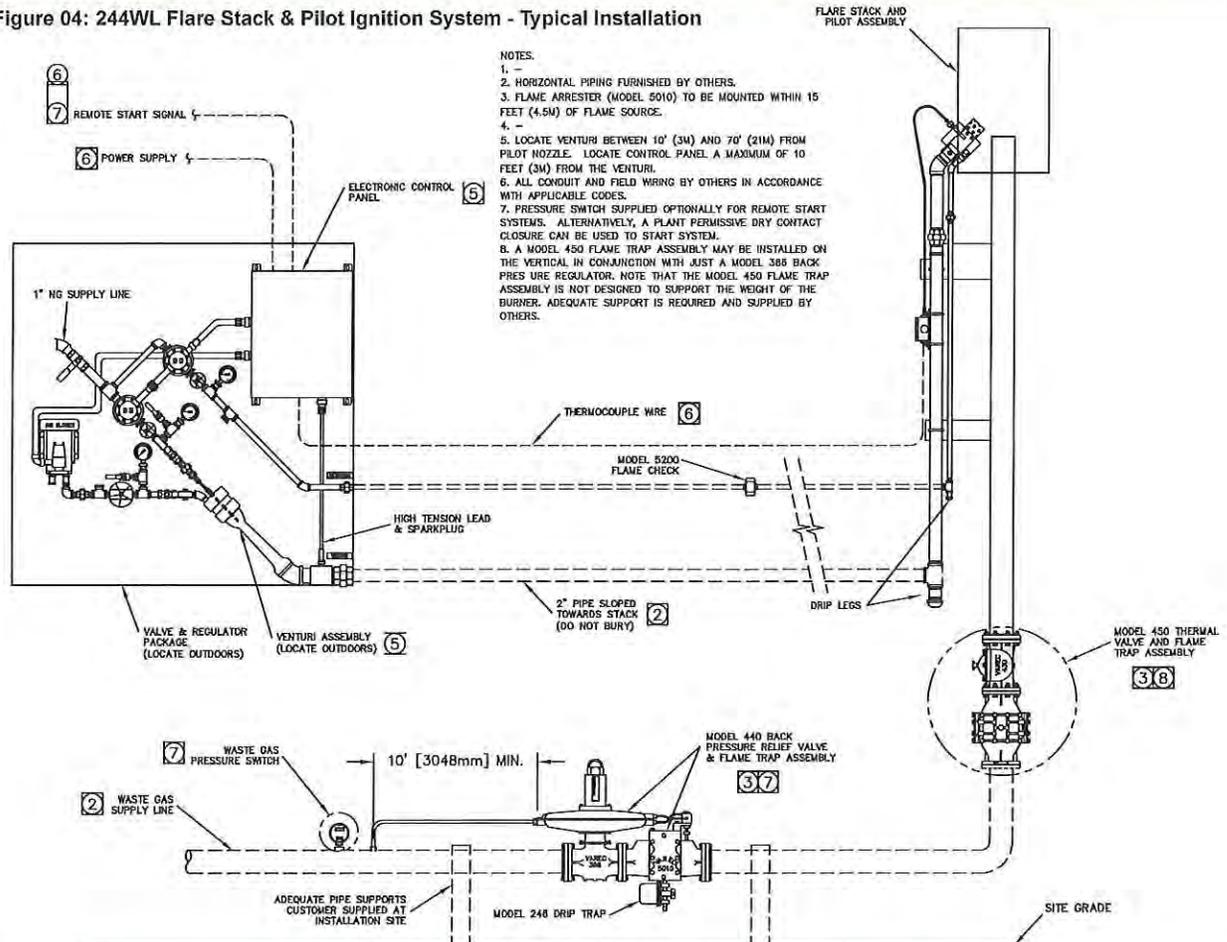


Figure 04: 244WL Flare Stack & Pilot Ignition System - Typical Installation



Ordering Information

<b>Model</b> 244W	<b>Description</b> Waste Gas Burner & Ignition System
<b>Code</b>	<b>Pilot Ignition System</b>
S	Standard
G	Low Pressure Pilot Ignition System (Pilot Gas is 15" WC > X > 4" WC)
L	Low Pressure Pilot Ignition System (Pilot Gas is 20" WC > X > 4" WC)
<b>Code</b>	<b>Size</b>
2	2"
3	3"
4	4"
6	6"
8	8"
0	10"
1	12"
<b>Code</b>	<b>Power Requirements (Must Select One)</b>
1	115/ 120 VAC, 60 Hz (Standard)
2	220/ 240 VAC, 60 Hz
3	220/ 240 VAC, 50 Hz
<b>Code</b>	<b>Electronic Enclosure Rating (Must Select One)</b>
4	NEMA 4, Weather-Proof (Standard)
7	NEMA 7, Explosion-Proof (Optional)
9	NEMA 4X, Stainless Steel (Optional)
<b>Code</b>	<b>Auto-Start Option (Must Select One)</b>
0	None - Manual Start
1	Dry Contact - NEMA 7 Pressure Switch Included
2	Dry Contact - Pressure Switch Not Required
<b>Code</b>	<b>Pilot Solenoid (Used Only with Auto-Start Option) (Must Select One)</b>
0	No Auto Start Option Required
1	Pilot Solenoid Shall Fail Open (Not Avail. w/ Blower)
2	Pilot Solenoid Shall Fail Closed
<b>Code</b>	<b>Blower Package Option (Only w/ 244WS)</b>
	Indicate When Specified:
0	Standard Venturi-Driven System (Pilot Gas 10PSIG or Greater) or "G" & "L" Pilot Ignition System
1	Blower-Driven System <sup>1</sup>
<b>Code</b>	<b>Options (May Select More Than One)</b>
0	None required (Standard)
1	Heater and Thermostat Mounted within Electronic Enclosure Panel
2	Remote Spark Generator NEMA 4
3	Remote Spark Generator NEMA 7
4	Low Pressure Natural Gas for Pilot Gas (244WG & 244WL)
5	Propane/ LPG for Pilot Gas (244WS or 244WL Option)
7	244WG or 244WL Mounting Stand & Weatherhood (316L Weatherhood and Mounting Plate and 304L Stands) <sup>2</sup>
9	Auxiliary Weatherhood and Mounting Stand (316L Weatherhood and Mounting Plate and 304L Stands) <sup>3</sup>
R	Relay for use with Model 386/ 440 <sup>4</sup>
A	Anchor Bolt Calculations
B	Standard Support Burner Base for Flare Stack <sup>5</sup>
C	CSA Approval (Min. Stack Height, FF Flange, CSA Inspection)
W	Left Exit Panel (Right Exit - Standard)
P	Step Down Pilot Gas Pressure Regulator Max 10 PSIG Regulated to 12" WC <sup>3</sup>
<b>Code</b>	<b>Burner Stack, Shroud and Pilot Gas Piping Material <sup>7</sup></b>
*	Leave blank when specifying standard of upper 24 inches of stack
S4	All 304 SS
S6	All 316 SS

244W S 6 1 4 1 1 0 0 (Example)

Example: Standard Unit 6" Flange Connection; Electronic Panel to Accept 120 VAC, 60 Hz Input Power; Housed in NEMA 4 Enclosure. Includes Auto-Start Option with Pressure Switch/ Dry Contact Input and Fail Open Pilot Solenoid Valve

NOTE:

- 1 - Comes standard with Explosion Proof Motor and Switch.
- 2 - Available option with the 244WG and 244WL.
- 3 - Option can be used for 244WS/ WG/ WL Systems.
- 4 - Include when specifying a 3-Way Solenoid Valve with the Model 386/ 440.

NOTE:

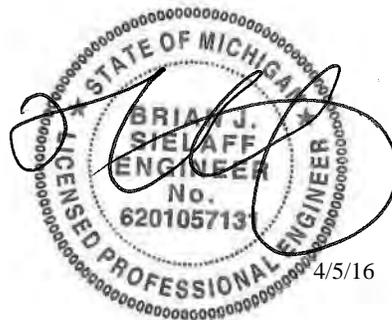
- 5 - Standard design for support base. Add SPC if a special support base is required.
- 6 - Always include with an "L" ignition system.
- 7 - Add S4 or S6 at the end of the PN to signify choice of either all 304 SS or all 316 SS burner stack, shroud and pilot gas piping

# STRUCTURAL EDGE ENGINEERING, PLLC

**CAMBRIAN ANCHORAGE**

**DEXTER, MI**

**SE PROJECT NO: SE16-095**



**PREPARED FOR:** ABUTEC  
**CODE:** 2012 IBC  
**DATE:** APRIL 5, 2016

# USGS Design Maps Summary Report

## User-Specified Input

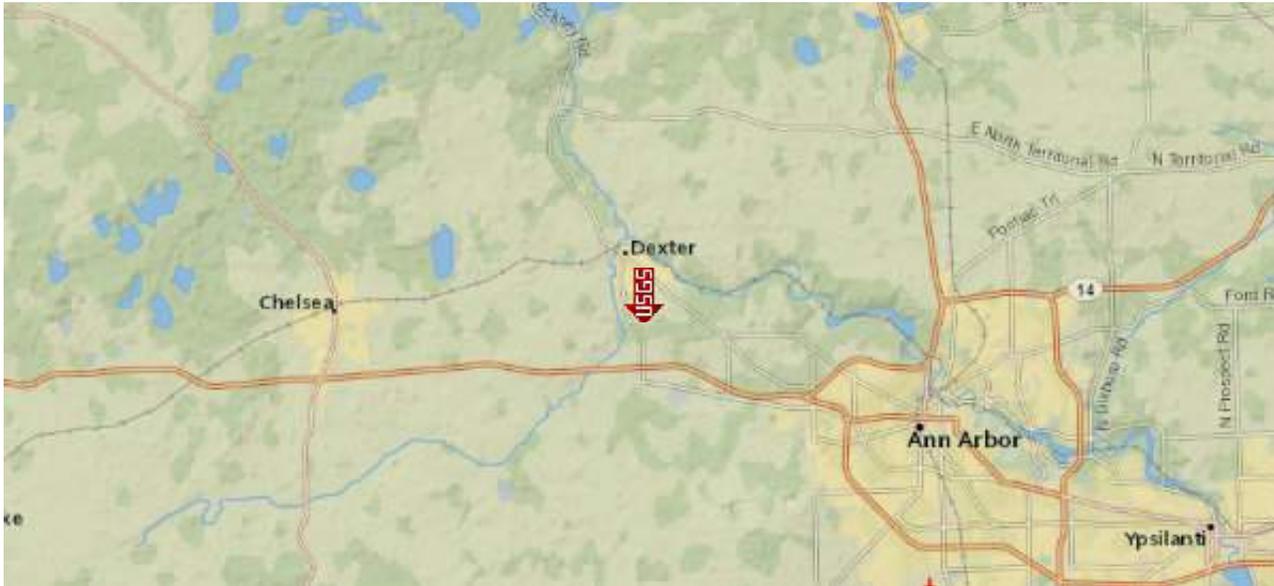
**Report Title** Cambrian Anchorage  
Tue April 5, 2016 13:47:00 UTC

**Building Code Reference Document** 2012 International Building Code  
(which utilizes USGS hazard data available in 2008)

**Site Coordinates** 42.3234°N, 83.87837°W

**Site Soil Classification** Site Class D – “Stiff Soil”

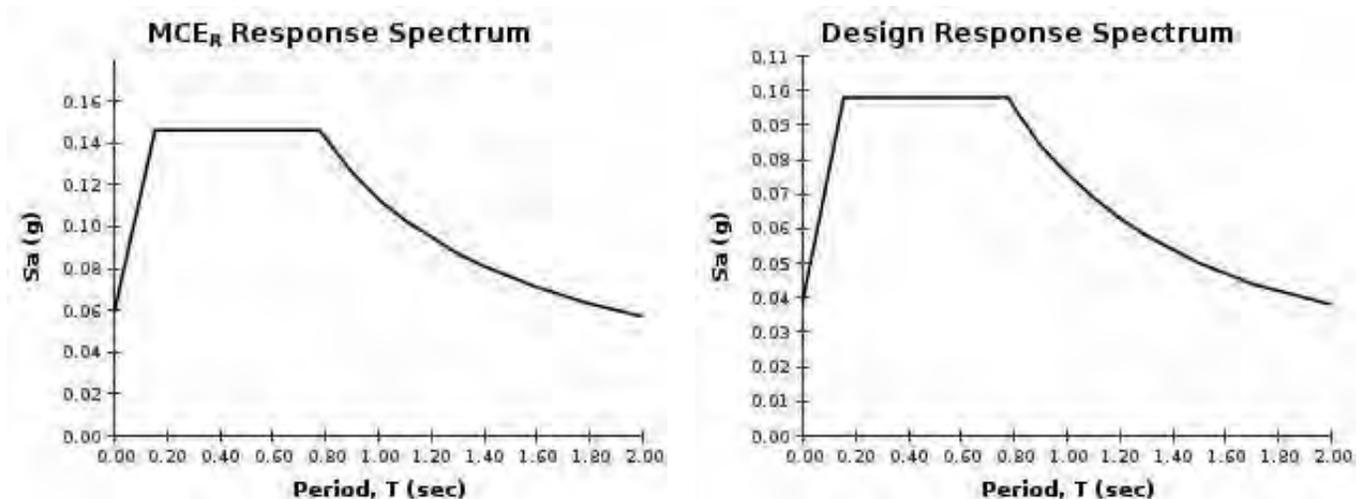
**Risk Category** I/II/III



## USGS-Provided Output

$S_s = 0.091 \text{ g}$	$S_{MS} = 0.146 \text{ g}$	$S_{DS} = 0.098 \text{ g}$
$S_1 = 0.047 \text{ g}$	$S_{M1} = 0.113 \text{ g}$	$S_{D1} = 0.076 \text{ g}$

For information on how the  $S_s$  and  $S_1$  values above have been calculated from probabilistic (risk-targeted) and deterministic ground motions in the direction of maximum horizontal response, please return to the application and select the “2009 NEHRP” building code reference document.



Although this information is a product of the U.S. Geological Survey, we provide no warranty, expressed or implied, as to the accuracy of the data contained therein. This tool is not a substitute for technical subject-matter knowledge.

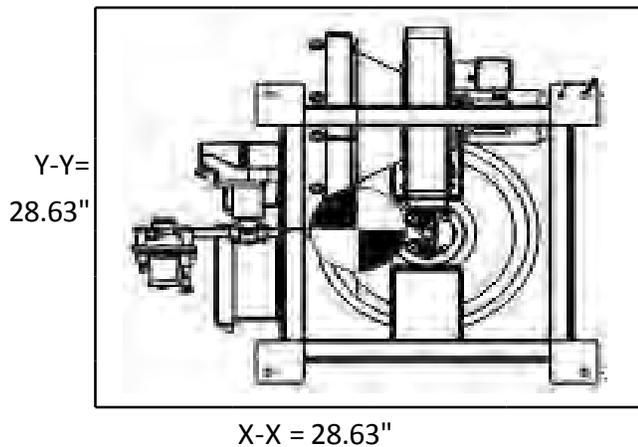
**FOUNDATION ANCHORAGE CRITERIA AND RESULTS**

**BURNER PHYSICAL PROPERTIES**

FOOTPRINT	
LENGTH (X AXIS) =	28.6 IN
WIDTH (Y AXIS) =	28.6 IN
DIAGONAL (Z AXIS) =	40 IN
NO SUPPORT LEGS =	4 IN
STACK DIAMETER =	18.9 IN

HEIGHT	
FRAME =	36.3 IN
OVERALL =	132.5 IN
C.O.G. =	54.7 IN

WEIGHTS	
FRAME =	150 LB
STACK =	470 LB
TOTAL =	620 LB
EACH LEG =	155 LB



X-X = 28.63"

**ANCHORAGE**

LEG REACTION			LEG REACTION		
SEISMIC			WIND		
DOWN	UPLIFT	HORIZ	DOWN	UPLIFT	HORIZ
240 LB	0 LB	9 LB	971 LB	692 LB	142 LB

**CAST IN PLACE ANCHORS: (4) 5/8" DIA. X 6" EMBED ASTM F 1554 HEADED ANCHORS**  
**POST INSTALLED: (4) 5/8" DIA. X 6" EMBED HILTI HIT-HY 200 B7 HAS ANCHORS**

## SEISMIC ANALYSIS

### SEISMIC LOADS

$$v = \frac{S_{ds} * W}{(R_p / I_p)} = \boxed{= 38 \text{ LB}}$$

$S_{ds} =$	0.098
$W =$	620 LB
$R_p =$	2.0
$I_p =$	1.25

C.O.G. =	55 IN
$M_{O.T.} =$	2078 IN

MAX LEG LOAD =	189 LB	$(1.2 + 0.2S_{ds})D$
MIN LEG LOAD =	136 LB	$(0.9 - 0.2S_{ds})D$

AXIS	O.T. LOAD		LEG REACTION		
	TOTAL	PER LEG	DOWN	UPLIFT	HORIZ
X-X	73 LB	36 LB	225 LB	0 LB	9 LB
Y-Y	73 LB	36 LB	225 LB	0 LB	9 LB
Z-Z	51 LB	51 LB	240 LB	0 LB	9 LB

**WIND ANALYSIS**

**WIND LOADS**

---

BASIC WIND SPEED =	120 MPH
EXPOSURE =	C

K <sub>zt</sub> =	1.00	
K <sub>d</sub> =	0.95	FRAME
	0.90	STACK
G =	0.85	
C <sub>f</sub> =	1.45	

h (FT)	h <sub>f</sub> (FT)	K <sub>z</sub>	q <sub>z</sub> (PSF)	A <sub>f</sub> (sq.ft.)	F (lb)
3.0	1.5	0.85	29.8	7.2	215
11	7.0	0.85	28.2	12.5	354

F <sub>TOTAL</sub> =	568 LB
M <sub>O.T.</sub> =	33656 LB-IN

LEG LOAD =	139.5 LB	0.9D
------------	----------	------

AXIS	O.T. LOAD		LEG REACTION		
	TOTAL	PER LEG	DOWN	UPLIFT	HORIZ
X-X	1176 LB	588 LB	727 LB	448 LB	142 LB
Y-Y	1176 LB	588 LB	727 LB	448 LB	142 LB
Z-Z	831 LB	831 LB	971 LB	692 LB	142 LB

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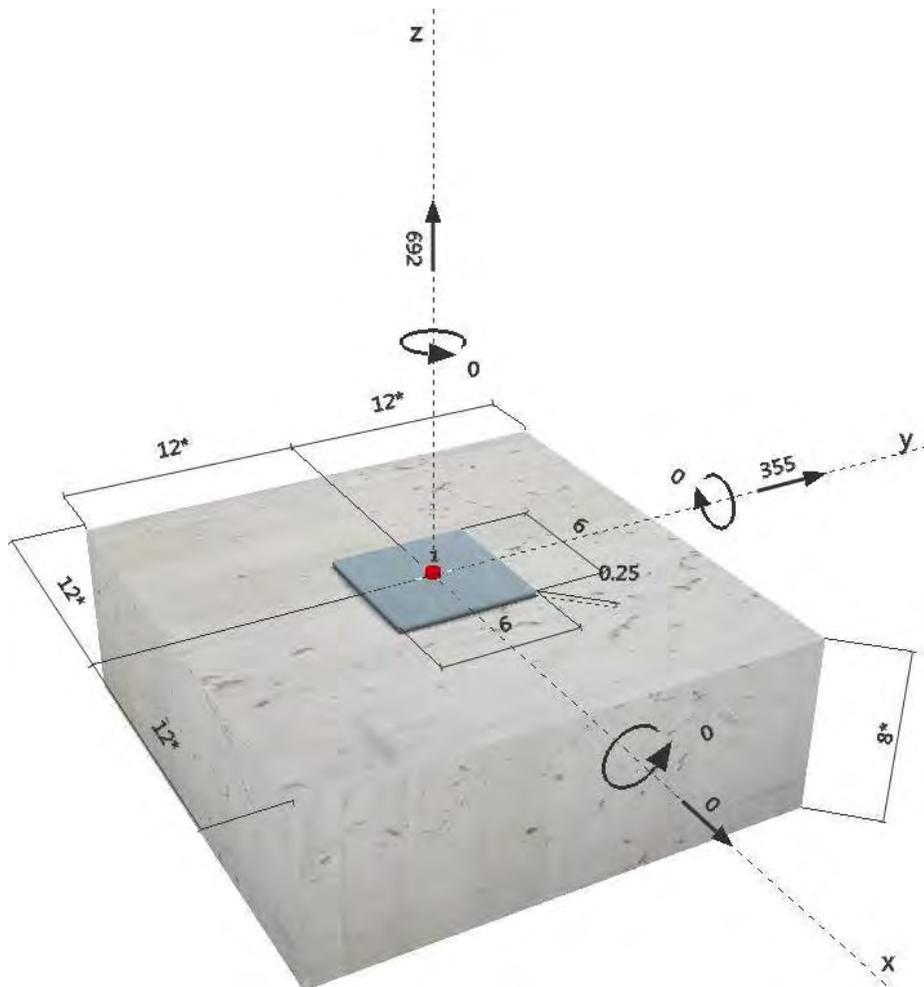
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 4/5/2016

**Specifier's comments:**

## 1 Input data

<b>Anchor type and diameter:</b>	<b>Heavy Hex Head ASTM F 1554 GR. 36 5/8</b>	
Effective embedment depth:	$h_{ef} = 6.000$ in.	
Material:	ASTM F 1554	
Proof:	Design method ACI 318-11 / CIP	
Stand-off installation:	$e_b = 0.000$ in. (no stand-off); $t = 0.250$ in.	
Anchor plate:	$l_x \times l_y \times t = 6.000$ in. $\times$ $6.000$ in. $\times$ $0.250$ in.; (Recommended plate thickness: not calculated)	
Profile:	no profile	
Base material:	cracked concrete, 4000, $f'_c = 4000$ psi; $h = 8.000$ in.	
Reinforcement:	tension: condition B, shear: condition B; edge reinforcement: none or < No. 4 bar	
Seismic loads (cat. C, D, E, or F)	Tension load: yes (D.3.3.4.3 (a)) Shear load: yes (D.3.3.5.3 (c))	

### Geometry [in.] & Loading [lb, in.lb]



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## 2 Proof I Utilization (Governing Cases)

Loading	Proof	Design values [lb]		Utilization	Status
		Load	Capacity	$\beta_N / \beta_V$ [%]	
Tension	Steel Strength	692	9831	8 / -	OK
Shear	Steel Strength	355	5112	- / 7	OK

Loading	$\beta_N$	$\beta_V$	$\zeta$	Utilization $\beta_{N,V}$ [%]	Status
Combined tension and shear loads	0.070	0.069	5/3	3	OK

## 3 Warnings

- Please consider all details and hints/warnings given in the detailed report!

## Fastening meets the design criteria!

## 4 Remarks; Your Cooperation Duties

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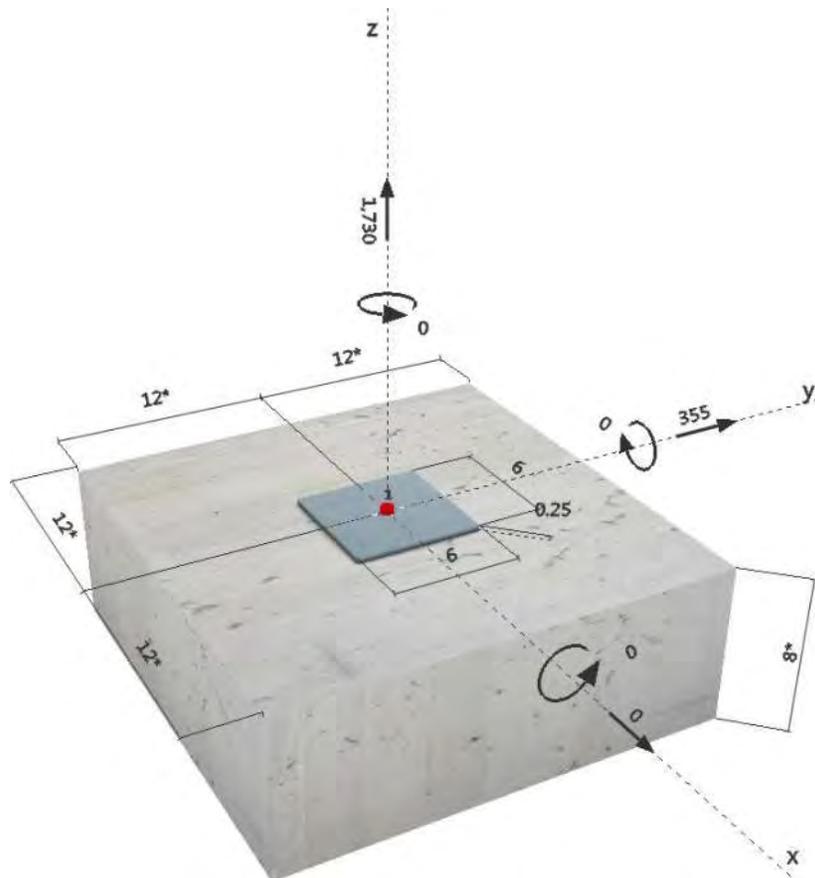
**Specifier's comments:**

**1 Input data**



<b>Anchor type and diameter:</b>	<b>HIT-HY 200 + HAS B7 5/8</b>
Effective embedment depth:	$h_{ef,act} = 6.000$ in. ( $h_{ef,limit} = -$ in.)
Material:	ASTM A 193 Grade B7
Evaluation Service Report:	ESR-3187
Issued   Valid:	9/1/2015   3/1/2016
Proof:	Design method ACI 318-11 / Chem
Stand-off installation:	$e_b = 0.000$ in. (no stand-off); $t = 0.250$ in.
Anchor plate:	$l_x \times l_y \times t = 6.000$ in. $\times$ $6.000$ in. $\times$ $0.250$ in.; (Recommended plate thickness: not calculated)
Profile:	no profile
Base material:	cracked concrete, 4000, $f'_c = 4000$ psi; $h = 8.000$ in., Temp. short/long: 32/32 °F
<b>Installation:</b>	<b>hammer drilled hole, Installation condition: Dry</b>
Reinforcement:	tension: condition B, shear: condition B; no supplemental splitting reinforcement present
Seismic loads (cat. C, D, E, or F)	edge reinforcement: none or < No. 4 bar Tension load: yes (D.3.3.4.3 (d)) Shear load: yes (D.3.3.5.3 (c))

**Geometry [in.] & Loading [lb, in.lb]**



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**Profis Anchor 2.6.4**

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## 2 Proof I Utilization (Governing Cases)

Loading	Proof	Design values [lb]		Utilization	Status
		Load	Capacity	$\beta_N / \beta_V$ [%]	
Tension	Bond Strength	1730	4527	39 / -	OK
Shear	Concrete edge failure in direction y+	355	6861	- / 6	OK

Loading	$\beta_N$	$\beta_V$	$\zeta$	Utilization $\beta_{N,V}$ [%]	Status
Combined tension and shear loads	0.382	0.052	5/3	21	OK

## 3 Warnings

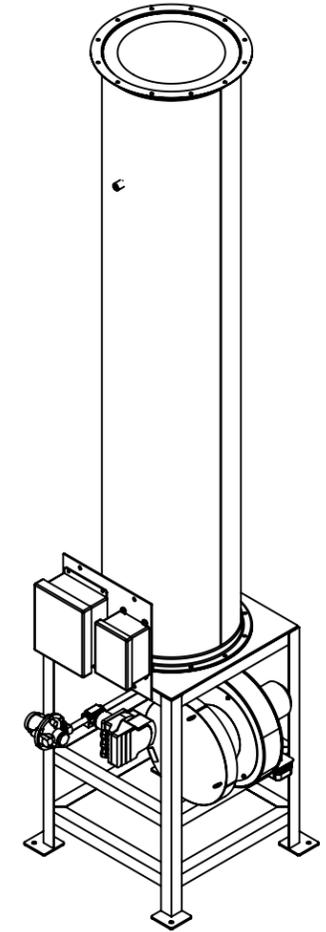
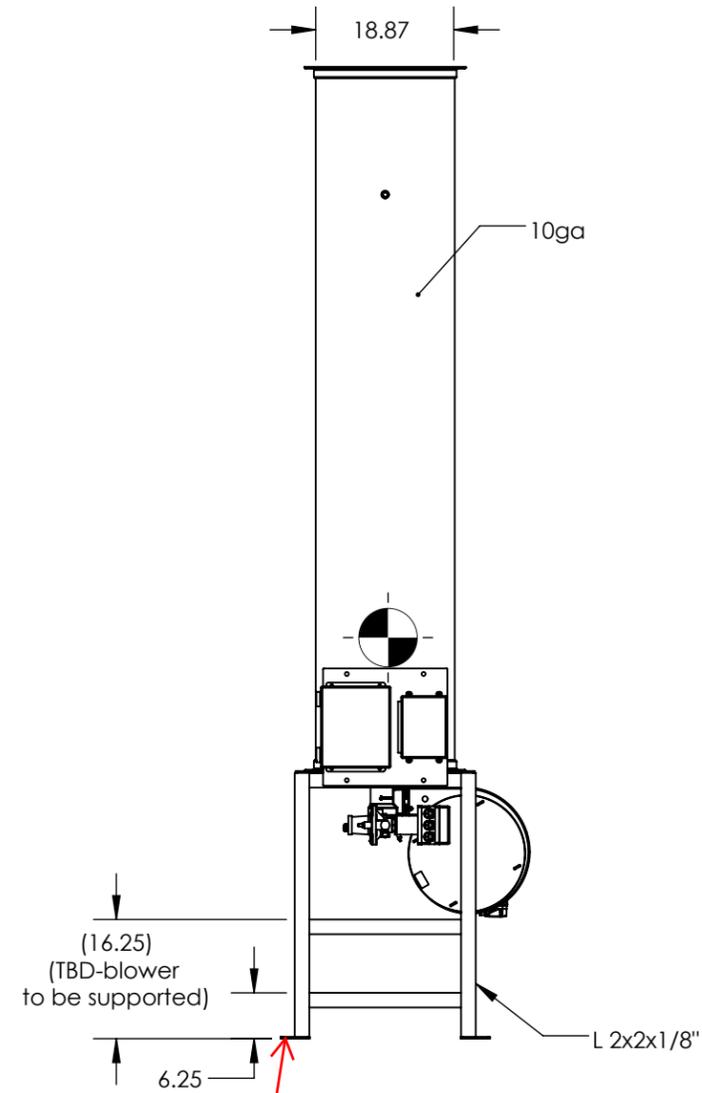
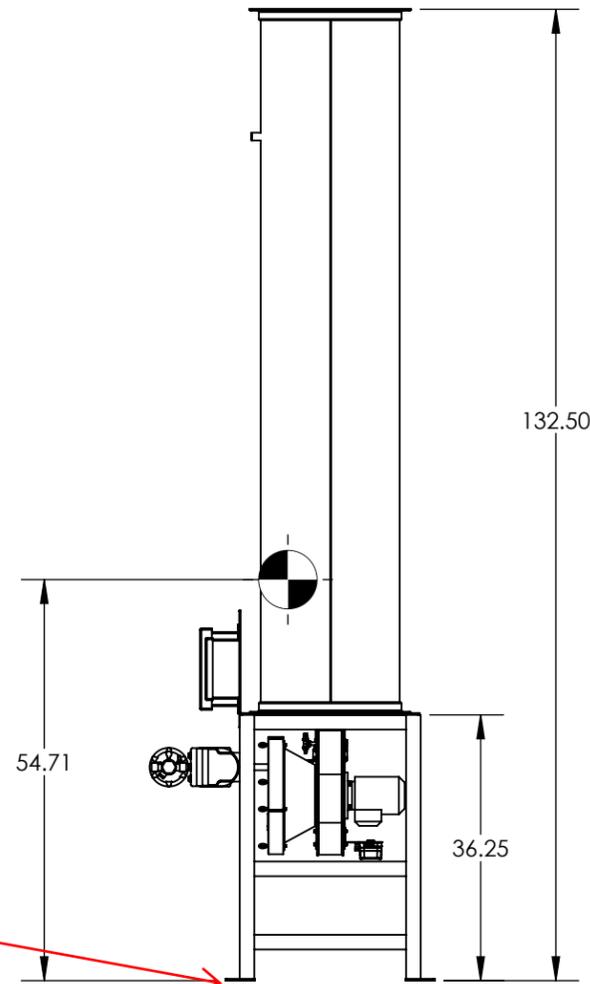
- Please consider all details and hints/warnings given in the detailed report!

## Fastening meets the design criteria!

## 4 Remarks; Your Cooperation Duties

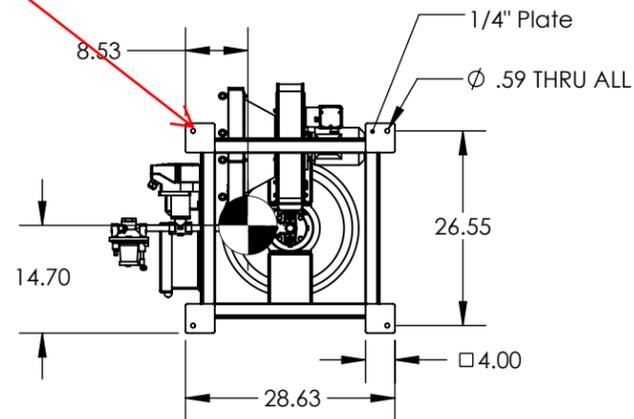
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ITEM NO.	PART/DRAWING
1	15244 - Frame Assembly
2	15244 - Stack Assembly
3	Profire 2100 - Control Panel
4	Profire Coil Box
5	15244 - Eclipse Burner Assembly
6	15244 - Gas Train



**ANCHORAGE OPTIONS:**  
 -CAST IN PLACE (4) 5/8" DIA x 6" EMBED HEADED ANCHORS, ASTM F-1554  
 -POST INSTALLED (4) 5/8" DIA x 6" EMBED HILIT HIT-HY 200 B7 HAS ANCHORS

**MINIMUM PAD REQUIREMENTS:**  
 F'c = 4,000 PSI  
 8" THICK  
 12" EDGE DISTANCE FOR ANCHORS



**ANCHORAGE OPTIONS:**  
 -CAST IN PLACE (4) 5/8" DIA x 6" EMBED HEADED ANCHORS, ASTM F-1554  
 -POST INSTALLED (4) 5/8" DIA x 6" EMBED HILIT HIT-HY 200 B7 HAS ANCHORS

**MAX LOAD DUE TO WIND (APPLICABLE TO EACH LEG):**  
 -DOWN = 971#  
 -UPLIFT = 692#

**MAX LOAD DUE TO SEISMIC (APPLICABLE TO EACH LEG):**  
 -DOWN = 240#  
 -UPLIFT = 0#

**MAX LOAD DUE TO WIND (APPLICABLE TO EACH LEG):**  
 -HORIZONTAL = 142#

**MAX LOAD DUE TO SEISMIC (APPLICABLE TO EACH LEG):**  
 -HORIZONTAL = 9#

By	JS
Date	4/4/2016
DRAWING STATUS	For Review

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 Kennesaw, GA 30144  
 www.abutech.com

UNLESS OTHERWISE SPECIFIED:  
 DIMENSIONS ARE IN INCHES  
 TOLERANCES:  
 FRACTIONAL ±

SCALE: 1:25

**B**

DRAWN: J.Savor	DATE: 4/4/2016
APP'D.:	WEIGHT (lbs): 620
DWG #: 1 OF 1	MAT'L:

TITLE: <b>GAD Details</b>
PART/ASSEM: <b>15244 - Cambrian Innovation</b>