



City of Plymouth Planning Commission Sub-Committee Meeting Agenda Wednesday, December 17, 2025 – 7:00 p.m. City Hall Conference Room

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234

1. CALL TO ORDER
 - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
 - a. Approval of the November 19, 2025 meeting minutes
4. ZONING AUDIT DISCUSSION
5. ADJOURNMENT

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Meetings of the City of Plymouth are open to all without regard to race, sex, color, age, national origin, religion, height, weight, marital status, disability, or any other trait protected under applicable law. Any individual planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) should submit a request to the ADA Coordinator at 734-453-1234 ext. 234 at least two working days in advance of the meeting. The request may also be submitted via mail at 201 S. Main St. Plymouth, MI 48170, or email to clerk@plymouthmi.gov.

City of Plymouth Strategic Plan 2022-2026

GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35th District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision
7. Implement Kellogg Park master plan

2025 Planning Commission Goals

1. Adopt the master plan
2. Complete “quick” zoning ordinance amendments (zoning audit)
3. Complete the multi-family/housing ordinance amendments (MSHDA Grant)
4. Work toward completing a residential compatibility ordinance

Quick Zoning Ordinance Update



Plymouth Planning Commission Sub-Committee Meeting Minutes Wednesday, November 19, 2025 – 7:00 p.m. Plymouth City Hall 201 S. Main

City of Plymouth
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
734-453-1234

1. CALL TO ORDER

Vice-Chair Medaugh called the meeting to order at 7:00 p.m.

Present: Vice-Chair Medaugh, Commissioners Trish Horstman, and Katie Rossie

Excused: Commissioner Marni Schroeder

Also present: Planning and Community Development Director Greta Bolhuis

2. CITIZENS COMMENTS

None.

3. APPROVAL OF THE MINUTES

a. Horstman made a motion, seconded by Medaugh, to approve October 27, 2025 meeting minutes.

There was a voice vote

MOTION PASSED UNANIMOUSLY

4. ZONING AUDIT DISCUSSION

The sub-committee discussed their progress. The “yellow” tasks that were presented to the Planning Commission in November will be presented again at a public hearing in December. The “blue” tasks presented again this evening will be presented for consideration at the December Planning Commission meeting.

The sub-committee discussed the outstanding tasks. For the December sub-committee meeting, the “green” tasks will be reviewed and discussed. For the January sub-committee meeting, items #4, 8, 13, and 26 will be reviewed and discussed. For the February/March sub-committee meeting, items #15, 16, and 17 will be reviewed and discussed. That leaves items #5 and 19 outstanding.

5. ADJOURNMENT

Medaugh offered a motion, seconded by Horstman, to adjourn the meeting at 8:22 p.m.

There was a voice vote

MOTION PASSED UNANIMOUSLY

Based on the Planning Commission workbooks and discussion, the items below from the Zoning Audit are included in a quick Zoning Ordinance update.

Items in blue font are outstanding tasks. Items in green highlight are presented in later pages.

Update the Schedule of Regulations to specifically define a zero foot minimum front yard setback and 12 foot maximum setback for the B-2 District. *Page 3.*

Make the following changes to comply with state laws, federal laws, and case law:

1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing. *Page 6.*
2. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten **adjacent** properties shall only require notice in a newspaper”, with the added text in bold, italicized font. *Page 6.*
3. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper. *Page 6.*
4. Update regulations in Section 78-296 for religious institutions to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), by eliminating specific landscaping requirements, confirming with the City Attorney that religious institutions cannot occupy a portion of a multi-tenant building, and examine allowance of meeting halls, private clubs and related services in the O-1 and B-3 zoning districts. *Page 16-17.*
5. Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed and whether the current regulations for these uses comply with state licensing requirements and the Americans with Disabilities Act. *Page 17.*

Change outdated references:

6. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan. *Page 7.*
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 9.*
8. Update inconsistent or improper terms including: “special land use” instead of “special use”; “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”; “religious institution” instead of “church”; and “Community Development Director” instead of “Building Official”, in most instances. *Page 19.*
9. Change “tavern” in Section 78-111 – Principal uses permitted in the B-3 Zoning District to “bar/lounge” since tavern is not used elsewhere. *Page 20.*

Allow for modern uses:

10. Allow for e-commerce options in the B-1, B-2, ARC and MU Zoning Districts. In those zoning districts, the principal use allowing similar uses has a restriction that, “All businesses establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.” The last sentence could be construed to not allow e-commerce to be part of the business. *Page 10.*

Eliminate suburban standards:

11. Decrease large minimum lot sizes and setbacks for specific uses: private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs; universities; hospitals; convalescent or nursing homes; and religious institutions. *Page 10-11.*

Streamline and clarify processes:

12. Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for special land use likely would not necessitate the level of detail required for a site plan application. *Page 17.*
13. List those special uses which require site plan review in Article XX. *Page 17.*
14. Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings. *Page 17.*
15. Pivot section 78-385 to a description of planning commission powers, duties and responsibilities, as enabled by state law. This section should include: the number of and process for appointing Planning Commission members, officers, bylaws, meetings, annual report, compliance with the Open Meetings Act, and preparation of a Master Plan. *Page 18.*
16. Include the Planning Commission's ability to investigate, require information, place conditions and the time limitation of their approval into regulations for site plan, special land use and nonconformance approvals. *Page 18.*

Update definitions:

17. Review all definitions for consistent usage, including "average grade" and "usable floor area." *Page 19.*
18. Review definitions such as "nuisance" to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. *Page 19.*
19. Update all definitions for modern understanding. For instance, "video rental establishments" could be consolidated into a service use or eliminated. *Page 19.*
20. Remove regulatory language from definitions where possible, such as removing the reference to "one-story" in the convenience grocery store definition and "separated from each other by a "firewall" from the townhome/rowhouse definition. *Page 19.*
21. Remove definitions not used outside of Article II: billboard, delicatessen, mechanical amusement device, rooming house, mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended). *Page 19-20.*
22. Use graphics to simplify definitions when possible. *Page 20.*

Improve organization and navigability:

23. Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City's Fence Ordinance. *Page 20.*
24. Consolidate the "Vested Right" sections in Article I and Article XXVII. *Page 20.*
25. ~~Examine and update setbacks for generator location requirements in Section 78-217 — Projections into setbacks, based on recent variance requests.~~
26. Update the Intent of the B-2 Zoning District to reflect the description of the Central Business District Future Land Use Category in the Master Plan. *Page 8.*

Quick Zoning Ordinance Update

Based on the Planning Commission workbooks and discussion, the items below from the Zoning Audit are included in a quick Zoning Ordinance update. The page numbers after each task refer to the page number of the 2023 Zoning Audit Report.

Update the Schedule of Regulations to specifically define a zero foot minimum front yard setback and 12 foot maximum setback for the B-2 District. *Page 3.*

- Anticipate introduction to Sub-Committee in February/March 2026

Make the following changes to comply with state laws, federal laws, and case law:

1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing. *Page 6.*
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
 - Anticipate first reading by City Commission in January 2026
2. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten ***adjacent*** properties shall only require notice in a newspaper”, with the added text in bold, italicized font. *Page 6.*
 - Introduction to Sub-Committee 6/23/2025
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 - Discussed by Sub-Committee 10/27/2025
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 - Discussed by Sub-Committee 10/27/2025
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4. Update regulations in Section 78-296 for religious institutions to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), by eliminating specific landscaping requirements, confirming with the City Attorney that religious institutions cannot occupy a portion of a multi-tenant building, and examine allowance of meeting halls, private clubs and related services in the O-1 and B-3 zoning districts. *Page 16-17.*
 - Anticipate introduction to Sub-Committee in January 2026
5. Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed and whether the current regulations for these uses comply with state licensing requirements and the Americans with Disabilities Act. *Page 17.*
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Change outdated references:

6. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan. *Page 7.*
 - Introduction to Sub-Committee 6/23/2025
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 - Anticipate first reading by City Commission in January 2026
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 9.*
 - Introduction to Sub-Committee 7/28/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 11/19/2025
 - Introduced to Planning Commission 12/10/2025
8. Update inconsistent or improper terms including: “special land use” instead of “special use”; “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”; “religious institution” instead of “church”; and “Community Development Director” instead of “Building Official”, in most instances. *Page 19.*
 - Introduction to Sub-Committee 7/28/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 11/19/2025
 - Introduced to Planning Commission 12/10/2025
 - Please note that the change from “Building Official” to “Community Development Director” in anticipated to be introduced in January 2026.
9. Change “tavern” in Section 78-111 – Principal uses permitted in the B-3 Zoning District to “bar/lounge” since tavern is not used elsewhere. *Page 20.*
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 - Discussed by Sub-Committee 9/22/2025
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Allow for modern uses:

10. Allow for e-commerce options in the B-1, B-2, ARC and MU Zoning Districts. In those zoning districts, the principal use allowing similar uses has a restriction that, “All businesses establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.” The last sentence could be construed to not allow e-commerce to be part of the business. *Page 10.*
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 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
 - Please note that updating language for e-commerce in the ARC District is currently in discussion with Plymouth Township and will continue into 2026.

Eliminate suburban standards:

11. Decrease large minimum lot sizes and setbacks for specific uses: private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs; universities; hospitals; convalescent or nursing homes; and religious institutions. *Page 10-11.*
 - Sec. 78-42 (Page 28-29), Sec. 78-52 (Page 34-35), Sec. 78-62 (Page 40-41), Sec. 78-296 (Page 213)
 - Introduction to Sub-Committee 8/18/2025
 - Discussed by Sub-Committee 9/22/2025
 - Anticipate discussion by Sub-Committee 12/17/2025

Streamline and clarify processes:

12. Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for special land use likely would not necessitate the level of detail required for a site plan application. *Page 17.*
 - Sec. 78-247 through 78-248 (Page 181-182)
 - Introduction to Sub-Committee 8/18/2025
 - Discussed by Sub-Committee 9/22/2025
 - Anticipate discussion by Sub-Committee 12/17/2025

13. List those special uses which require site plan review in Article XX. *Page 17.*

- Anticipate introduction to Sub-Committee in January 2026

14. Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings. *Page 17.*

- Sec. 78-424 through 78-427 (Page 250-255)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 12/17/2025

15. Pivot section 78-385 to a description of planning commission powers, duties and responsibilities, as enabled by state law. This section should include: the number of and process for appointing Planning Commission members, officers, bylaws, meetings, annual report, compliance with the Open Meetings Act, and preparation of a Master Plan. *Page 18.*

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Update definitions:

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18. Review definitions such as “nuisance” to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. *Page 19.*
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19. Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated. *Page 19.*
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20. Remove regulatory language from definitions where possible, such as removing the reference to “one-story” in the convenience grocery store definition and “separated from each other by a “firewall” from the townhome/rowhouse definition. *Page 19.*
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21. Remove definitions not used outside of Article II: billboard, delicatessen, mechanical amusement device, rooming house, mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended). *Page 19-20.*
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- ~~25. Examine and update setbacks for generator location requirements in Section 78-217—Projections into setbacks, based on recent variance requests.~~
26. Update the Intent of the B-2 Zoning District to reflect the description of the Central Business District Future Land Use Category in the Master Plan. *Page 8.*
 - Anticipate introduction to Sub-Committee in January 2026

Print: 28-29, 34-35, 40-41, 181-182, 231, 250-255

Task #11 of 26

Decrease large minimum lot sizes and setbacks for specific uses: private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs; universities; hospitals; convalescent or nursing homes; and religious institutions.

- Sec. 78-42, Sec. 78-52, Sec. 78-62, Sec. 78-296
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 12/17/2025

From the Zoning Audit Page 10-11:

“In several instances, the Zoning Ordinance requires a larger minimum lot size and/or setbacks for specific uses than those in the Schedule of Regulations. While an effective method to minimize negative impacts, especially to adjacent residential uses, the dimensions required are often large and suburban in nature. While Plymouth has areas with a suburban character, it also has areas where the character is much more urban. Also, the minimum lot size may be prohibitively large. We recommend evaluating the required lot sizes and setbacks for the following uses:

- Private non-commercial recreational areas, institutional or community recreation centers or nonprofit swimming pool clubs
- Universities
- Hospitals
- Convalescent or nursing homes
- Religious Institutions”

Sub-Committee Discussion Summary:

The sub-committee considered each use and the potential impact of that use on the streets where these uses could be established. They discussed the reduction in setbacks and what was reasonable to protect adjacent residential uses. Definitions were also discussed and which land uses are regulated by the State.

Current Ordinance:

Sec. 78-42. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1) Churches and other facilities normally incidental thereto subject to section 78-300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
 - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals 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 bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
 - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
 - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-287.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.

Proposed Ordinance (Redlined):

Sec. 78-42. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, ~~the review and approval of the site plan by the planning commission,~~ and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, ~~and subject further to a public hearing held in accord with section 78-281.~~

- (1) ~~Churches~~ Religious institutions and other facilities normally incidental thereto subject to section 78-~~296300~~.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.

- (6) ~~Private~~ non-commercial recreational areas, institutional or community recreation centers or personal use ~~non-profit~~ swimming pool clubs, all subject to the following conditions:

- a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation. ~~major thoroughfare as designated on the major thoroughfare plan.~~

- b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards ~~shall be at least 80 feet wide, and~~ shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.

- c. Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements ~~to the zoning board of appeals~~ in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization ~~as determined by the zoning board of appeals~~ 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 bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.

- ~~e. Buildings erected on the premises shall not exceed one story or 14 feet in height.~~

- ~~f.e.~~ All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.

- ~~g.f.~~ All parking shall be surfaced as required in the general provisions for off-street parking requirements.

- ~~h.g.~~ The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, ~~who may impose any reasonable restrictions or requirements~~ so as to ensure that contiguous residential areas will be adequately protected.

- ~~(7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~

- ~~a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~

- ~~b. No building shall be closer than 80 feet to any property line.~~

Commented [GB1]: Redundant. The requirement for site plan review is spelled out in article 23.

Commented [GB2]: Redundant. This requirement for a public hearing is spelled out in article 23.

Commented [GB3]: This change is related to Task #9.

Commented [GB4]: Update to reference the correct section number.

Commented [GB5]: See proposed definitions at the end of this section.

Commented [GB6]: This is related to Task #7.

Commented [GB7]: By deleting this, the Planning Commission solely may modify the off-street parking requirements.

Commented [GB8]: Again, deleting this allows the Planning Commission to make these decisions.

Commented [GB9]: The schedule of regulations would allow a building to be a maximum of 2 stories/25 feet tall.

Commented [GB10]: This is redundant. The Planning Commission already has the ability to impose restrictions, conditions, and safeguards as necessary (See Sec. 78-281 (d)).

Commented [GB11]: Deleting as this land use is not prudent for this district.

(87) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation ~~on major or collector thoroughfares as designated in the city's master plan~~ and shall further be subject to section 78-2847.

Commented [GB12]: This is related to Task #7.

(98) Accessory ~~buildings and~~ uses customarily incident to any of the above special land uses.

Commented [GB13]: This section should only pertain to the land use. Accessory building regulations are covered in another section.

Private Recreational Area means a non-commercial outdoor or indoor space designed and used for leisure, fitness, or social activities by a specific group of individuals, such as residents, members, or invited guests. Such areas are not open to the general public and may include facilities such as playfields, courts, trails, gardens, swimming pools, picnic areas, or similar amenities provided exclusively for private use.

Institutional or Community Recreation Center means a facility operated by a public agency, non-profit organization, educational institution, or membership-based group for the purpose of providing recreational, cultural, educational, or social activities for the surrounding community or a defined membership. Such centers may include indoor or outdoor amenities such as gymnasiums, multipurpose rooms, meeting spaces, courts, playfields, swimming pools, ice rinks, fitness areas, classrooms, or similar facilities. These uses are typically non-commercial in nature and are intended to serve community needs rather than function as profit-generating enterprises.

Personal Use Swimming Pool Club means a non-commercial swimming facility, including related decks, lounging areas, bathhouses, and accessory structures, operated for the exclusive use of a defined group such as residents, members, or invited guests. This use is not open to the general public and does not charge admission or operate for profit. Personal use swimming pool clubs may be operated by homeowners' associations, neighborhood groups, institutions, or similar membership-based entities, and are intended to provide recreational swimming and associated activities on a limited, private basis.

Proposed Ordinance (Clean Copy):

Sec. 78-42. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to section 78-281, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use:

- (1) Religious institutions and other facilities normally incidental thereto subject to section 78-296.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private recreational areas, institutional or community recreation centers or personal use swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
 - b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information 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 bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
 - e. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, so as to ensure that contiguous residential areas will be adequately protected.
- (7) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation and shall further be subject to section 78-284.
- (8) Accessory uses customarily incident to any of the above special land uses.

Current Ordinance:

Sec. 78-52. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to section 23, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1) Churches and other facilities normally incidental thereto subject to section 78-300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit section.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
 - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals 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 bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
 - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-287.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.

Private Recreational Area means a non-commercial outdoor or indoor space designed and used for leisure, fitness, or social activities by a specific group of individuals, such as residents, members, or invited guests. Such areas are not open to

the general public and may include facilities such as playfields, courts, trails, gardens, swimming pools, picnic areas, or similar amenities provided exclusively for private use.

Institutional or Community Recreation Center means a facility operated by a public agency, non-profit organization, educational institution, or membership-based group for the purpose of providing recreational, cultural, educational, or social activities for the surrounding community or a defined membership. Such centers may include indoor or outdoor amenities such as gymnasiums, multipurpose rooms, meeting spaces, courts, playfields, swimming pools, ice rinks, fitness areas, classrooms, or similar facilities. These uses are typically non-commercial in nature and are intended to serve community needs rather than function as profit-generating enterprises.

Personal Use Swimming Pool Club means a non-commercial swimming facility, including related decks, lounging areas, bathhouses, and accessory structures, operated for the exclusive use of a defined group such as residents, members, or invited guests. This use is not open to the general public and does not charge admission or operate for profit. Personal use swimming pool clubs may be operated by homeowners' associations, neighborhood groups, institutions, or similar membership-based entities, and are intended to provide recreational swimming and associated activities on a limited, private basis.

Proposed Ordinance (Redlined):

Sec. 78-52. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to ~~section article~~ 23, ~~the review and approval of the site plan by the planning commission,~~ and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, ~~and subject further to a public hearing held in accord with section 78-281:~~

Commented [GB14]: The correct reference is to "article 23".

- (1) ~~Churches-Religious institutions~~ and other facilities normally incidental thereto subject to section 78-~~296300~~.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit section.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private ~~non-commercial~~ recreational areas, institutional or community recreation centers or ~~personal use non-profit~~ swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major ~~collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation thoroughfare as designated on the major thoroughfare plan.~~
 - b. ~~The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article.~~ Front, side and rear yards shall be ~~at least 80 feet wide, and shall be~~ landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements ~~to the zoning board of appeals~~ in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization ~~as determined by the zoning board of appeals~~ 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 bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
 - e. ~~Buildings erected on the premises shall not exceed one story or 14 feet in height.~~
 - e. ~~All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.~~
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, ~~who may impose any reasonable restrictions or requirements~~ so as to ensure that contiguous residential areas will be adequately protected.
- (7) ~~Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~
 - a. ~~Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~

Commented [GB15]: This requirement is included in 78-42 and to be consistent, should be included here too.

~~b. No building shall be closer than 80 feet to any property line.~~

~~(78)~~ Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-2847.

~~(89)~~ Accessory ~~buildings and~~ uses customarily incident to any of the above special land uses.

Proposed Ordinance (Clean Copy):

Sec. 78-52. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use:

- (1) Religious institutions and other facilities normally incidental thereto subject to section 78-296.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit section.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private recreational areas, institutional or community recreation centers or personal use swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
 - b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information 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 bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
 - e. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission so as to ensure that contiguous residential areas will be adequately protected.
- (7) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation and shall further be subject to section 78-284.
- (8) Accessory uses customarily incident to any of the above special land uses.

Current Ordinance:

Sec. 78-62. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area, and shall not be permitted on a lot or lots of record.
 - b. The proposed site shall have at least one property line abutting a major thoroughfare.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a major thoroughfare.
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
- (2) Convalescent or nursing homes, not to exceed a height of two-stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square-foot requirement is over and above the building coverage area.
 - b. No building shall be closer than 40 feet from any property line.
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing provided for in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided for the elderly unit types permitted in subsection (3)a of this section:

1.	Density	Same as RM-1
2.	Minimum usable floor area, one- and two-bedroom	200 sq. ft. per person occupying each unit
3.	Building and height setbacks and percent coverage of site	Same as RM-1
4.	Off-street parking:	
	Residents	0.5 space/unit
	Guests	0.25 space/unit
5.	Maximum coverage:	
	Building	35%
	Parking	15%
	Open space (min.)	15%

6. Proposed housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities and transportation services to these facilities.
 7. All spacing shall meet the requirements of section 78-191, footnote (d).
- (4) Churches and other facilities subject to section 78-300.

- (5) Parochial and private elementary, intermediate, or secondary schools offering courses in general education, not operated for profit.
- (6) Uses and buildings of the city or government.
- (7) Bed and breakfast operations subject to section 78-287.
- (8) Adult foster care large group home.
- (9) Adult foster care congregate facility.

Proposed Ordinance (Redlined):

Sec. 78-62. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, ~~the review and approval of the site plan by the planning commission,~~ and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, ~~and subject further to a public hearing held in accord with section 78-281:~~

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area, ~~and shall not be permitted on a lot or lots of record.~~
 - b. The proposed site shall have at least one property line abutting a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
- (2) Convalescent or nursing homes ~~and homes for the aged,~~ ~~not to exceed a height of two stories, when the following conditions are met:~~
 - a. ~~The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square foot requirement is over and above the building coverage area.~~
 - b. ~~No building shall be closer than 40 feet from any property line.~~
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing ~~or assisted living facilities shall be constructed provided for~~ in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided ~~for the elderly unit types permitted in subsection (3)a of this section:~~

Commented [GB16]: This is redundant and can be deleted.

Commented [GB17]: This is specifically licensed by the State. Including and defining for clarity.

Commented [GB18]: The zoning district regulations will restrict the height, landscaping/open space, parking, and setbacks. The 800 sf ratio is confusing and adds little regulatory value.

Commented [GB19]: Delete for redundancy.

1.	Density	Same as RM-1
2-1.	Minimum usable floor area, one- and two-bedroom	200 sq. ft. per person occupying each unit
3.	Building and height setbacks and percent coverage of site	Same as RM-1
4-2.	Off-street parking:	
	Residents	0.5 space/unit
	Guests	0.25 space/unit
5-3.	Maximum coverage:	
	Building	35%
	Parking	15%
4.	Minimum coverage: Open space (min.) 15%	
	Open space	15%

- ~~6. Proposed housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities and transportation services to these facilities.~~
- ~~7. All spacing shall meet the requirements of section 78-191, footnote (d).~~

Commented [GB20]: Redundant.

- (4) ~~Churches Religious institutions~~ and other facilities subject to section 78-~~296~~³⁰⁰.
- (5) Parochial and private elementary, intermediate, or secondary schools offering courses in general education, not operated for profit.
- (6) Uses and buildings of the city or government.
- (7) Bed and breakfast operations subject to section 78-28⁴⁷.
- (8) Adult foster care large group home.
- (9) Adult foster care congregate facility.

Homes for the aged mean personal care facilities, other than hotels, adult foster care facilities, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or more individuals who are age 60 or older.

Adult foster care facility. A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended.

Convalescent or nursing home means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a state correctional facility. Nursing home does not include one or more of the following: (a) A hospital; (b) A veteran's facility created under Act No. 152 of the Public Acts of 1885, being Sections 36.1 to 36.12 of the Michigan Compiled Laws; or (c) A hospice residence.

Commented [GB21]: This definition matches the definition of nursing home from MCL 333.20109.

Housing, dependent, is a multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit shall not contain cooking facilities, but must contain sanitary facilities.

Assisted Living Facility means a residential care facility that provides housing, limited health care, and personal support services for individuals who require assistance with activities of daily living but do not need the level of medical care provided in a nursing home. Services may include meals, housekeeping, medication management, transportation, social and recreational activities, and 24-hour supervision. Assisted living facilities may contain shared or individual living units and common areas for dining, recreation, and socialization. Medical treatment is incidental and not the primary focus of the use. This term includes similar state-licensed residential care settings but excludes skilled nursing facilities, hospitals, and independent living communities.

Commented [GB22]: In Michigan, "assisted living" isn't a single regulated term; it generally refers to housing with help for daily activities like bathing, dressing, meds, meals, housekeeping, and social life, provided in settings like licensed [Homes for the Aged \(HFA\)](#) or [Adult Foster Care \(AFC\)](#) homes, or even unlicensed communities, all focusing on independence with support, but without 24/7 skilled nursing. The key is assistance with *personal care*, not constant medical monitoring, helping seniors live autonomously longer.

Proposed Ordinance (Clean Copy):

Sec. 78-62. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use:

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area.
 - b. The proposed site shall have at least one property line abutting a principal arterial – other as designated by the Michigan Department of Transportation.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation
- (2) Convalescent or nursing homes and homes for the aged.
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing or assisted living facilities shall be constructed in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided:

1.	Minimum usable floor area, one- and two-bedroom	200 sq. ft. per person occupying each unit
2.	Off-street parking:	
	Residents	0.5 space/unit
	Guests	0.25 space/unit
3.	Maximum coverage:	
	Building	35%
	Parking	15%
4.	Minimum coverage:	
	Open space	15%

- (4) Religious institutions and other facilities subject to section 78-296.
- (5) Parochial and private elementary, intermediate, or secondary schools offering courses in general education, not operated for profit.
- (6) Uses and buildings of the city or government.
- (7) Bed and breakfast operations subject to section 78-284.
- (8) Adult foster care large group home.
- (9) Adult foster care congregate facility.

Homes for the aged mean personal care facilities, other than hotels, adult foster care facilities, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or more individuals who are age 60 or older.

Assisted Living Facility means a residential care facility that provides housing, limited health care, and personal support services for individuals who require assistance with activities of daily living but do not need the level of medical care provided in a nursing home. Services may include meals, housekeeping, medication management, transportation, social and recreational activities, and 24-hour supervision. Assisted living facilities may contain shared or individual living units and common areas for dining, recreation, and socialization. Medical treatment is incidental and not the primary focus of the use. This term includes similar state-licensed residential care settings but excludes skilled nursing facilities, hospitals, and independent living communities.

Current Ordinance:

Sec. 78-296. Religious institutions.

- (a) The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and any associated structures utilized for educational purposes:
 - (1) *Lot width.* The minimum lot width for religious institutions shall be 200 feet.
 - (2) *Lot area.* The minimum lot area for religious institutions shall be three acres.
 - (3) *Parking setback.* Off-street parking shall be prohibited in the front setback area and within 15 feet of the rear or side property line.
 - (4) *Building setback.* Religious institutions shall comply with the following building setback requirements:
 - Front yard:* 50 feet
 - Side Yards:* 30 feet
 - Rear yards:* 50 feet
 - (5) *Frontage and access.* Religious institutions shall be located on streets which have a paved road having an existing or proposed right-of-way at least 86 feet.
 - (6) *Landscaping.* Religious institutions shall comply with the landscaping requirements set forth in this chapter.
 - (7) *Sole use of site* Religious institutions and associated educational facilities shall be the sole use of the site and shall not be located in a multi-tenant building.

Proposed Ordinance (Redlined):

Sec. 78-296. Religious institutions.

- (a) The following regulations shall apply to all religious institutions, ~~including churches, synagogues, temples,~~ and any associated structures utilized for educational purposes:

~~(1) Lot width. The minimum lot width for religious institutions shall be 200 feet.~~

~~(2) Lot area. The minimum lot area for religious institutions shall be three acres.~~

~~(3) Parking setback.~~ Off-street parking shall be prohibited in the required front setback area, ~~and within 15 feet of the rear or side property line.~~

~~(24) Building setback.~~ Religious institutions shall comply with the following building setback requirements:

~~Front yard: 25-50 feet~~

~~Side Yards: 15-30 feet~~

~~Rear yards: 35-50 feet~~

~~(5) Frontage and access.~~ Religious institutions shall be located on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation streets which have a paved road having an existing or proposed right of way at least 86 feet.

~~(6) Landscaping.~~ Religious institutions shall comply with the landscaping requirements set forth in this chapter.

~~(7) Sole use of site. Religious institutions and associated educational facilities shall be the sole use of the site and shall not be located in a multi-tenant building.~~

Religious Institution means a facility or property used by a religious organization for religious worship, instruction, fellowship, or the administration of religious programs and activities. A religious institution may include sanctuaries, chapels, classrooms, meeting halls, administrative offices, and accessory facilities such as kitchens, social halls, and residences for clergy or members of a religious order. Accessory uses customarily associated with religious practice are included, provided they are not operated as commercial enterprises unless otherwise permitted by the zoning district.

Commented [GB23]: These regulations “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction” per RLIUPA.

Commented [GB24]: Eliminating this regulation is on equitable terms with nonreligious assemblies or institutions.

Commented [GB25]: These regulations are on equitable terms with nonreligious assemblies or institutions.

Commented [GB26]: This regulations “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction” per RLIUPA.

Commented [GB27]: This regulations “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction” per RLIUPA.

Discussion Information

Zoning District	R-1	RT-1	RM-1 RM-2	O-1	O-2	B-1	B-2	B-3	ARC	MU	I-1	I-2
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Assembly

Private clubs and lodge halls				P		P		P		S		
Meeting halls and related services				P	P	P						
Theaters or assembly halls							P	P	S			
Churches	S	S	S	P					P	P		

Zoning District	Max Height in Stories	Max Height in Feet	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
O-1	2	30	20	0-10	20
O-2	3	45	50	0-10	20
B-1	2	25	10	0-10	35
B-2	3	40	0	0-10	0
B-3	2	30	0	0-10	10
ARC	2	35	10	10	20
MU	2	25	15	10	35

Proposed Ordinance (Clean Copy):

Sec. 78-296. Religious institutions.

- (a) The following regulations shall apply to all religious institutions and any associated structures utilized for educational purposes:
 - (1) Off-street parking shall be prohibited in the required front setback area.
 - (2) Religious institutions shall comply with the following building setback requirements:
 - Front yard:* 25 feet
 - Side Yards:* 15 feet
 - Rear yards:* 35 feet
 - (3) Religious institutions shall be located on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
 - (4) Religious institutions shall comply with the landscaping requirements set forth in this chapter.

Task #12 of 26

Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for special land use likely would not necessitate the level of detail required for a site plan application. *Page 17.*

- Sec. 78-247 through 78-248 (Page 181-182)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 12/17/2025

From the Zoning Audit Page 17:**"Update Processes for Special Uses**

We recommend the following changes in terms of process for special land uses:

- Change the annual approval of rooftop dining by the City Commission to stand-alone licensing ordinance, rather than a special land use in the Zoning Ordinance. The revocation or nonrenewal of roof-top dining is more defensible as a license, than as a special land use.
- Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed under current state regulations. Also, evaluate the regulations for this use with state licensing requirements and retain the regulations that are within the City's purview and ability to enforce. Due to special consideration for group day care homes in the Michigan Zoning Enabling Act, any amendments should be drafted with input from the City Attorney.
- Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for a special land use likely would not necessitate the level of detail required for a site plan application.
- For uses that require site plan approval in the associated regulations, list those uses as requiring site plan review in Article XX."

Sub-Committee Discussion Summary:

Clean up the sections to group like items. Add language to allow properly dimensioned plot plan and floor plans to be submitted when an existing building is being reused rather than requiring a full blown site plan documents as permitted by the Community Development Director.

Current Ordinance:

Sec. 78-247. Information required.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

Sec. 78-248. Site plan review checklist.

		YES	NO	N/A
1.	Correct scale	[]	[]	[]
2.	Name of person preparing plan*	[]	[]	[]
3.	Date, north point	[]	[]	[]
4.	Property line dimension	[]	[]	[]
5.	Street right-of-way widths	[]	[]	[]
6.	Existing utilities (sewer, water, gas, etc.)	[]	[]	[]
7.	Show adjacent property and buildings	[]	[]	[]
8.	Existing topography, trees and other features	[]	[]	[]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[]	[]	[]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[]	[]	[]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[]	[]	[]
12.	Number of dwelling units per building	[]	[]	[]
13.	Height of structure	[]	[]	[]
14.	Percent one room apartments (efficiencies)	[]	[]	[]
15.	Total number of rooms if multiple-family	[]	[]	[]
16.	Parking requirements met	[]	[]	[]
17.	Number of units and bedrooms each building	[]	[]	[]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[]	[]	[]
19.	Parking lot space dimensions	[]	[]	[]
20.	Loading and unloading space	[]	[]	[]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[]	[]	[]
22.	Utility connections (sanitary sewer, water, storm sewers)	[]	[]	[]
23.	On-site storm water retention	[]	[]	[]
24.	Fire hydrants (on- and off-site)	[]	[]	[]
25.	Sidewalks and elevations	[]	[]	[]
26.	Sedimentation and erosion control plan	[]	[]	[]

27.	Landscape plan showing plant materials to be used	[]	[]	[]
28.	Sign requirements met	[]	[]	[]
29.	Require walls and fences or greenbelts	[]	[]	[]
30.	Corner clearance	[]	[]	[]
31.	Service drive needed	[]	[]	[]
32.	Acceleration lanes and traffic pattern	[]	[]	[]
33.	Trash receptacle locations	[]	[]	[]
34.	Mail box locations	[]	[]	[]
35.	Air conditioner unit locations	[]	[]	[]
36.	Special site features (play areas, pools, etc.)	[]	[]	[]
37.	Handicapped facilities	[]	[]	[]
38.	Building elevation drawings	[]	[]	[]

*Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.

Proposed Ordinance (Redlined):

Sec. 78-247. Exceptions~~Information required.~~

When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review checklist may be required by Community Development Director to review the application. This exception is allowed at the discretion of the Community Development Director.

~~The following information shall be included on the site plan in addition to those items specified in the application for site plan review:~~

- ~~(1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.~~
- ~~(2) Date, north point and scale.~~
- ~~(3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.~~
- ~~(4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.~~
- ~~(5) The location of all existing and proposed drives and parking areas.~~
- ~~(6) The location and right-of-way widths of all abutting streets and alleys.~~
- ~~(7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.~~
- ~~(8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.~~

Sec. 78-248. Site plan review checklist.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

Commented [HH1]: Moved from the section above

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
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- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
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- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

		YES	NO	N/A
1.	Correct scale	[]	[]	[]
2.	Name of person preparing plan*	[]	[]	[]
3.	Date, north point	[]	[]	[]
4.	Property line dimension	[]	[]	[]
5.	Street right-of-way widths	[]	[]	[]
6.	Existing utilities (sewer, water, gas, etc.)	[]	[]	[]

7.	Show adjacent property and buildings	[]	[]	[]
8.	Existing topography, trees and other features	[]	[]	[]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[]	[]	[]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[]	[]	[]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[]	[]	[]
12.	Number of dwelling units per building	[]	[]	[]
13.	Height of structure	[]	[]	[]
14.	Percent one room apartments (efficiencies)	[]	[]	[]
15.	Total number of rooms if multiple-family	[]	[]	[]
16.	Parking requirements met	[]	[]	[]
17.	Number of units and bedrooms each building	[]	[]	[]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[]	[]	[]
19.	Parking lot space dimensions	[]	[]	[]
20.	Loading and unloading space	[]	[]	[]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[]	[]	[]
22.	Utility connections (sanitary sewer, water, storm sewers)	[]	[]	[]
23.	On-site storm water retention	[]	[]	[]
24.	Fire hydrants (on- and off-site)	[]	[]	[]
25.	Sidewalks and elevations	[]	[]	[]
26.	Sedimentation and erosion control plan	[]	[]	[]
27.	Landscape plan showing plant materials to be used	[]	[]	[]
28.	Sign requirements met	[]	[]	[]
29.	Require walls and fences or greenbelts	[]	[]	[]
30.	Corner clearance	[]	[]	[]
31.	Service drive needed	[]	[]	[]
32.	Acceleration lanes and traffic pattern	[]	[]	[]
33.	Trash receptacle locations	[]	[]	[]
34.	Mail box locations	[]	[]	[]
35.	Air conditioner unit locations	[]	[]	[]
36.	Special site features (play areas, pools, etc.)	[]	[]	[]
37.	Handicapped facilities	[]	[]	[]
38.	Building elevation drawings	[]	[]	[]

*Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.

Proposed Ordinance (Clean Copy):

Sec. 78-247. Exceptions.

When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review checklist may be required by Community Development Director to review the application. This exception is allowed at the discretion of the Community Development Director.

Sec. 78-248. Site plan review checklist.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
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- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
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		YES	NO	N/A
1.	Correct scale	[]	[]	[]
2.	Name of person preparing plan*	[]	[]	[]
3.	Date, north point	[]	[]	[]
4.	Property line dimension	[]	[]	[]
5.	Street right-of-way widths	[]	[]	[]
6.	Existing utilities (sewer, water, gas, etc.)	[]	[]	[]
7.	Show adjacent property and buildings	[]	[]	[]
8.	Existing topography, trees and other features	[]	[]	[]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[]	[]	[]
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11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[]	[]	[]
12.	Number of dwelling units per building	[]	[]	[]
13.	Height of structure	[]	[]	[]
14.	Percent one room apartments (efficiencies)	[]	[]	[]
15.	Total number of rooms if multiple-family	[]	[]	[]
16.	Parking requirements met	[]	[]	[]
17.	Number of units and bedrooms each building	[]	[]	[]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[]	[]	[]
19.	Parking lot space dimensions	[]	[]	[]
20.	Loading and unloading space	[]	[]	[]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[]	[]	[]

22.	Utility connections (sanitary sewer, water, storm sewers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	On-site storm water retention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	Fire hydrants (on- and off-site)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	Sidewalks and elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26.	Sedimentation and erosion control plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	Landscape plan showing plant materials to be used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	Sign requirements met	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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30.	Corner clearance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31.	Service drive needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32.	Acceleration lanes and traffic pattern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33.	Trash receptacle locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34.	Mail box locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35.	Air conditioner unit locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36.	Special site features (play areas, pools, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37.	Handicapped facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38.	Building elevation drawings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Task #14 of 26

Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings. *Page 17.*

- Sec. 78-424 through 78-427 (Page 250-255)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 12/17/2025

From the Zoning Audit Page 17:

"Place Amendments in its own Article with Specific Standards and Process Descriptions

We recommend that the regulations for Amendments be in a separate article, with specific standards for amendments in general, rezonings (map amendments), text amendments and conditional rezonings. We also recommend that conditional rezonings be described in a unique section within the Amendments Article."

Sub-Committee Discussion Summary:

Created new article, restructured sections, and cleaned up some outdated language.

Current Ordinance:

Sec. 78-380. Changes and amendments.

All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

Notification for public hearings shall be in accordance with section 78-377.

Petitions for zoning ordinance amendments or conditional zoning amendments shall be submitted to the building department on standard forms provided by the third Tuesday of each month, before the next regularly scheduled planning commission meeting. If the planning commission or building department determines that the application is administratively complete, the planning commission shall set a date for a public hearing to receive public comment. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department. A fee schedule, as provided by resolution of the city commission, shall be levied against each petition to cover the costs of administering the application, advertising public hearings, consultant review, and other incidental costs relative to said petition. The building department shall transmit the application to the planning commission.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

Sec. 78-387. Conditional rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing 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 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.
- (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
- A scaled map or drawing of the property.
 - Existing and proposed uses, buildings, and structures.
 - Proposed parking arrangements and on-site circulation.
 - Relationship of the site to adjoining parcels.
 - Proposed landscape screens, walls, or buffers.
 - Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.
- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.
- The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.
- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new 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.
- (1) *Other required approvals by the City of Plymouth.*
- Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
 - Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.
- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) 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 commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.
- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.

- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
 - (1) Be prepared in a form recordable with the county register of deeds;
 - (2) Contain a legal description of the land to which it pertains;
 - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
 - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
 - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
 - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
 - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions,

whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.

- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

Sec. 78-388. Required signage.

- (a) *Required signage.* An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

Proposed Ordinance (Redlined):

ARTICLE XXX. - AMENDMENTS

Sec. 78-424. In general.

- (a) All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

~~Notification for public hearings shall be in accordance with section 78-377.~~

- (b) ~~Petitions~~ Applications for zoning ordinance amendments ~~or conditional zoning amendments~~ shall be submitted to the community development ~~building~~ department on standard forms provided ~~by the third Tuesday of each month, before the next regularly scheduled planning commission meeting.~~ If the planning commission ~~or building community development~~ department determines that the application is administratively complete, ~~the planning commission shall set a date for a public hearing~~ shall be set to receive public comment. ~~Notification for public hearings shall be in accordance with section 78-377. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department.~~ A fee ~~schedule~~, as provided by resolution of the city commission, shall be levied against each application ~~petition~~ to ~~covers cover~~ the costs of administering the application, advertising public hearings, consultant review, and other incidental costs relative related to said application ~~petition~~. ~~The building department shall transmit the application to the planning commission.~~
- (c) ~~(a)~~ Required signage. An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more adjacent parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.

- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

Sec. 78-425. Rezoning and Map Amendments.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

Sec. 78-426. Conditional Rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing 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 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.
 - (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
 - a. A scaled map or drawing of the property.
 - b. Existing and proposed uses, buildings, and structures.
 - c. Proposed parking arrangements and on-site circulation.

- d. Relationship of the site to adjoining parcels.
- e. Proposed landscape screens, walls, or buffers.
- f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.

- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new 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.

- (1) *Other required approvals by the City of Plymouth.*

- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
- c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.

- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) 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 commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.

- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.

- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.

- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:

- (1) Be prepared in a form recordable with the county register of deeds;
- (2) Contain a legal description of the land to which it pertains;
- (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;

- (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
- (5) Contain the notarized signatures of all the owners of the property preceded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
- (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. The owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
 - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

Sec. 427. Text Amendments

Consideration of an amendment to this chapter may be initiated upon presentation of a ~~n application petition~~ for amendment by the owner ~~or lessee~~ of real estate affected. Such ~~petition application~~ shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing. A period of not less than six months is required between presentation of ~~application petitions~~ for ~~a change or~~ amendments applying to a specific piece of property, where such petition was denied in the first instance.

Proposed Ordinance (Clean Copy):

ARTICLE XXX. - AMENDMENTS

Sec. 78-424. In general.

- (a) All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.
- (b) Applications for zoning ordinance amendments shall be submitted to the community development department on standard forms provided. Community development department determines that the application is administratively complete, a public hearing shall be set to receive public comment. Notification for public hearings shall be in accordance with section 78-377. A fee, as provided by resolution of the city commission, shall be levied against each application to cover the costs of administering the application, advertising public hearings, consultant review, and other incidental costs related to said application.
- (c) *Required signage.* An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more adjacent parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

Sec. 78-425. Rezonings and Map Amendments.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

Sec. 78-426. Conditional Rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing 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 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.
 - (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
 - a. A scaled map or drawing of the property.
 - b. Existing and proposed uses, buildings, and structures.
 - c. Proposed parking arrangements and on-site circulation.
 - d. Relationship of the site to adjoining parcels.
 - e. Proposed landscape screens, walls, or buffers.
 - f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.
 - (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be

informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new 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.
 - (1) *Other required approvals by the City of Plymouth.*
 - a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
 - c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.
 - (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) 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 commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.
- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.
- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
 - (1) Be prepared in a form recordable with the county register of deeds;
 - (2) Contain a legal description of the land to which it pertains;
 - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
 - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
 - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
 - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
 - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

Sec. 427. Text Amendments

Consideration of an amendment to this chapter may be initiated upon presentation of an application for amendment by the owner or lessee of real estate affected. Such application shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing. A period of not less than six months is required between presentation of application for amendments applying to a specific piece of property, where such petition was denied in the first instance.