

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, December 1, 2016
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planning Commission can take action to approve the December 1, 2016 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the November 3, 2016 meeting Minutes.

V Public Hearing

VI Public Comment on Agenda Related items

VII New Business

Election of Officers

According to the By-Laws of the City of Manistee Planning Commission their annual election of Officers is held at the December Meeting for the following year.

At this time the meeting will be turned over to Denise Blakeslee who will ask for nominations.

Chair

The Planning Commission will select a Chair for 2017.

Vice-Chair

The Planning Commission will select a Vice Chair for 2017.

Secretary

The Planning Commission will select a Secretary for 2017.

Appointment of a Recording Secretary 2017

At this time the Planning Commission Secretary appointed for 2017 may appoint a Recording Secretary for 2017.

Clear Zoning Audit – Zoning Amendments

As part of the Redevelopment Ready Community Certification process a Zoning Audit was prepared by Clear Zoning.

At this time the Planning Commission will review the Zoning Audit that was performed by Clear Zoning and begin discussion on recommended Zoning Amendments that are a result of the Audit.

VIII Old Business

IX Public Comments and Communications

At this time the Chair will ask if there are any public comments.

X Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

XI Staff/Sub-Committee Reports

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

XII Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XIII Adjournment

Memorandum



To: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: November 22, 2016

RE: December 1, 2016 Meeting

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Commissioners, the next meeting of the Planning Commission will be on Thursday, December 1, 2016. We have the following items on the agenda:

- **Election of Officers**
- **Appointment of a Recording Secretary**
- **Clear Zoning Audit-Zoning Amendments**

If you are unable to attend the meeting please call me at 398-2805.

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

November 3, 2016

A meeting of the Manistee City Planning Commission was held on Thursday, November 3, 2016 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Roll Call:

Members Present: Maureen Barry, Ray Fortier, Marlene McBride, Mark Wittlieff, Roger Yoder

Members Absent: Aaron Bennett (excused), Vacancy

Others: John Soltes (1054 Oak Street), Denise Blakeslee (Planning & Zoning Administrator) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Mark Wittlieff that the agenda be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Barry, Fortier, McBride, Wittlieff, Yoder

No: None

APPROVAL OF MINUTES

Motion by Mark Wittlieff, seconded by Maureen Barry that the minutes of the October 6, 2016 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Fortier, Barry, McBride, Wittlieff, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

PC-2016-15, John & Jean Soltes, 1054/1050 Oak Street – Parcel Split and Combination request

A request has been received from John & Jean Soltes, 1054 Oak Street for a Parcel Split and Combination request. Mr. & Mrs. Soltes owns parcel 51-355-708-25 (1054 Oak Street) and parcel 51-355-708-19 (1050 Oak Street). The requested split and combination will eliminate an encroachment by the home at 1054 Oak Street (A), retain access to Oak Street for the home at 1050 Oak Street (B) and create a new buildable lot (C).

Commissioner Wittlieff disclosed to the commission that Mr. & Mrs. Solte’s are his wife’s aunt and uncle.

Denise Blakeslee had asked the City Attorney and upon review of Section 3.12 Conflict of Interest, item 1.e. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household. It does not meet the standards as a conflict of interest, but wanted it disclosed to the Commission. The Commissioners were asked if they had any objections to Commissioner Wittlieff participating in deliberating on the request. No objections were voiced and Commissioner Wittlieff remained seated and participated in deliberation on the request.

MOITON by Ray Fortier, seconded by Mark Wittlieff that the Planning Commission recommend to City Council to approve request from John & Jean Soltes for a Parcel Split and Combination request as submitted with application PC-2016-15.

With a Roll Call vote this motion passed 5 to 0.

Yes: Wittlieff, Fortier, Barry, McBride, Yoder
No: None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning Administrator – Received results from Clear Zoning who reviewed the Zoning Ordinance/Master Plan as part of the certification process for certification in the Redevelopment Ready Communities Program. Discussed amendments that will be made to the ordinance as a result of the review. Commissioners were reminded that the Annual Meeting with City Council will be on December 13th.

MEMBERS DISCUSSION

Commissioner McBride asked about the progress on the retaining wall and Short Street still being closed.

Chair Yoder Spoke of the wall that was supposed to be fixed at the Flower Shop and noted that Election of Officers will be held in December and that he will not be running for Chair.

The next regular meeting of the Planning Commission will be held on Thursday, December 1, 2016

ADJOURNMENT

Motion by Ray Fortier, seconded by Marlene McBride that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:19 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

Memorandum



To: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: November 22, 2016

RE: Zoning Audit

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
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Commissioners, for several weeks I have begun working on addressing the list of items in the Clear Zoning Audit. Some of the items did not require a zoning amendment (posting on the web page, adding a link to the document, correction of clerical errors) or they did not know where the item was in our ordinance. Those items are shown in purple on the review document and they are as follows:

- ✓ Provide one complete PDF of the entire ordinance for download by users. – **provided**
- ✓ Illustrations are provided for many provisions, but many of these are small. For instance, the sign type illustration (s-1) is not very legible. – **increased size on web page**
- ✓ Enlarge graphics for improved legibility. – **increased size on web page**
- ✓ The PDF version on the City website includes some links, including links to articles in the table of contents. Each article is a separate document, so downloading the entire ordinance is time-consuming. Referring to multiple sections of the ordinance can be cumbersome as the user switches between applications and browser tabs. – **provided one document**
- ✓ The schedule of regulations on the website has the file name “East Bay Township Zoning Ordinance,” though it clearly is part of the Manistee zoning ordinance - **corrected**
- ✓ In C-3, consider limiting professional offices that do not draw foot traffic to upper floors or the rear portion of ground floors. - **DDA WAS NOT SUPPORTIVE**
- ✓ Make the provision for the maximum time limit consistent between (B.5 and C). – **Already states shall not exceed six (6) months.**
- ✓ In C-3, consider limiting professional offices that do not draw foot traffic and residential uses to upper floors or the rear (non street facing) portion of ground floors, at least on property that fronts on River Street. – **DDA NOT SUPPORTIVE**
- ✓ Clarify that multiple family dwellings are permitted by removing the term “dwelling, upper story accessory” and replacing it with “dwelling, multiple family” or “dwelling, upper story” as a permitted use; retain the standard that dwellings are not permitted on the ground floor. - **Not all properties in C-3 are in the downtown – that is why there are two uses listed, not all buildings can support 3 units which is “multiple family”**
- ✓ Building placement standards should be updated. Consider minimum building frontage requirement so that a 20’ wide building can’t be constructed on a 100’ wide lot. - **This would prohibit a narrow building with a parking lot adjacent.**
- ✓ Sales of vehicles, including automobiles and boats, are not permitted in any district. – **Out door sales facility – SLU* in C-1 & C-2 zoning districts**
- ✓ Consider setting a maximum parking standard to avoid excessive parking areas. – **See 514.A (last sentence)**
- ✓ **Light Fixtures** - Illustration communicates the idea, but should be larger. – **Increase size on Web Page**
- ✓ Accessory WECS permitted under 515.G. Check terminology in the G-I district, which is the only district that uses the term windmill in its use list. – **corrected/typo**
- ✓ Remove the Appeals section (Sec. 2209) or provide a cross reference to the ZBA procedures outlined in Article – **Provided Link on web page**
- ✓ Revise Section 2801 for conformance with the codification numbering provided throughout.- **Formatting error/corrected**

I have begun drafting zoning amendment language for the items shown in red on the review document and they are included in your packets and area as follows:

- ✓ There are some items where the schedule of regulations conflicts with the District Regulations lists within each districts (e.g. min floor area in P-D district).
- ✓ Refine the definition for adult-oriented uses to provide more specific language.
- ✓ Sign definitions (and provisions of the sign regulations) will need to be updated to eliminate content-based regulation, in accordance with 2015's Supreme Court decision in *Reed v Gilbert*.
- ✓ Update state-licensed residential care facilities to remove the term "senior citizens"
- ✓ The "Building envelope" definition is not correct: the building envelope is the area bounded by the setback lines. The definition currently says that it is the area within the required front, rear, and side yards, which is the opposite of the actual definition. The building envelope can't be within a required yard.
- ✓ Rather than defining both "administrator" and "zoning administrator," use one term consistently.
- ✓ Define "fuel pumps" – this appears as a use in addition to "gasoline stations" – Consolidated Convenience Store with fuel pumps into Gasoline Stations
- ✓ Maintain consistency with format (singular/plural)
- ✓ Adult foster care small & large group homes not included in any district, though they are defined.
- ✓ Child day care is permitted in a few districts.
- ✓ The Michigan Zoning Enabling Act specifically addresses these uses and the Zoning Ordinance should include them.
- ✓ Consider developing standards for solar installations and other forms of "alternative energy"
- ✓ Consolidate the standards for "convenience store with fuel pumps" and "gasoline stations"
- ✓ Clarify the intent of the LI district; make it clear that non- industrial uses are intended to be limited and complementary to the primary industrial uses of the industrial district.
- ✓ Consider establishing minimum stacking requirements by use.
- ✓ Consider empowering the PC to permit deferral of unnecessary required parking by identifying a parking area on the site plan, but allowing it to be built as the need arises.
- ✓ Develop standards for EV parking.
- ✓ Provide a standard for bicycle parking that addresses placement and design.
- ✓ WECS is permitted as a principal use with SLU approval in the R-3 district, subject to Section 1892. This district has very small lot sizes. Why is this the one R district where a principal WECS is permitted?
- ✓ Add standards for solar and other alternative sources of energy.
- ✓ Update sign standards to ensure content-neutrality.
- ✓ Add a clause providing flexibility to portions of buildings to exceed height limits for the district if they are determined to constitute a feature that does not raise the overall height of the building (i.e., a steeple, penthouse, smokestack). Section 509 offers one possible location for such a provision.

Formatting of the Ordinance – Clear Zoning uses a different template when they prepare ordinances, several of the comments are relating to the format/layout of the ordinance. There is not enough staff time to reformat the ordinance and it currently works well and is easy to read.

Refining definitions/sections of the ordinance – I have prepared amendments for most of the items they listed. I asked for examples during a conference call in November and as of today have not received any examples from Clear Zoning for the outstanding items.

Adaptive Reuse - The review included several references relating to our Adaptive Re-use language. This was developed by our Planner of Record and has worked for us in the past and I do not see a need to change the language at this time.

Mixed Use – we need to discuss/determine where Mixed Use should be permitted as a use by right.

US 31 Corridor Standards – the County is working on updating the US 31 Corridor Plan for the entire county, recommend waiting for the update before making any amendments

Wellhead Protection – The current language in place works, their request is more of a formatting issue than a flaw in the ordinance.

Clearzoning® health checkup for the City of Manistee

The first step towards a clear and updated Zoning Ordinance



This is intended as a brief overview to highlight what's working and what needs work in the City's Zoning Ordinance.

FORMAT		
Goal/Objective	Discussion	Recommendations
<p>Logical organization <i>Zoning Ordinances should group similar/compatible content together and present information in an order that makes sense to the reader.</i></p>	<ul style="list-style-type: none"> The order of Articles is challenging to follow. For example, the Districts/Dimensional Standards/Uses Table is separated from the districts themselves by Nonconformities and General Provisions; the overlay district is separated from the other districts by Article 18; sign provisions are a site standard similar to items in the General Provisions, but are separated from them. Nonconformities should be grouped with other administrative provisions. General Provisions includes an assortment of development process items and site standards. For instance, "conditions of approval" should be grouped with other development process items. Lists of permitted uses are presented in a use matrix at the beginning of the ordinance, and are also repeated in each district; this opens the possibility for conflicts. Districts are the only articles to have title pages. 	<p>✓ Provide one complete PDF of the entire ordinance for download by users.</p> <ul style="list-style-type: none"> Group similar types of regulations and standards together. Organize the ordinance in a way that follows how the reader might use it (e.g., basic information first, followed by more detailed site standards, then review procedures). Provide list of uses and dimensional standards once in each district to avoid potential conflicts.
<p>Easy to understand language <i>Use language that is clear and familiar to the reader. Include graphics and illustrations as often as possible to convey complicated terms and standards.</i></p>	<ul style="list-style-type: none"> The ordinance is written primarily in fairly plain language and defines many terms. ✓ Illustrations are provided for many provisions, but many of these are small. For instance, the sign type illustration (s-1) is not very legible. Not all districts illustrate dimensional standards, though the grouping of standards into simple lists does make them clear. Ordinance consistently uses A.1.a.1) codification structure. ✓ There are some items where the schedule of regulations conflicts with the District Regulations lists within each districts (e.g. min floor area in P-D district). 	<p>✓ Enlarge graphics for improved legibility.</p> <ul style="list-style-type: none"> Ensure standards are in alignment between schedule of regulations and district standards.

Easy to navigate	<ul style="list-style-type: none"> ✓ The PDF version on the City website includes some links, including links to articles in the table of contents. Each article is a separate document, so downloading the entire ordinance is time-consuming. Referring to multiple sections of the ordinance can be cumbersome as the user switches between applications and browser tabs. ✓ The schedule of regulations on the website has the file name “East Bay Township Zoning Ordinance,” though it clearly is part of the Manistee zoning ordinance. <ul style="list-style-type: none"> • Use matrix is useful. However, language stating that it does not constitute controlling language should be 	✓ See above comment on providing one complete PDF.
Alignment with Master Plan	Zoning map appears largely to match future land use map.	

DEFINITIONS		
Goal/Objective	Discussion	Recommendations
<p>Are the definitions complete? <i>Ensure that all terms that may be unclear, especially those that relate to uses, are defined.</i></p>	<ul style="list-style-type: none"> • The definitions section is very thorough. Some common dictionary terms are unnecessary to define, such as “required spatial relationships,” “tattoo,” “boat,” “intersection,” and “access.” Terms such as “required spatial relationships” also have clear meanings without being defined. 	<ul style="list-style-type: none"> • Consider adding the following terms: <ul style="list-style-type: none"> ○ Home for the aged ○ Hospice ✓ Refine the definition for adult-oriented uses to provide more specific language. • Remove terms in the ordinance that are not used (such as “condemnation”). • Further define property lines: “side,” “front,” “rear.”
<p>Are the definitions current? <i>Words age and fall in and out of use; ensure terms are up to date and comply with state and federal laws.</i></p>	<ul style="list-style-type: none"> ✓ Sign definitions (and provisions of the sign regulations) will need to be updated to eliminate content-based regulation, in accordance with 2015’s Supreme Court decision in <i>Reed v Gilbert</i>. 	<ul style="list-style-type: none"> ✓ Update definitions related to wireless communications facilities ✓ Update state-licensed residential care facilities to remove the term “senior citizens” ✓ See comments on signs below.

DEFINITIONS

Goal/Objective	Discussion	Recommendations
<p>Are the definitions clear? <i>Ensure definitions are presented in an easy-to-understand fashion; use graphics as often as possible to improve understanding.</i></p>	<ul style="list-style-type: none"> • This ordinance defines “Adaptive reuse” in a way that makes it very specific to re-occupancy by uses not otherwise permitted in the district; the focus should be on permitting the structure, which is likely non-conforming. • It appears that a “Buffer area” can be placed within a setback and is not actually in addition to a setback. ✓ The “Building envelope” definition is not correct: the building envelope is the area bounded by the setback lines. The definition currently says that it is the area within the required front, rear, and side yards, which is the opposite of the actual definition. The building envelope can’t be within a required yard. ✓ Rather than defining both “administrator” and “zoning administrator,” use one term consistently. • The distinction between “Home-based Business” and “Home Occupation” is not clear enough to warrant treating them as separate uses. Functionally, “Home-based business” is a third level of home occupation and typically has the same approval process as “home occupation, major.” • Some terms are defined in the plural, others in the singular. 	<ul style="list-style-type: none"> • Remove “adaptive reuse” as a use and provide for the re-use of historic structures under the non-conformities section. Ensure that the standards encourage planning goals of the city. • Refine definitions for buffer area and building envelope ✓ Define “fuel pumps” – this appears as a use in addition to “gasoline stations” – Consolidated Convenience Store with fuel pumps into Gasoline Stations • Refine definitions for home-based businesses and home occupations ✓ Maintain consistency with format (singular/plural)

RESIDENTIAL DISTRICTS - G-C, R-1, R-2, R-3, R-4

Goal/Objective/Consideration	Discussion	Recommendations
Review Intent sections	Intent statements are clear and logical.	
Home occupations	These standards are confusing, particularly with the definition that suggests both uses are the same.	<ul style="list-style-type: none"> • Refine the standards for home occupations; consider removing the need for a permit for minor home occupations – this is likely too difficult to enforce. ✓ Provide standards for home based businesses – the ordinance provides standards for the site plan, but there are no standards for approval. (Section 1846)
Agriculture	Community gardens are permitted. Agriculture/farms are not permitted anywhere.	

RESIDENTIAL DISTRICTS - G-C, R-1, R-2, R-3, R-4

Goal/Objective/Consideration	Discussion	Recommendations
Residential care facilities, such as family day care and adult foster care	<ul style="list-style-type: none"> ✓ Adult foster care small & large group homes not included in any district, though they are defined. ✓ Child day care is permitted in a few districts. 	<ul style="list-style-type: none"> ✓ The Michigan Zoning Enabling Act specifically addresses these uses and the Zoning Ordinance should include them.
Cluster	Permitted in G-C, R-1, R-2, R-3, P-D, W-F	<ul style="list-style-type: none"> • Consider additional standards for cluster in terms of preservation of open space.
Renewable energy	No provisions for solar; accessory wind is permitted.	<ul style="list-style-type: none"> ✓ Consider developing standards for solar installations and other forms of “alternative energy”
Manufactured housing	Provided for in R-4	Where is the R4 district on the zoning map?
Other	<ul style="list-style-type: none"> • Mixed-use permitted in all residential districts. • In general, the ordinance provides for a mix of housing types. • Accessory dwellings are permitted with special approval by the Planning Commission 	<ul style="list-style-type: none"> • Wellhead protection provisions in R-1, R-2 could probably be removed from districts and established as a single provision with sub-paragraphs addressing unique aspects of the two districts. • Open space preservation provisions could be pulled out of the parcel divisions section for clarity

COMMERCIAL-BUSINESS DISTRICTS - C-1, C-2, C-3

Goal/Objective/Consideration	Discussion	Recommendations
Review Intent	Intent statements are clear and logical.	
Review permitted, conditional, and special land uses	Due to the way they’re defined, the use lists are concise and consistent in their terminology.	
Adult (Sexually Oriented) uses	Permitted as an SLU in C-1.	
Mixed uses	Permitted in all commercial-business districts. P-D and W-F districts are primarily intended as mixed use districts. “Mixed use developments” are not uses, but rather development forms.	See comments on the Mixed Use districts below.
Office uses	Professional office uses are permitted in these districts.	<ul style="list-style-type: none"> ✓ In C-3, consider limiting professional offices that do not draw foot traffic to upper floors or the rear portion of ground floors. -DDA WAS NOT SUPPORTIVE
Temporary uses	Section 522 regulates temporary activities but does not specify districts.	<ul style="list-style-type: none"> ✓ Make the provision for the maximum time limit consistent between (B.5 and C). -Already states shall not exceed six (6) months.

COMMERCIAL-BUSINESS DISTRICTS - C-1, C-2, C-3

Goal/Objective/Consideration	Discussion	Recommendations
Downtown Business District	<p>Ground floor uses should help to generate foot traffic in the downtown area.</p> <p>– Not all properties in C-3 are in the downtown – that is why there are two uses listed, not all buildings can support 3 units which is “multiple family”</p> <p>– This would prohibit a narrow building with a parking lot adjacent.</p>	<p>✓ In C-3, consider limiting professional offices that do not draw foot traffic and residential uses to upper floors or the rear (non street facing) portion of ground floors, at least on property that fronts on River Street. – DDA NOT SUPPORTIVE</p> <p>✓ Clarify that multiple family dwellings are permitted by removing the term “dwelling, upper story accessory” and replacing it with “dwelling, multiple family” or “dwelling, upper story” as a permitted use; retain the standard that dwellings are not permitted on the ground floor.</p> <p>✓ Building placement standards should be updated. Consider minimum building frontage requirement so that a 20’ wide building can’t be constructed on a 100’ wide lot.</p>
General		<p>✓ Sales of vehicles, including automobiles and boats, are not permitted in any district. – Out door sales facility – SLU* in C-1 & C-2 zoning districts</p> <p>✓ Consolidate the standards for “convenience store with fuel pumps” and “gasoline stations”</p>

MIXED-USE/SPECIALIZED DISTRICTS – P-D, W-F

Goal/Objective/Consideration	Discussion	Recommendations
Review Intent	Intent statements are clear and logical.	
Review permitted, conditional, and special land uses	Each of these districts is intended to provide a mix of uses. The P-D is more of a district, while the W-F applies to several areas with similar physical characteristics.	<ul style="list-style-type: none"> • The stated intent of the WF district is to “establish a mixed-use district...”; such development should be permitted by right. • The standards in Section 1858 are vague and could be improved; Consider developing design standards to govern look and feel of these districts and their relationship to the public realm, including water. The P-D and W-F districts are good candidates for a form-based code.

INDUSTRIAL DISTRICTS – L-I, G-I		
Goal/Objective/Consideration	Discussion	Recommendations
Review Intent	The L-I district intent statement implies that it is supposed to serve as a transition from the G-I district, but the district is placed in a different area of the City from the G-I district (the intent statement also refers to the Industrial District rather than the General Industrial district).	✓ Clarify the intent of the LI district; make it clear that non-industrial uses are intended to be limited and complementary to the primary industrial uses of the industrial district.
Review permitted, conditional, and special land uses	G-I permits heavier uses than L-I. The list of permitted uses in both districts includes many non-industrial uses.	Consider whether the mining of sand and gravel meets the intent of the LI district, which is to “allow industries which traditionally do not cause excessive noise, vibration, odors, visual blight, pollution...”

SITE STANDARDS		
Goal/Objective/Consideration	Discussion	Recommendation
Parking		
General Requirements	<ul style="list-style-type: none"> Required # of spaces table is compact but provides for uses not included. Parking space and maneuvering lane standards; some of the numbers do not add up. 	Refine general requirements for parking
Maximum parking	Maximums are not set.	✓ Consider setting a maximum parking standard to avoid excessive parking areas. –See 514.A (last sentence)
Shared	The ordinance provides for shared parking.	
Drive-through stacking	Applicant “shall demonstrate” to the PC that stacking is adequate.	✓ Consider establishing minimum stacking requirements by use.
Mass transit	Not applicable.	
Alternative paving	Pervious paving permitted.	
Cross access	No general provision; US 31 Corridor overlay standards are strong in this regard.	Consider applying the US 31 overlay standards more broadly throughout the community
Land banking	There is no provision for deferral of unnecessary parking.	✓ Consider empowering the PC to permit deferral of unnecessary required parking by identifying a parking area on the site plan, but allowing it to be built as the need arises.
Electric vehicle charging	No standards	✓ Develop standards for EV parking.
Bicycle parking	Required for uses requiring Medium and Detailed Site Plan Review.	✓ Provide a standard for bicycle parking that addresses placement and design.

SITE STANDARDS		
Goal/Objective/Consideration	Discussion	Recommendations
Landscaping		
Screening	<ul style="list-style-type: none"> There is no baseline standard for screening, other than a provision giving the PC authority to require screening. Additionally, the ordinance has standards for fencing, but not for screen walls. 	Refine standards for landscape and other screening.
Native species	This is not addressed.	Specific standards regarding plantings, such as a requirement for trees, spacing requirements, height requirements or limits for hedges, species suggestions, diversity or native species would strengthen existing requirements. Consider developing more specific minimum standards for what must be included in a screening greenbelt or buffer area.
Interior parking lot landscaping required	The ordinance requires landscaping island in parking lots over a certain size. However, there are no standards for what must be planted in these islands.	
Diversity of species	This is not addressed.	
Low maintenance, low water	This is not addressed.	
Irrigation	Irrigation is required for landscaped areas.	
Street trees	No requirement.	
Buffering	Requirement is vague.	
Green roofs	This is not addressed.	
Vegetable/produce gardens	Community gardens are permitted in all districts, subject to Section 534.	
Lighting		
Cut off fixtures	Required	<ul style="list-style-type: none"> ✓ Illustration communicates the idea, but should be larger. • Uniformity ratios for paved areas help ensure pedestrian safety and prevent sites from being unevenly lighted.
Glare	Regulated	
Lighting ratio	There is no required uniformity ratio.	
Wireless Communications Facilities		
Wireless communication facilities	Regulated in Section 1819. Co-location is approved administratively; provision does not address fed/state time limits on responses. Landscaping/screening provision should indicate conditions likely require screening.	<ul style="list-style-type: none"> ✓ Update standards for wireless communication facilities per recent state and federal legislation.

SITE STANDARDS		
Goal/Objective/Consideration	Discussion	Recommendations
Stormwater management		
Runoff restrictions	<ul style="list-style-type: none"> • Ordinance includes provisions for vegetated roofs, cisterns, rain gardens, and swales, as well as the use of pervious paving. • Driveways require impervious paving. • Pervious paving is permitted in parking lots. • Ordinance requires additional setbacks from water bodies in its water protection provision. • Groundwater protection provision (520) and Wellhead Protection Overlay also address stormwater. 	
Minimize impervious surfaces		
Role of wetlands		
Rain gardens/Low impact development		
Gray water		
Waste management		
Dumpsters and screening	Dumpster enclosures are required for many uses per the conditions outlined in Article 18	<ul style="list-style-type: none"> ✓ Consolidate the requirements for dumpster enclosures and provide a set of uniform minimum dumpster enclosure standards to improve health and aesthetics.
Recycling	Groundwater protection standards require plans to note location of recycling facilities.	
Divert demolition and construction materials from landfills	Site plan review provision requires a plan for removal of demolition materials, but does not require diversion from landfills.	
Renewable Energy		
Wind	<ul style="list-style-type: none"> ✓ Accessory WECS permitted under 515.G. Check terminology in the G-I district, which is the only district that uses the term windmill in its use list. ✓ WECS is permitted as a principal use with SLU approval in the R-3 district, subject to Section 1892. This district has very small lot sizes. Why is this the one R district where a principal WECS is permitted? 	<ul style="list-style-type: none"> • Consider refining standards for WECS. ✓ Add standards for solar and other alternative sources of energy.
Solar	No provisions for solar energy.	

SITE STANDARDS		
Goal/Objective/Consideration	Discussion	Recommendations
Access Management		
Connectivity	US 31 Corridor overlay strictly limits access points and provides guidance for shared driveways, service drives, and access management.	<ul style="list-style-type: none"> • The US 31 Corridor standards are strong, and some version of these could be applied elsewhere in the City. • Consider requiring or providing incentives for cross-access easements in appropriate areas to provide connections between parking lots of adjacent sites.
Driveways	Driveway standards require alignment or minimum offsets, as well as separation from intersections and other driveways on the same side of the street	
Easements	Easements are encourage for waterside pathways, but not addressed for access management or driveway connectivity.	
Sight distances	Clear visibility standards are strong.	
Natural Features		
Wetlands	Wetlands are addressed in several places, including groundwater protection	Consider establishing a wetland setback to prevent development from encroaching on regulated wetlands
Woodlands	The ordinance does not include provisions for tree or woodland protection or replacement of large trees removed in the course of development.	
Signs		
Compliance with current legislation and case law		✓ Update sign standards to ensure content-neutrality.

DEVELOPMENT READY		
Goal/Objective/Consideration	Discussion	Recommendations
Site plan review <i>Standards for site plan review should be clear and create an efficient and logical process.</i>	Clear provisions for site plan requirements are included.	<ul style="list-style-type: none"> Refine the site plan requirements for basic, medium, and detailed to provide the additional requirements beyond the previous type of plan (e.g., “Medium site plans require the above information, plus...”) Provide clear standards for when an Environmental Assessment is required. ✓ Remove the Appeals section (Sec. 2209) or provide a cross reference to the ZBA procedures outlined in Article
Special land uses <i>Standards for special land uses should be clear and as objective as possible.</i>	<ul style="list-style-type: none"> Special land uses are consistently linked to defined terms, and all SLUs have associated standards. Definitions are repeated at the beginning of each special land use provision. Adaptive reuse should only apply to structures, not uses. Regulating through the SLU process is confusing. Planned Unit Development is defined as a special land use. PUD’s are typically regulated as their own “districts,” rather than uses. Section 530 provides flexibility to permit unclassified uses. Section 1885 Theaters should be consistent with Section 1868, Places of Assembly 	<ul style="list-style-type: none"> Section 532 Key Street Segments permits SLUs not otherwise allowed in the district on well-defined street segments. This is similar to a regulating plan and could provide a partial basis for future development of form-based codes. Mixed-Use Development is not a use. All references in all districts to mixed use development should be modified to specify that only permitted uses in the district may be included. Refine PUD standards to make standards and requirements more clear. Remove Section 1807 and regulate “adaptive reuse” as nonconforming structures or as a PUD, where flexibility in the application of standards can encourage rehabilitation. Remove definitions from standards for clarity and consistency.
Non-conformities	Non-conformities are addressed in a way that facilitates reasonable redevelopment and re-occupancy, but could be more clear in terms of definition and standards for modifications.	Update non-conformities section.
Board of Appeals	Article 25 is compliant with the MZEA	Clarify provisions for administrative appeals.
Exceptions	The zoning ordinance does not appear to include a provision granting exceptions to district regulations, such as an exception to the height limit for a steeple or smokestack.	✓ Add a clause providing flexibility to portions of buildings to exceed height limits for the district if they are determined to constitute a feature that does not raise the overall height of the building (i.e., a steeple, penthouse, smokestack). Section 509 offers one possible location for such a provision.
Administration		✓ Revise Section 2801 for conformance with the codification numbering provided throughout.