

# AGENDA

## REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION, TO TAKE PLACE ON TUESDAY, JULY 26, 2016, 7:00 P.M., COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Approval of the Minutes  
Regular Meeting – July 12, 2016
5. Public Hearings
  - a. **Site Plan No. 352** – initiated by Daniel Smith, Telecad Wireless, on behalf of Skyway Towers for site plan review and approval for the construction of a wireless communication tower, located at 3600-and 4812 East Wheeler Road.
  - b. **Zoning Ordinance Revisions**
  - c. **North Saginaw Road** – Access Management Policy Discussion
  - d. **Master Plan Review**

### Public Hearing Process

1. Staff presentation and overview of petition
  2. Petitioner presentation
  3. Public comments in support of the petition
  4. Public comments in opposition to the petition
  5. Opportunity for petitioner rebuttal and final comments
  6. Closing of public hearing
  7. Deliberation and possible decision by Planning Commission
6. Old Business
  7. Public Comments (unrelated to items on the agenda)
  8. New Business
  9. Communications
  10. Report of the Chairperson
  11. Report of the Planning Director
  12. Items for Next Agenda – August 9, 2016
  13. Adjournment

**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, JULY 12, 2016, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

**PRESENT:** Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, and Tanzini

**ABSENT:** None

**VACANCY:** One

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Debbie Marquardt, Technical Secretary; Josh Fredrickson, Assistant City Engineer, Joe Sova, Utilities Director; and two (2) others.

4. **Election of Officers**

Kaye explained the process and requirements for the appointing of a chair and vice-chair for the 2016-17 session of the Planning Commission. The nominating committee, comprised of Bain, Heying, and Mayville, proposed the following nominations for Chairman and Vice-Chairman.

Heying nominated McLaughlin for Chairman and Hanna for Vice Chairman seconded by Mayville. Hearing no further recommendations, Kaye closed the call for nominations and called for a vote on the motion. Motion passed unanimously.

5. **Approval of Minutes**

Moved by Hanna and seconded by Bain to approve of the minutes of the regular meeting of June 28, 2016. Motion passed unanimously.

6. **Public Hearing**

a. **Capital Improvement Plan**

Mr. Kaye presented the final draft of the Capital Improvement Plan (CIP). It is a multi-year planning tool to identify current needs for the coming 6-year period. The CIP aids with implementation of the Master Plan. It is intended to be an ongoing document that is to be updated every year. It keeps the public informed, helps align capital investments with community priorities and it is requirement under the Michigan Planning Enabling Act. This document is intended to guide City Council with their budget process. Keep in mind that market conditions can change. Project locations themselves might change.

Josh Frederickson, Assistant City Engineer, stated that funding sources including MPO, Midland County Road mileage and gas tax. The county road mileage covers most of the street repairs. There are 86 miles of major streets and 150 miles of local streets.

Project selection timeline is in the fall of each year and they coordinate with other city departments, in October and they also send out petitions for new public infrastructure. Requests are received throughout the year based on current conditions of the streets.

Joe Sova, Utility Director, explained that the utilities department consists of drinking water, water improvements, wastewater, storm water, landfill, and renewable energy. He provided an overview of the operations of each division.

Hanna asked about the need for purchasing land for the landfill. Sova stated that they have a standing approach around the landfill so as properties become available they will purchase the properties for a buffer to any nearby residential and commercial uses. The space they have now is projected to be adequate for 40 to 50 or beyond years of fill. The landfill also has other means to add on if they need to.

In response to a question on staffing, Kaye stated that you do not see personnel costs in the CIP as these do not qualify as capital projects. Kaye also stated that they have a section on general infrastructure definitions. This is a catch all for projects that are unusual and may not happen on a year by year basis.

The Planning Commission was introduced to the concept of this plan awhile back and talked about the requirements of a Capital Improvement Plan. This is also a requirement in the Redevelopment Ready Program. These two departments, Engineering and Utilities, work closely to coordinate their departments. In the future, the project priorities process will begin in the late fall and involve the Planning Commission more extensively than it has this year. Individual and citizens will be allowed to identify areas to be looked at. The Engineering Department will look at them into January and make their recommendation. The Planning Commission will see what is coming forward and start to see the trends that are beginning to emerge. They will have an opportunity to see what should be considered or if they are going in the wrong direction. The project priority report will go to City Council along with the Capital Improvement Plan. Both documents will support the city budget process.

The plan in front of you has some minor changes needed, notably the description of project types on page 30 under General Infrastructure. Several typographic corrections have been identified and will also be corrected. Staff are now looking for final feedback, if any, prior to moving the CIP on to City Council.

Bain asked about updating the Planning Commission members list. Kaye explained that this was subsequent to distribution to the Planning Commission. Bain likes the Capital Improvement Plan and would like to see the expenditures and revenues correlated more closely to the projects. Kaye indicated this would be considered as subsequent updates are completed.

Fredrickson stated that Joe Mann Boulevard does show up on the CIP in the year 2021 and 2022. That was looked at for road ratings and traffic volumes. This will need to be revisited on a regular basis.

Heying asked about funding. When they talk about road construction and because of the mileage even at its best they are holding their own and not gaining. Is public input adequate? Frederickson explained that the Engineering Department gets letters and phone calls and review all of those in the fall. The Engineering Department also rates the roads every year.

Mayville asked if staff find this document useful? Frederickson stated it is nice to see it written down and you can follow along recognizing funding changes and funding list changes.

McLaughlin opened the public hearing. No public comments were received. The public hearing was closed.

A motion was made by Heying to waive the procedural requirements to permit consideration of the proposed CIP. The motion was seconded by Hanna. The motion was approved unanimously.

It was moved by Pnacek and supported by Hanna to recommend approval to City Council of the City of Midland Capital Improvement Plan 2016-2022

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, and Tanzini.  
NAYS: None  
ABSENT: None  
VACANCY: One

**7. Old Business**

**a. Bennett Property – Eastman/Monroe**

Kaye showed the location of the property along Eastman Avenue. When previously discussed, the depth was 250 ft. It is showing now, per the applicant's sketch, at 3.20 acres.

Sheila Messler, Bennett Development, state that they were discussing this when they first annexed the property into the city. It has a very unique location next to city forest. They sold the parcel for the assisted living facility. They were hoping the front parcel could be commercial. The type of commercial use is smaller shops or sales offices but not necessarily a strip mall. They are looking at things that are compatible to the assisted living and the residential development in the back.

Pnacek feels this property should be commercial and be a buffer to Eastman Avenue. McLaughlin believes this would be spot zoning.

Hanna thinks that the uses for office service would be more compatible for the area. Tanzini can support commercial.

Following discussion, staff was directed to show a commercial designation of the Future land Use map, with the understanding that this would be discussed further as consensus on the appropriate land use designation does not yet exist among commission members.

**b. Public Participation Plan**

Kaye presented the Public Participation Plan with the changes as proposed after the last review. Once approved, this document would go to City Council for final adoption.

Moved by Pnacek and seconded by Hanna to approval the final Public Participation Plan with the highlighted corrections. Approved unanimously.

**8. Public Comments (unrelated to items on the agenda)**

None

**9. New Business**

None

**10. Communications**

Planning and Zoning News

**11. Report of the Chairperson**

None

**12. Report of the Planning Director**

No report since City Council has not met since the last meeting.

**13. Items for Next Agenda – July 26, 2016**

- a. Site Plan No. 352 – initiated by Daniel Smith, Telecad Wireless, on behalf of Skyway Towers for site plan review and approval for the construction of a wireless communication tower, located at 3600 and 4812 East Wheeler Road.
- b. Master Plan Review – Referral to City Council
- c. Zoning Ordinance Updates
- d. N. Saginaw Road – Access Management Policy Discussion

**14. Adjourn**

It was motioned by Pnacek seconded by Hanna to adjourn at 9:07 p.m. Motion passed unanimously.

Respectfully submitted,



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION



Report No. SP #352

Date: July 20, 2016

### STAFF REPORT TO THE PLANNING COMMISSION

APPLICANT: TeleCad Wireless/Skyway Towers

PROPOSED: 195 ft Wireless Communication Tower

LOCATION: 3600 and 4812 E Wheeler Road

ZONING: AG – Agricultural

ADJACENT ZONING: AG – Agricultural and Township Zoning

ADJACENT DEVELOPMENT: Municipal landfill, agricultural, vacant land, storage facility and scattered residences

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### BACKGROUND

Site Plan #352, the request of TeleCad Wireless/Skyway Towners, is to permit a 195 ft tall wireless communication tower on a parcel owned by the City of Midland and operated as municipal landfill. The area on which the tower is proposed is presently vacant.

The subject parcel is zoned AG Agricultural by the City of Midland Zoning Ordinance. The AG district permits a limited range of agricultural and other compatible land uses. Wireless communication facilities are permitted in the AG zoning district on municipally owned land subject to site plan review. This application has been submitted to obtain the necessary site plan approval to permit the wireless communication facility.

The applicant was required to make a previous variance application to the Zoning Board of Appeals. That application requested permission for the tower height of 195 ft. Absent the height variance, the proposed tower would be limited to a maximum height of 150 ft. After extensive discussion, the Zoning Board of Appeals approved the variance application on June 19, 2015.

### SITE PLAN EVALUATION

Site plan review and approval under Section 27.02(A) of the Zoning Ordinance is required for this proposed use. Section 27.06(A) of the Zoning Ordinance states that: “The following criteria shall be used as a basis upon which site plans will be reviewed and approved:”

## **BASIS FOR ACTION**

### **1. Adequacy of Information**

The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

In addition to the standard site plan criteria, Section 3.16.B.8 also sets out standards specific to wireless communication facilities. Attachment A to this report details those specific requirements.

### **2. Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

The subject property is industrial in nature and is located in a rural, lightly developed area. The location of a wireless communication tower will have minimal negative impacts on the character of the subject or surrounding properties. That said, there are residential uses starting at approximately 400 ft to the west of the proposed tower site. Those residences will experience some impact from this proposed tower. Any tower located in this general area, however, will impact one or more residences given the scattering of residences throughout the area.

### **3. Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

The proposed tower is of a monopole design. No wires or other supporting mechanisms are required. Stealth design, given the proposed tower height and the surrounding land uses, would serve no meaningful purpose for this tower.

### **4. Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

With the approved height variance, the project meets all setbacks, lot area, height and other dimensional requirements for the proposed use.

### **5. Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

No existing natural features are impacted by the proposed tower location. Lands to the west of the site are partially wooded and contain wetland areas. Location in those areas would have greater impact on natural features.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

Privacy screening is not a viable option given the proposed use and tower height.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The Fire Department has reviewed the proposed site plan for adequate emergency vehicle access and is satisfied with the plan as proposed.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

Adequate site access is proposed for this development. Access will be provided through the city landfill property. Appropriate easements will need to be established for this purpose.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

Pedestrian circulation is neither required nor appropriate for this use.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

Vehicular circulation is appropriate to meet the needs of this development. Pedestrian circulation is not required.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance.

Parking is available in close proximity to the tower and related facilities. Traffic to such a site is typically limited to 1-2 visits per month.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

The City Engineering Department has reviewed the proposed site plan and no issues have been identified.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

Standard soil and sedimentation control measures will be utilized during construction. Final details will be required by the Building Department prior to construction permit approval.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

Specific lighting requirements have not been identified and FAA approval has not been documented. Site lighting can be reviewed by Building Department staff. Tower lighting will be determined by the FAA.

15. **Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

No public services are required for this use.

16. **Screening**

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

There are no screening requirements for this use in this location.

17. **Health and Safety Concerns**

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.

No health and safety concerns have been identified.

18. **Sequence of Development**

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

The proposed tower and support services at ground level are built at one time. Future colocations on the tower will be added as leases are secured.

19. **Coordination with Adjacent Sites**

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

All development proposed is internal to the site and no coordination with adjacent sites is needed.

20. **Signs.**

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance

No signs are proposed aside from required FCC registration numbers and emergency contact information.

**ADDITIONAL WIRELESS COMMUNICATION FACILITY STANDARDS**

In addition to the site plan approval of Article 27.00, specific standards applicable to wireless communication towers are included in Section 3.16.B.4. as follows:

**4. Standards and Conditions**

- a. No telecommunication facility or transmission tower, as defined in this Section, may be constructed, modified to increase its height, installed or otherwise located within the City except as provided in this Section.
  - i. Public Health and Safety: Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.
    - The proposed tower will be designed by a registered tower engineer to assure that the tower structure will meet safety guidelines. The tower location will also be such that public health, safety and welfare concerns should not arise.
  - ii. Harmony with Surroundings: Facilities shall be located and designed to be harmonious with the surrounding areas.
    - The proposed tower will be located in on the municipally owned city landfill site. Although there will be some impact to those residential properties situated on Wheeler Road to the northwest of the site, this location within the city will have minimal impact given its rural location.

The appropriateness of this property and proposed tower location were reviewed at the Zoning Board of Appeals meetings. Evidence introduced by the applicant demonstrated that no tower exists within their preferred search area (Ashman Road corridor within the more intensely developed portion of the city) that is able to both satisfy the technical need for the tower now proposed and meet zoning ordinance setback standards. The proposed site is located on the city owned landfill poses no concerns relative to interactions with the adjacent parcels.

- iii. Compliance with Federal, State and Local Standards: Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics

Commission. Wireless communication support structures shall comply with all applicable building codes.

No wireless communication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the City that the proposed location is the only technically feasible location for the provision of personal wireless services as required by the FCC.

➤ The applicant has not documented that FAA approval has been granted for the proposed tower. If approved, this should be a required contingency.

iv. Conflict with Tri-City Regulations: In the event of any conflict between this Section and the Tri-City Zoning Ordinance, the Tri-City regulations shall take precedence.

➤ The applicant has applied to the Tri-City Area Joint Airport Zoning Board. This board reviews the proposed tower for compliance with the height restrictions applied around Barstow Airport. Approval has been granted to the proposed tower from this board.

v. Maximum Height: Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which may result in lower heights. The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), but shall not exceed one hundred fifty (150) feet. However, higher towers may be permitted, subject to the granting of a waiver provided for by sub-section 9, if necessary to achieve co-location or the minimum height for attaining an adequate signal. The buildings, cabinets, and other accessory structures shall not exceed the maximum height for accessory structures in the zoning district in which the facility is located.

➤ The applicant has provided an opinion letter from an RF Engineer stating that a 145 ft tower is required in this location to meet the engineering needs of the Verizon Wireless network, which will be the first lease on the tower. Additional tower height was approved by the Zoning Board of Appeals to permit the collocation of up to 3 additional antenna arrays above the Verizon antenna. Aside from verbal evidence presented to the Zoning Board of Appeals, however, the applicant has not provided documentation supporting the proposed tower height.

vi. Minimum Setbacks: The setback of a new or modified support structure shall be no less than the total height of the structure and attachments thereto.

Buildings and facilities accessory to the wireless communication facility (such as equipment shelters, guy wire anchors) shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

➤ The proposed tower is 195 ft in height, which require a 195 ft setback from any property line. Any tower must also be located at least 300 ft from any property zoned or used for residential purposes. The proposed tower location meets this setback from the property lines and nearest residential use.

- The AG district further requires setbacks of 100 ft from all property lines. The proposed tower location exceeds these setback requirements.

vii. Access: Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.

The access road must be properly designed and constructed to ensure adequate access by emergency vehicles.

- Adequate access for the proposed tower has been provided as shown on the site plan.

viii. Division of Property: The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements are met.

- No division of property is proposed. The site area will be leased from the City of Midland.

ix. Exterior Finish. If a facility is conditioned to require paint, it shall initially be painted with a flat (i.e., non-reflective) paint color, and thereafter repainted as necessary with a flat paint color, unless it is determined that flat paint color would lead to more adverse impact than would another type of paint color.

- The proposed tower will not require any painting.

x. Stealth Design: Wireless communication facilities should be sited where they blend with the existing and projected development for any given vicinity. Where appropriate, antennas should be located on existing structures such as a church steeple, or a clock tower, eliminating the need for additional new support towers. Facilities should appear integrated, and architecturally compatible with the existing structure to promote visual harmony.

Where feasible, a self-supporting transmission tower should be designed to closely resemble a commonplace object that blends with its surroundings. Some examples of stealth structures are tree poles in wooded areas or a flag pole. Wireless communication facilities located on highly visible sites will only be allowed when appropriately camouflaged. All stealth or faux structures shall emulate architectural or landscape features typical of the surrounding area in terms of architectural style, height, bulk, mass, material, and color.

- Stealth design is not required for the use, given the surrounding land uses.

- xi. Signs and Graphics. No signs, striping, graphics or other devices that draw attention are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
  - The only sign at the site will be one that identifies the tower and gives emergency contact information. Both are federal requirements.
  
- xii. Fencing: Wireless communication facilities shall be enclosed by a fence having a maximum height of allowed by the district in which it is located. Barbed wire is not permitted except in the IA and IB districts.
  - A fence surrounding the tower compound is proposed but the specifics of the fence have not been identified by the applicant. Within the AG zone, barb wire is not permitted. The maximum fence height allowed will be 8 ft.
  
- xiii. Lighting: Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled in accordance with Section 3.12 of this Ordinance.
  - Tower lighting will only be permitted if required by the FAA approval that remains outstanding at this time. Other site lighting will be limited to lighting of the ground-level support equipment.
  
- xiv. Structural Integrity: Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
  - The applicant will be required to do their due diligence in building the tower to safety standards, running soil reports and following all other State and Federal guidelines. Wetland soils to the west of the property are responsible, in part, for the proposed location.
  
- xv. Maintenance: A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance and shall include a method of notifying the City if maintenance responsibilities change.
  - TeleCad Wireless and Skyway Towers acknowledge their responsibility for all maintenance on the tower, their equipment and the leased area inside the fenced compound. A written maintenance plan has not, however, been submitted. This plan should be required as a condition of approval should approval be granted.

Finally subsections 7 and 10 are applicable to the application. Those standards, with staff response following, read as follows:

## **7. Requirements for Co-location**

- a. A conditional land use permit for the construction and use of a *new* wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location.
- c. Penalties for not permitting co-location.  
The policy of the community is for co-location. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of the article and, this action results in construction of a new tower, the City may refuse to approve a new wireless communication support structure from the party for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
- d. The applicant must demonstrate to the Planning Commission that a feasible co-location on an existing tower for the new wireless communication facility is not available for the coverage and capacity.
- e. Antennae which are attached to an existing tower are encouraged to minimize the adverse visual impacts associated with the proliferation and clustering of towers. Co-location of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
  1. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower.
  2. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna.
  3. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on-site when approved by the Planning Commission.

In addition to co-location on an existing transmission tower, an antenna may be collocated on existing buildings, light poles, utility poles and water towers. Said antenna(s) shall not exceed the building height allowed in the zone, or 18 feet above the structure, whichever is less. Said antenna(s) shall project no

more than two (2) feet away from the existing structure, and the color of the antenna(s) shall blend in with the existing structure and surroundings.

- The applicant has researched co-location opportunities and none were identified in the search area. The applicant has further verified that the tower design will allow for co-location. Written verification that future co-location will be permitted on the proposed tower should be required as a condition of approval.

## **10 Removal of Facilities**

- a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - i. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - ii. Six (6) months after new technology is available at reasonable cost, as determined by the City Council, which permits the operation of the communication system without the requirement of the support structure.
- b. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits and immediately proceed with and complete the demolition, removal, and site restoration.
- c. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
  - A written agreement addressing the requirements of this section should be required as a condition of approval.

## **STAFF RECOMMENDATION**

The proposed use subject to this review is a 195 ft tall wireless communication tower. Such towers must be accommodated by the city within the service area needed by the wireless carrier. That location, in this case, is described by Verizon Wireless representatives as being generally situated along the US-10 Corridor and servicing an area southwest from there. In fact, Verizon indicates that the preferred tower location would be within the densely developed residential area near Swede and Ashman Street, but no appropriate location could be identified in that area.

In order to comply with the Federal Telecommunications Act, a site must be identified that is technically acceptable and that best meets ordinance standards. This site was chosen on the basis of these standards and the ZBA has approved a height variance that will allow the tower in the location proposed.

The applicant has provided technical evidence and documentation showing the need for a tower in this general area of the city. Applicant data has shown that no other tower exists

within the search area that is capable of co-locating the proposed antenna on. Justification for the construction of a new tower has therefore been demonstrated.

Application materials submitted with this application generally demonstrate compliance with the standards and requirements for construction of a new wireless communication tower. There are, however, components of the application that have not yet been adequately documented. As such, should approval be considered at this time, a number of conditions are therefore recommended.

Site plan approval may be granted for the following reasons and subject to the added contingencies:

1. Need for the proposed tower has been demonstrated through competent expert opinion and evidence.
2. The proposed site location is appropriately situated with respect to surrounding lands uses, both existing and planned.
3. The proposed tower and support facilities are located in compliance with the City of Midland Zoning Ordinance standards, as revised through variance approval of the Zoning Board of Appeals.
4. The application materials demonstrate general compliance with the site plan approval standards of Article 27 and the wireless communication facility standards of Section 3.16.B of the City of Midland Zoning Ordinance.
5. Approval may be granted contingent upon the provision of additional supporting documentation necessary to satisfy the outstanding technical requirement of the City of Midland Zoning Ordinance.

**Contingencies:**

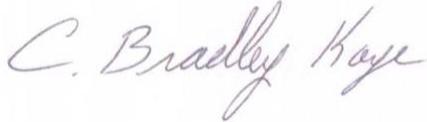
1. Written documentation stating the number of co-location opportunities provided for the on the proposed tower shall be provided to the City Planning Department.
2. A signed agreement stating that co-location shall be permitted on the proposed tower shall be provided to the satisfaction of the City Attorney.
3. A signed agreement stating that the applicant is aware of and agrees to comply with the removal standards of Section 3.16.B.10 of the City of Midland Zoning Ordinance shall be provided to the satisfaction of the City Attorney.
4. A final site lease, including required access easements, shall be executed between the applicant and the City of Midland.
5. A soil and sedimentation control plan shall be submitted to the City of Midland Building Department.
6. A lighting plan demonstrating compliance with all FAA and City of Midland standards shall be submitted to the City Building Department prior to construction permits being issued. This contingency may be waived if no lighting is required or proposed.
7. FAA approval for the proposed tower shall be obtained in writing and provided to the City Planning Department.
8. Written confirmation that no colocation opportunities exist in the search area shall be provided to the City Planning Department.
9. Final fence details demonstrating compliance with the City of Midland Zoning Ordinance shall be provided to the City Planning Department.

10. A facility maintenance plan satisfying the requirements of Section 3.16.B.4.a.xv shall be submitted to the City Planning Department.

**PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on July 26, 2016 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on August 15, 2016 the City Council will consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

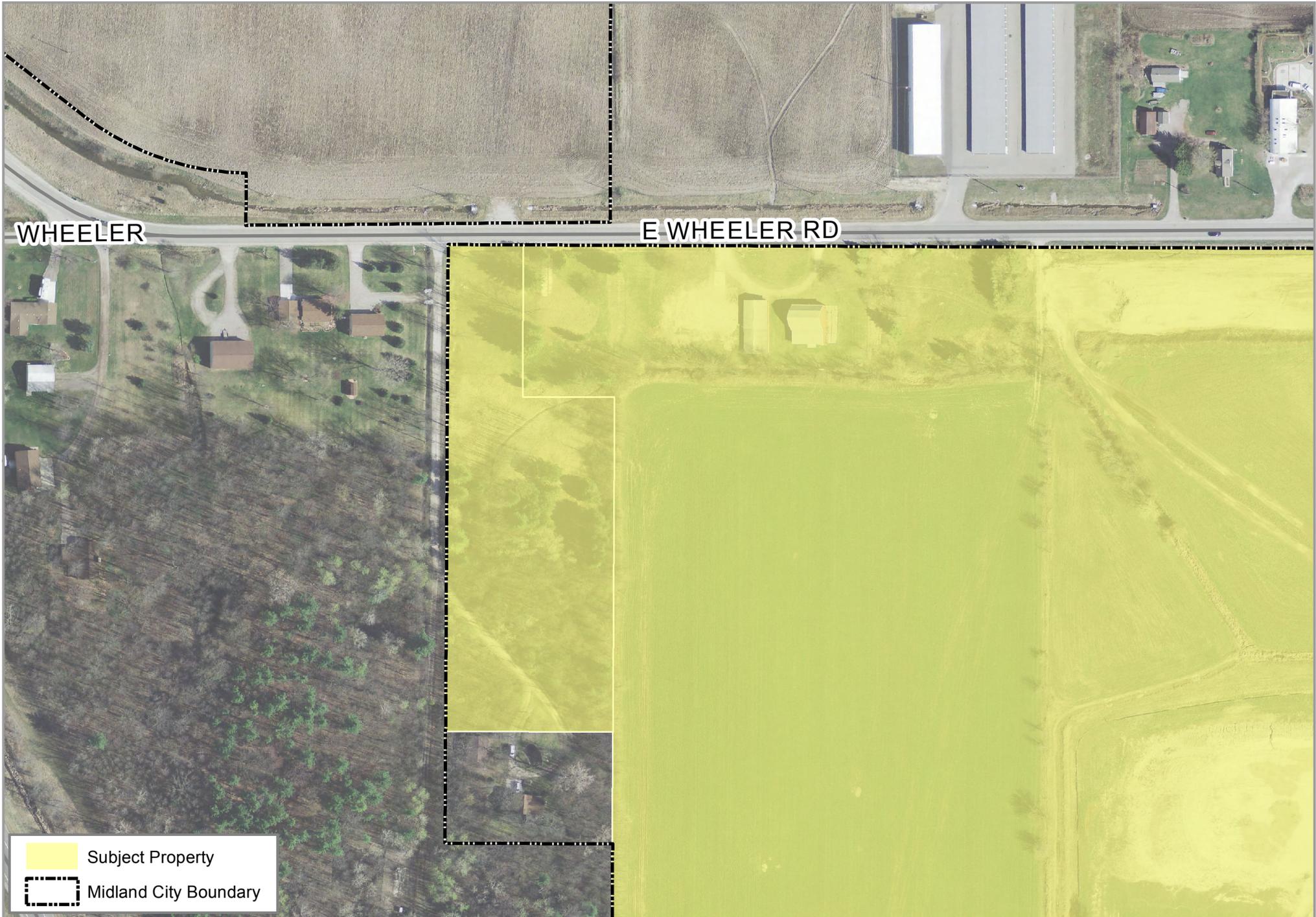
Respectfully Submitted,

A handwritten signature in cursive script that reads "C. Bradley Kaye".

C. Bradley Kaye, AICP  
Assistant City Manager for Development Services

# SP #351 | Telecad Wireless

> 3600 & 4812 E Wheeler Road



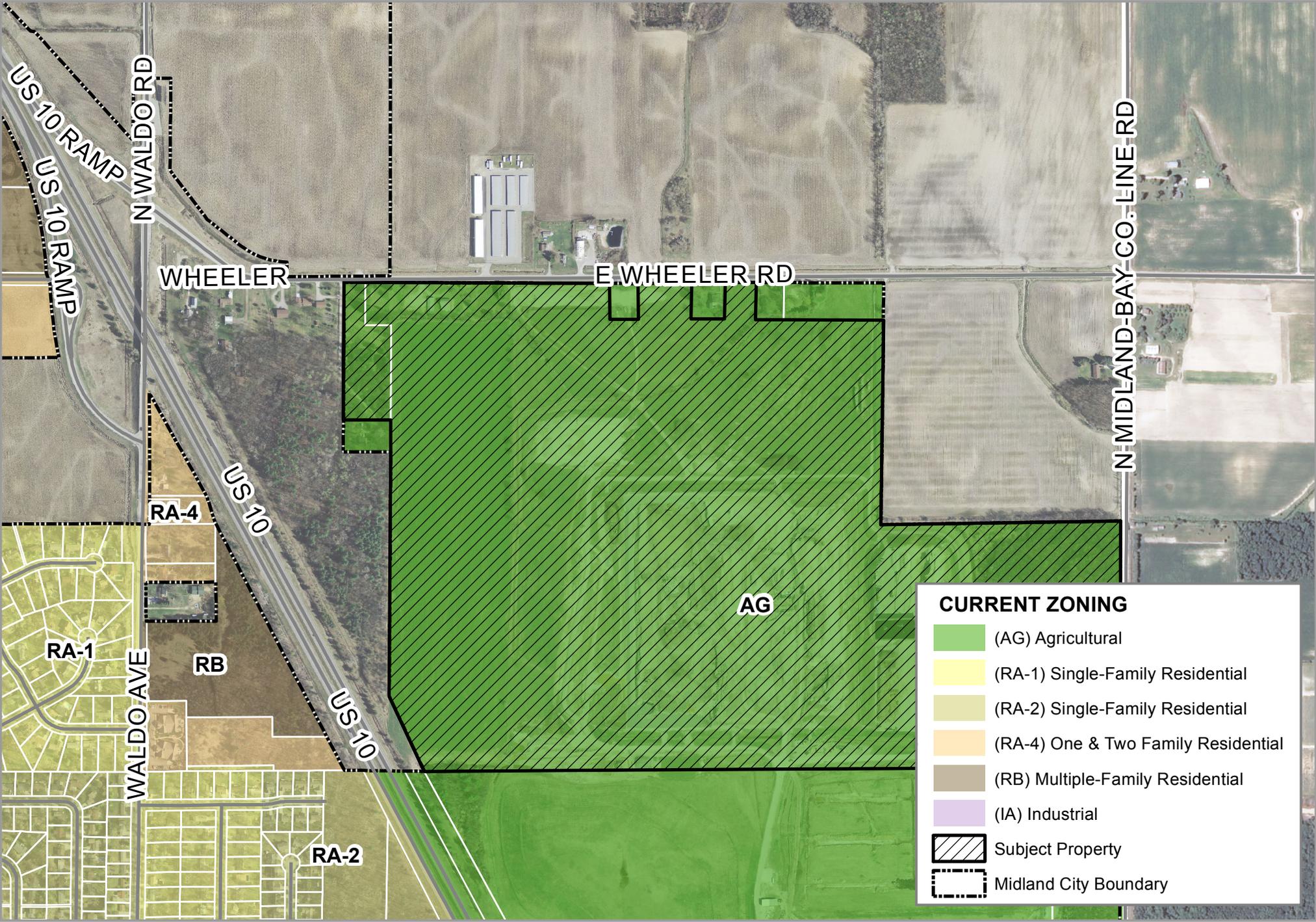
WHEELER

E WHEELER RD

-  Subject Property
-  Midland City Boundary

# SP #351 | Telecad Wireless

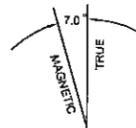
> 3600 & 4812 E Wheeler Road





**LATITUDE & LONGITUDE**

LATITUDE AND LONGITUDE OF SITE ARE BASED ON NAD 83.  
 LATITUDE: 43° 38' 24.94" N  
 LONGITUDE: 84° 10' 54.67" W  
 GROUND ELEVATION AT TOWER BASE: 658' A.S.L.



**SITE INFORMATION**

**SITE ADDRESS:** 3600 E. WHEELER ROAD, MIDLAND, MI 48642  
**PROPERTY OWNER:** CITY OF MIDLAND, 333 W. ELLSWORTH, MIDLAND, MI 48640

**PARCEL ID**

14-12-80-300 & 14-12-10-400  
**PARENT PARCEL DESCRIPTION (per city of midland gis)**

BEG AT SE COR OF NE 1/4 OF SEC 12 TH W ALG N 1/8 LN TO E 1/8 LN TH N ALG E 1/8 LN TO A PT 200 FT S OF N SEC LN TH W 685 FT N 200 FT W ALG N SEC LN TO APT 470 FT E OF N 1/4 COR S 196 FT W 180 FT N 196 FT W 290 FT S 192 FT W 154 FT N 192 FT W ALG N SEC LN TO A POINT 818.73 FT E OF W 1/8 COR S 217 FT W 125 FT N 2 FT W 251.93 FT TO A PT 207 FT S OF N SEC LN, S 2017.16 FT, S 28° 16' E 467.9 FT, E ALG E-W 1/4 LN TO E LN OF SEC 12 N 138 FT W 718 FT N 300 FT E 718 FT N ALG E SEC LN TO POB

**LEASE AREA DESCRIPTION**

PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 14 NORTH, RANGE 2 EAST, MIDLAND TOWNSHIP, MIDLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 89° 43' 34" EAST ALONG THE NORTH SECTION LINE A DISTANCE OF 1,979.39 FEET; THENCE SOUTH 00° 40' 51" WEST A DISTANCE OF 250.23 FEET; THENCE SOUTH 83° 59' 09" WEST A DISTANCE OF 503.08 FEET; THENCE SOUTH 01° 30' 13" WEST A DISTANCE OF 34.83 FEET; THENCE NORTH 88° 29' 47" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 29' 47" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 01° 30' 13" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 29' 47" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 01° 30' 13" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10,000 SQUARE FEET OR 0.230 ACRES.

**ACCESS/UTILITY EASEMENT DESCRIPTION**

AN EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION AND MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 14 NORTH, RANGE 2 EAST, MIDLAND TOWNSHIP, MIDLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 89° 43' 34" EAST ALONG THE NORTH SECTION LINE OF SAID SECTION A DISTANCE OF 1,959.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 43' 34" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 00° 40' 51" WEST A DISTANCE OF 250.23 FEET; THENCE SOUTH 83° 59' 09" WEST A DISTANCE OF 503.08 FEET; THENCE SOUTH 01° 30' 13" WEST A DISTANCE OF 34.83 FEET; THENCE NORTH 88° 29' 47" WEST A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LEASE; THENCE NORTH 01° 30' 13" EAST ALONG THE EAST LINE OF SAID LEASE A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER OF SAID LEASE; THENCE SOUTH 88° 29' 47" EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 01° 30' 13" WEST A DISTANCE OF 35.17 FEET; THENCE NORTH 83° 56' 23" EAST A DISTANCE OF 482.55 FEET; THENCE NORTH 00° 40' 51" EAST A DISTANCE OF 221.90 FEET TO THE POINT OF BEGINNING.

**GENERAL NOTES**

NO PROPOSED MUNICIPAL SEWER OR WATER UTILITIES ARE REQUIRED FOR THIS SITE. THERE WILL BE NO CHANGE IN DRAINAGE PATTERN DUE TO THE PROPOSED INSTALLATION. NO SIGNIFICANT RUNOFF IS GENERATED BY THE PROPOSED INSTALLATION. NO HAZARDOUS MATERIALS WILL BE USED, PROCESSED OR STORED AT THE SITE. TOWER LIGHTING SHALL CONFORM TO FAA STANDARDS AS REQUIRED. ALL WORK SHALL CONFORM TO FAA & FCC REGULATIONS.

**ZONING INFORMATION**

SUBJECT SITE ZONING: AG, AGRICULTURAL  
 TOWER SETBACKS:  
 ADJACENT ZONING: NORTH: AG, AGRICULTURAL FRONT: 100% TOWER HEIGHT (250')  
 SOUTH: RA-2 REAR: 100% TOWER HEIGHT (250')  
 EAST: AG, AGRICULTURAL SIDES: 100% TOWER HEIGHT (250')  
 WEST: R-1

**CERTIFICATION :**

I MATTHEW T. MOKANYK CERTIFY THAT I HAVE LOCATED AND MARKED, THE PROPOSED SITE AND EXISTING FEATURES.

*Matthew T. Mokanyk*  
 Matthew T. Mokanyk P.S., P.E.  
 Michigan P.S. No. 42063

05/12/16  
 Date

**FLOOD NOTE**

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA THAT DOES NOT CURRENTLY PARTICIPATE WITH FEMA MAPPING.



**SURVEY PLAN**

SCALE: 1"=100'

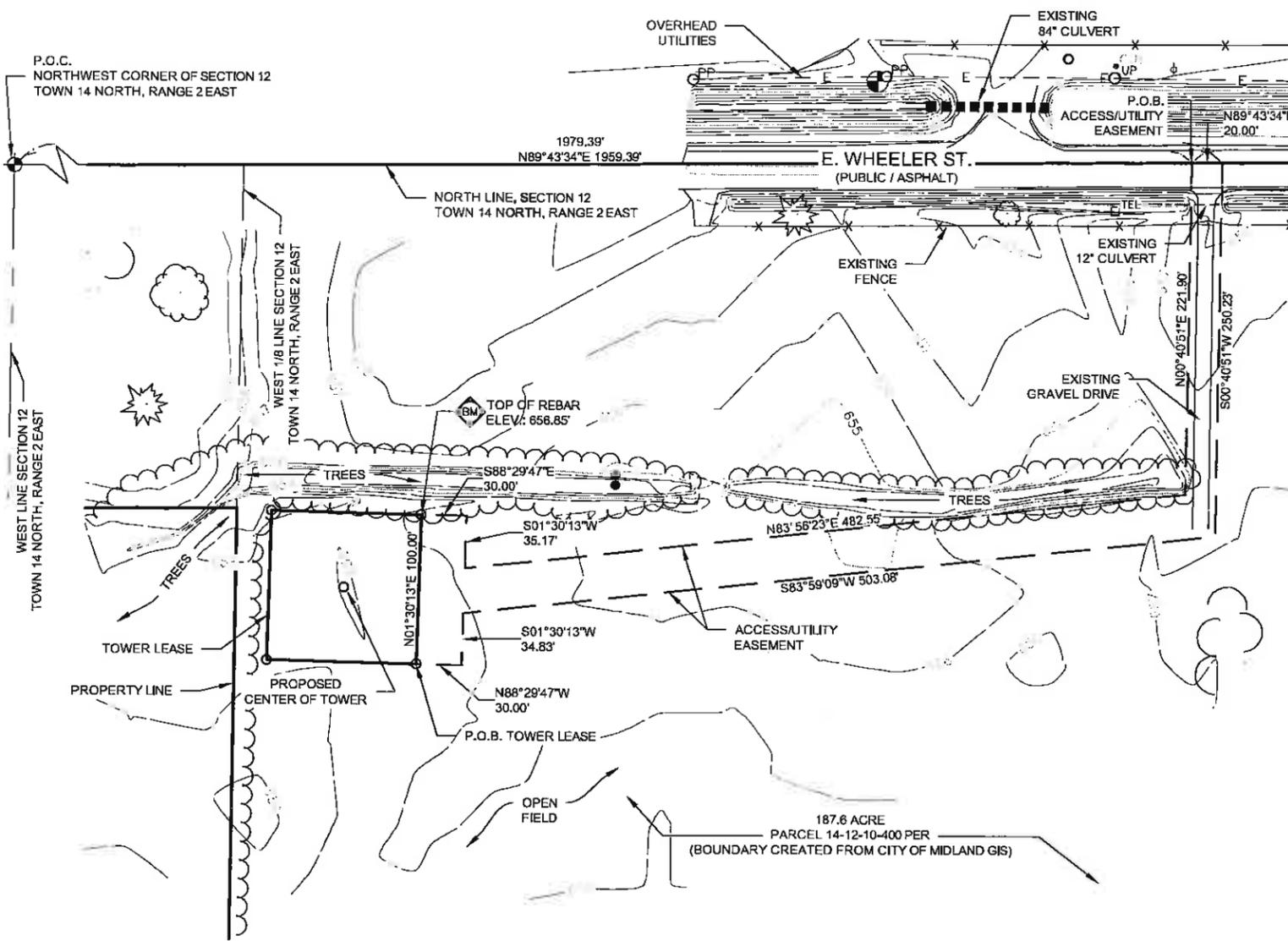


**TITLE RESOLUTION**

TITLE NOT PROVIDED  
 01-15038742-01T  
 05/25/15



VICINITY MAP  
 NOT TO SCALE



- IRON FOUND
  - IRON SET
  - P.K. NAIL FOUND
  - P.K. NAIL SET
  - GPS MONUMENT
  - MONUMENT BOX FOUND
  - MONUMENT FOUND
  - MONUMENT SET
  - RECORD
  - MEASURED
  - STORM MANHOLE
  - CATCH BASIN
  - SQUARE CATCH BASIN
  - SANITARY MANHOLE
  - SANITARY CLEAN-OUT
  - MONITOR WELL
  - TELCO. MANHOLE
  - POWER POLE
  - GUY
  - LIGHT POLE
  - ELECTRIC TRANSFORMER
  - ELECTRIC METER
  - E.H. ELECTRIC HANDHOLE
  - WATER VALVE
  - HYDRANT
  - G.S. METER
  - CAS MARKER
  - GAS VALVE
  - TELEPHONE PEDESTAL
  - SIGN POST
  - FENCE LINE
  - BENCHMARK
- LEGEND**
- ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

**SKYWAY TOWERS**  
 3637 MADACA LANE  
 TAMPA, FL 33618  
 PH: 813-960-6200

New Par, a Delaware Partnership dba  
**verizon**  
 wireless

LANDTECH PROJECT NUMBER: 1630905

REV.	DATE	DESCRIPTION	REQ. BY	BY
0	04/01/15	PRELIMINARY DRAWINGS	SEH	RJM
1	05/12/16	EASEMENT RELOCATE	SEH	RJM

DRAWING SCALE NOTE: THE DRAWINGS ARE DESIGNED FOR 11x17" (TABULOID) LEGAL SIZED PAPER. WHERE MUNICIPALITIES REQUIRE 8 1/2x11" COPIES OF PRINTS, LANDTECH SHALL PLOT THE DRAWINGS AT A RATIO OF 2:1. ALL SUCH COPIES SHALL HAVE A SCALE 1/2 THE SHOWN SIZE.

**TeleCAD**  
 Wireless  
 1961 NORTHPOINT BLVD, SUITE 130  
 HIXSON, TN 37343  
 PH: 423-843-9500 FAX: 423-843-9509

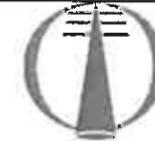
**LANDTECH**  
 PROFESSIONAL SURVEYING & ENGINEERING  
 AL, AR, AZ, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NH, NJ, NY, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI  
 231.943.0050ph 877.820.LAND toll free  
 www.landtechps.com www.landtechsurveys.com

**MIDLAND EAST II**  
**MI-8593**  
 SITE ADDRESS:  
 3600 E. WHEELER ROAD  
 MIDLAND, MI 48642  
 COUNTY: MIDLAND COUNTY

Sheet Title:  
**SURVEY PLAN**  
 Sheet Number:  
**S-1**

• IRON FOUND	○ STORM MANHOLE	⊠ LIGHT POLE	⊠ SIGN POST
○ IRON SET	○ CATCH BASIN	⊠ ELECTRIC TR. N. FORMER	⊠ FENCE LINE
• P.C. NAIL FOUND	⊠ SOLID W. CATCH BASIN	⊠ POWER POLE	⊠ BENCHMARK
• P.C. NAIL SET	○ SANITARY MANHOLE	⊠ WATER VALVE	
○ GPS MONUMENT	○ SANITARY CLEAN-OUT	⊠ HYDRANT	
○ MONUMENT LOCK FOUND	○ MONITOR WELL	⊠ GAS METER	
○ MONUMENT FOUND	○ TELCO. MANHOLE	⊠ GAS MARKER	
○ MONUMENT SET	⊠ ELECTRIC METER	⊠ GAS VALVE	
○ RECORD	⊠ ELECTRIC MANHOLE	⊠ TELEPHONE PEDESTAL	
○ MEASURED			

ALL UTILITIES & SIGN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS. IT IS THE USER'S RESPONSIBILITY TO VERIFY THE UTILITIES IN THE AREA.



**SKYWAY TOWERS**  
3637 MADACA LANE  
Tampa, FL 33618  
PH: 813-960-6200

New Par, a Delaware Partnership dba



LANDTECH PROJECT NUMBER: 1630905

REV.	DATE	DESCRIPTION	REQ. BY	BY
0	04/11/18	PRELIMINARY DRAWINGS	SEH	RJH
1	05/12/18	EASEMENT RELOCATE	SEH	RJH

DRAWING SCALE NOTE: THE DRAWINGS ARE DESIGNED FOR 11"x17" (TABLOID/LEGAL) SIZED PAPER. WHERE MUNICIPALITIES REQUIRE 24"x36" COPIES OF PRINTS, LANDTECH SHALL PLOT THE DRAWINGS AT A RATIO OF 2:1. ALL SUCH COPIES SHALL HAVE A SCALE 1/2 THE SHOWN SIZE.



1961 NORTHPOINT BLVD, SUITE 130  
HIKSON, TN 37343  
PH: 423-843-9500 FAX: 423-843-9509



**LANDTECH**  
PROFESSIONAL SURVEYING & ENGINEERING  
FL, AL, AZ, CO, HI, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, ND, OH, OK, PA, SC, SD, TN, TX, VA, WI, WY  
231.943.0050ph 877.826.LAND toll free  
www.landtechsps.com www.landsurveyors.com

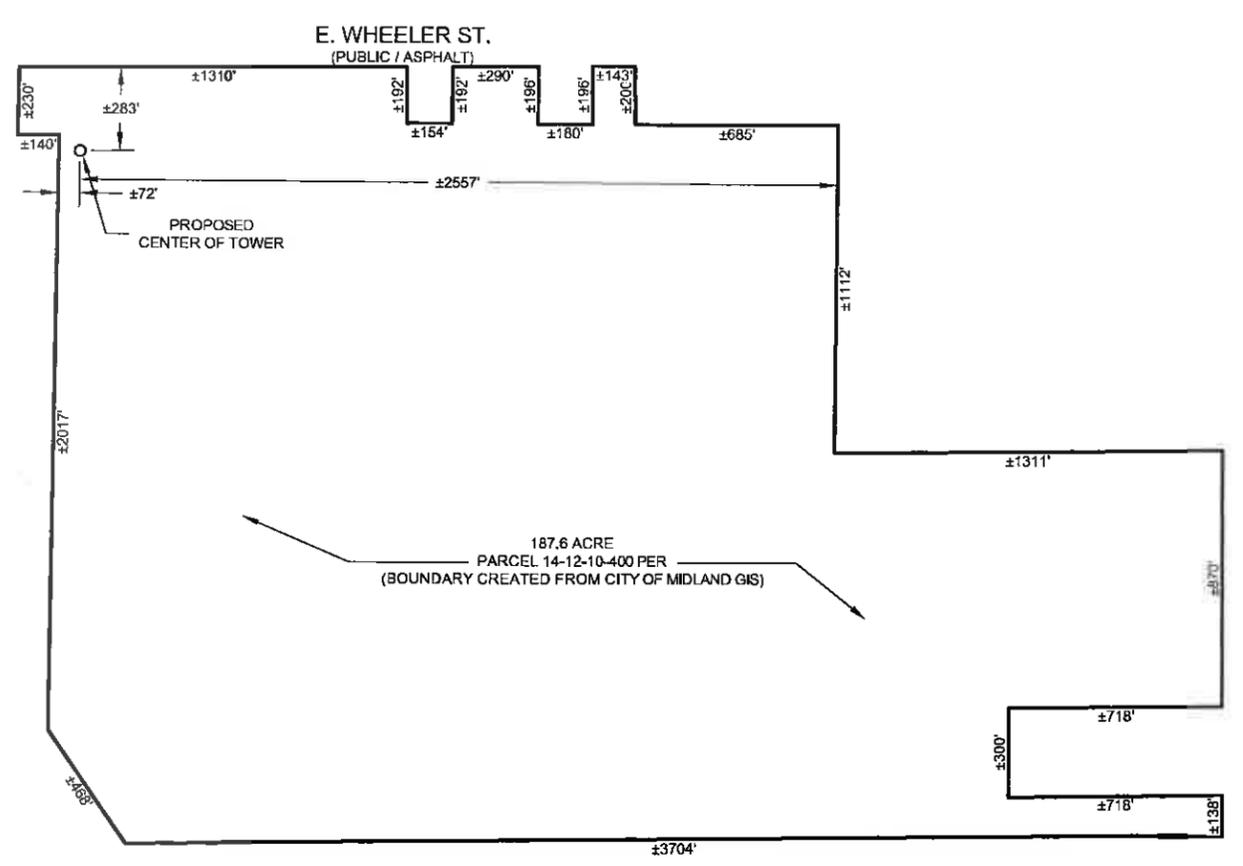
**MIDLAND EAST II MI-8593**

SITE ADDRESS:  
3600 E. WHEELER ROAD  
MIDLAND, MI 48642

COUNTY: MIDLAND COUNTY

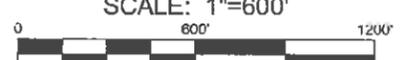
Sheet Title:  
**SURVEY PLAN**

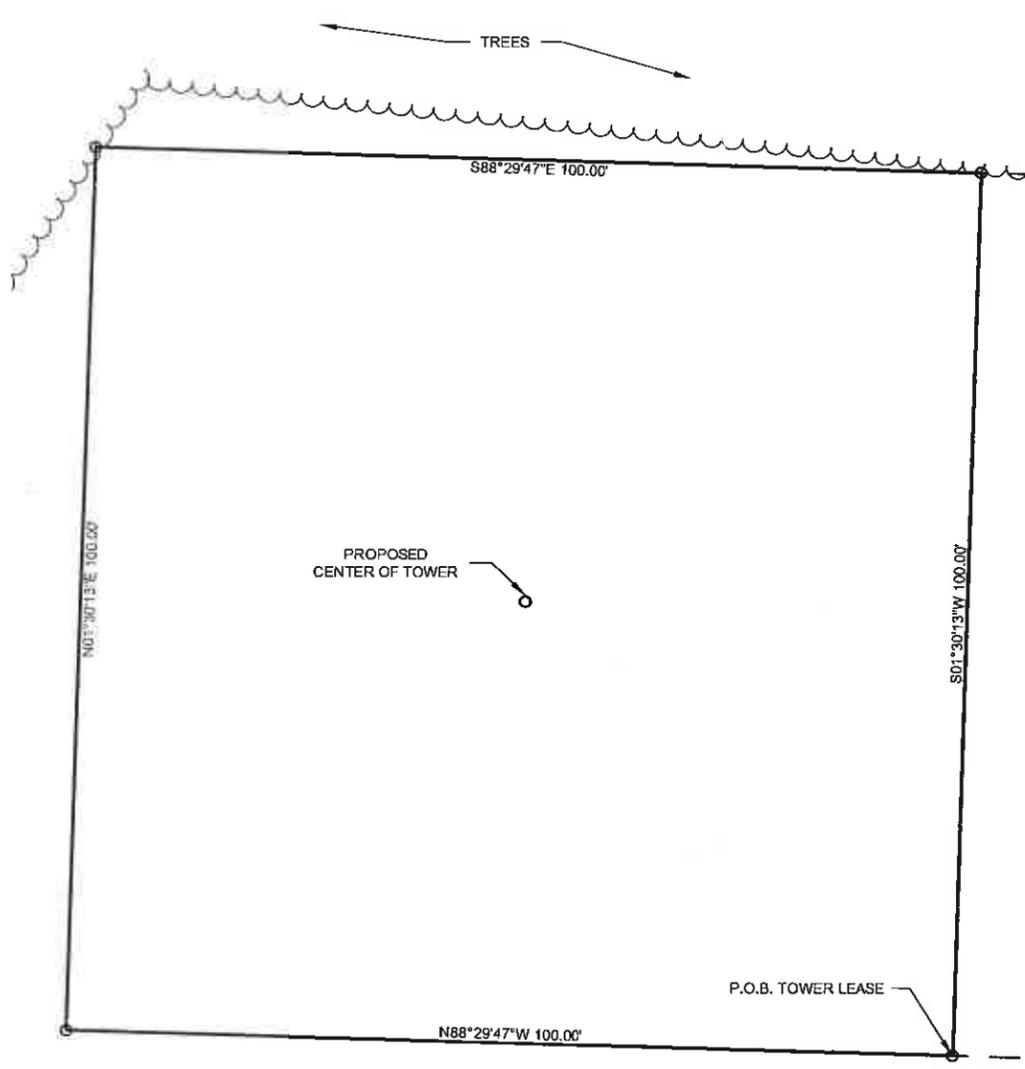
Sheet Number:  
**S-2**



**PARENT PARCEL DETAIL**

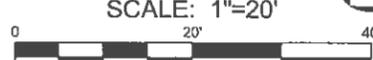
SCALE: 1"=600'



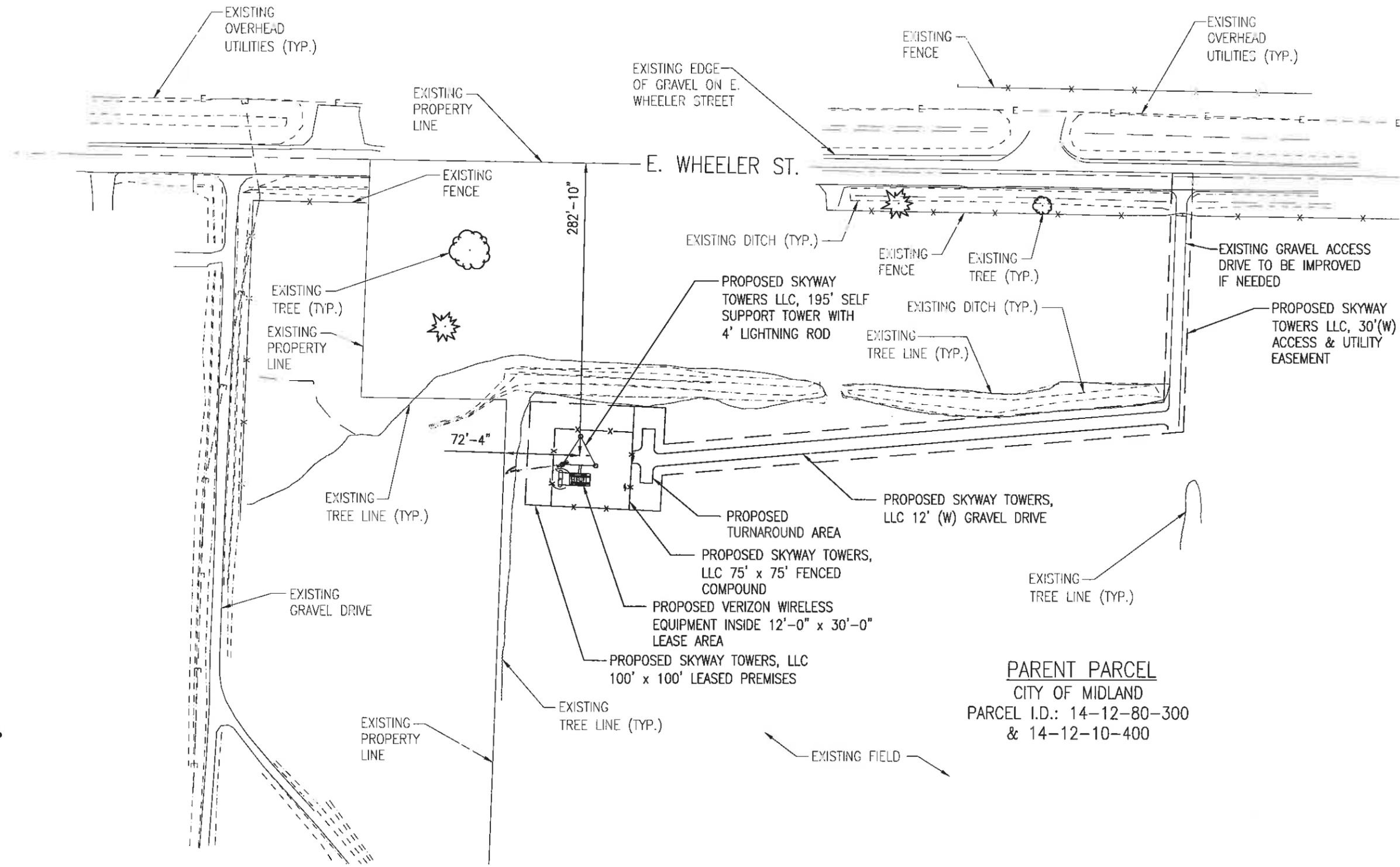


**LEASE DETAIL**

SCALE: 1"=20'




SEE SHEET S2 FOR  
DIMENSIONS TO ALL  
PROPERTY LINES



**PARENT PARCEL**  
CITY OF MIDLAND  
PARCEL I.D.: 14-12-80-300  
& 14-12-10-400



**SKYWAY TOWERS**  
SKYWAY TOWERS, LLC  
3637 MADUCA LANE  
TAMPA, FL 33618

**verizon**

**TeleCAD Wireless**  
1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9509

A&E PROJECT #:	N/A
DRAWN BY:	JDP
CHECKED BY:	CTD

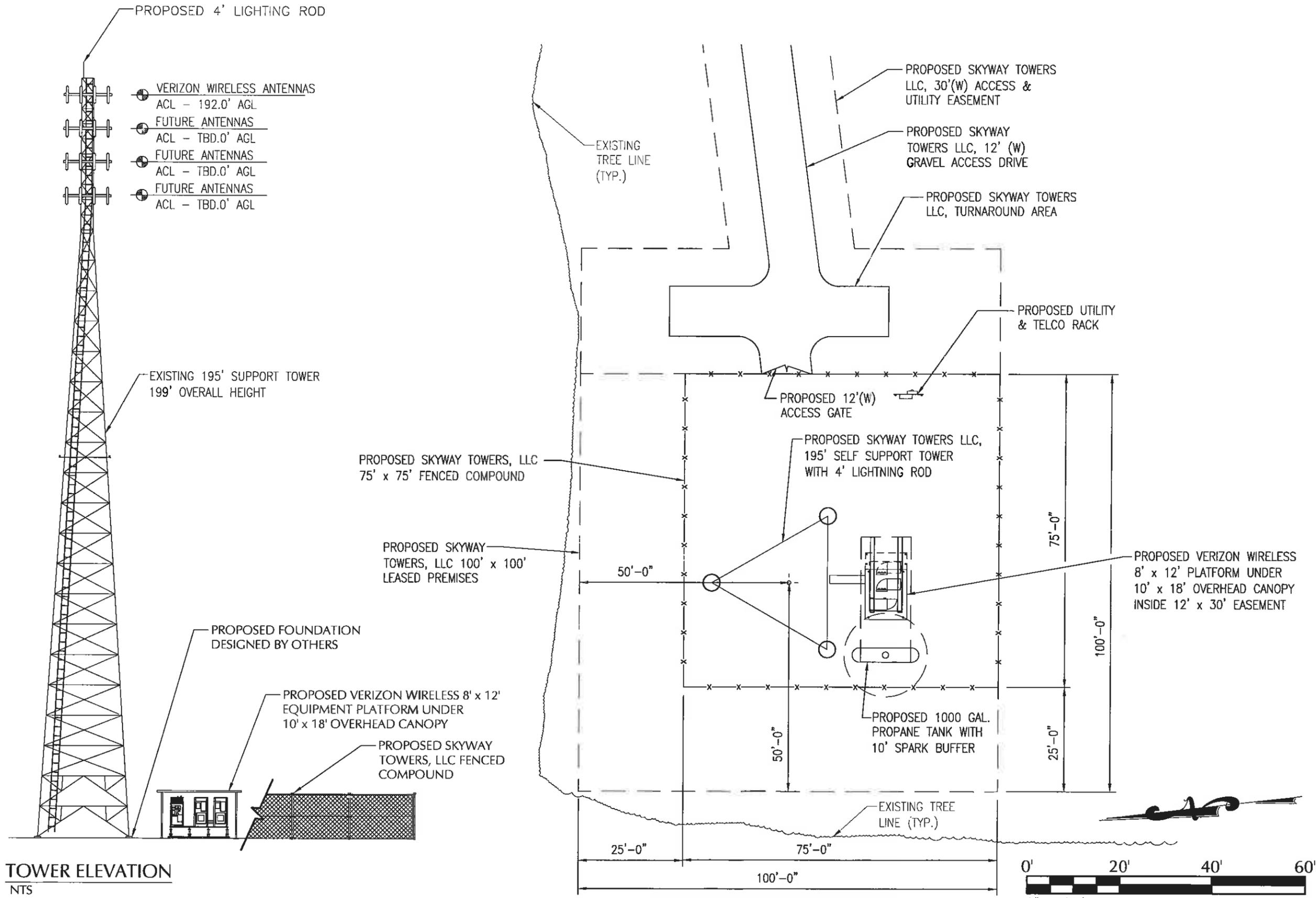
REVISIONS		
NO.	DATE	DESCRIPTION
1	06/16/18	ZONING ISSUED

STATE OF MICHIGAN  
STEPHEN E. HUNT  
ENGINEER  
No. 6201054169  
LICENSED PROFESSIONAL ENGINEER

SITE NAME:	MIDLAND EAST II
SITE LOCATION CODE:	MI-8593
SITE ADDRESS:	3600 E WHEELER ROAD MIDLAND, MI 48642
DESIGN TYPE:	ZONING

SHEET TITLE:  
**OVERALL SITE LAYOUT PLAN**

DRAWING NO.	REVISION:
<b>Z1</b>	<b>0</b>





**SKYWAY TOWERS**  
 SKYWAY TOWERS, LLC  
 3637 MADACI LANE  
 TAMPA, FL 33618

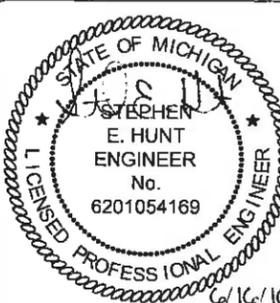




1961 NORTHPOINT BLVD, SUITE 130  
 HIXSON, TN 37343  
 PH: 423-843-9500  
 FAX: 423-843-9509

A&E PROJECT #:	N/A
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS		
NO.	DATE	DESCRIPTION



SITE NAME: <b>MIDLAND EAST II</b>	
SITE LOCATION CODE: <b>MI-8593</b>	
SITE ADDRESS: <b>3600 E WHEELER ROAD MIDLAND, MI 48642</b>	
DESIGN TYPE: <b>ZONING</b>	
SHEET TITLE: <b>SITE LAYOUT PLAN</b>	
DRAWING NO. <b>Z2</b>	REVISION: <b>0</b>



# Memo



**To:** Planning Commission Members  
**From:** C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services  
**Date:** July 20, 2016  
**Re:** Annual Zoning Ordinance Updates 2015/16

---

## **BACKGROUND:**

Each year a list of zoning amendments is compiled to improve the zoning text and reflect current needs, identified problems and recommendations from the Zoning Board of Appeals based on cases heard. Draft text amendments were first introduced in October of 2015. Based on the discussions from that meeting and subsequent staff research, updated text amendments were provided for consideration on January 26, 2016. Final revisions were presented based on the additional feedback provided at the January meeting in March 22, 2016.

Following the March meeting, the draft text amendments were forwarded to the City Attorney for legal review and comment. At that time, a concern with the definition of exotic animals continued to exist. Extended discussions between the City Attorney and Planning Staff followed, but have yet to produce a definition that will meet our intentions in regulating exotic animals and be enforceable. Rather than continuing to delay the implementation of the other updates, the proposed amendment to the definition of exotic animal has therefore been withdrawn at this time.

The balance of the proposed amendment have been reviewed by the City Attorney and approved in both form and content. These amendments may therefore proceed to public hearing at this time.

## **Proposed Text Amendments:**

All proposed amendments are provided on the attachments hereto. Text amendments are presented within the content of the existing zoning ordinance language. Text proposed to be deleted is noted in **strikethrough**, while text proposed to be added is noted in **bold underline**.

## **Process:**

The holding of a public hearing is required prior to the consideration of any amendment to the City of Midland Zoning Ordinance. Notice of public hearing has been prepared and provided to permit the holding of that hearing at the July 26, 2016 Planning Commission meeting.

At the conclusion of the public hearing, and following consideration of any public comments received, final Planning Commission review and discussion of the proposed

amendments is required. Should the Planning Commission be satisfied that the amendments reflect your direction to date and that no additional information is required, a recommendation to the City Council may then be formulated. If a recommendation is made the night of the public hearing, on August 15, 2016 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council hearing will likely be scheduled for September 12, 2016. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

- M. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- N. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

## Section 2.02 -- DEFINITIONS

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**ABANDONED BUILDING OR STRUCTURE:** A building or structure which has been vacated as a result of the voluntary decision of the owner or holder to discontinue the previous use for six (6) months or more of that building or structure.

**ABUTTING:** Two or more uses, lots or parcels having a common border, or being separated from such a common border by a right-of-way, alley, or easement.

**ACCESSORY BUILDING:** A type of structure that:

- a. has a roof which is supported by columns or walls,
- b. is intended for the shelter or enclosure of persons, animals, goods or property, and
- c. is further intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as the principal use to which it is exclusively related.

Examples of accessory buildings include: garages, storage sheds, gazebos, play houses, **and** greenhouses, **pump houses, and dog houses.**

**ACCESSORY ~~STRUCTURE~~ BUILDING, ATTACHED:** An accessory building that is physically joined to the principal **structure building** by a wall, roof, rafter, or other structural component.

**ACCESSORY STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related. Examples of accessory structures include: accessory buildings, swimming pools, **HVAC units**, generators, **garages, storage sheds, gazebos, greenhouses, pump houses, pump houses, dog houses,** tennis courts and other sports courts.

**ACCESSORY USE:** A use that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

**ACTIVITY CENTER FOR THE MENTALLY AND/OR PHYSICALLY CHALLENGED:** A place for the supervision, training, or care of the mentally ill or handicapped.

**ADJACENT:** Lots are adjacent when at least one boundary line of one lot touches a boundary line or lines of another lot.

**ADULT REGULATED USES:** As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- a. **Adult Book or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical

j. **Specified Sexual Activities:** The explicit display of one or more of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

**AGENT:** Authorization provided by the principal naming agent to prove a proper agency and level of authority granted and signed by the principal. Examples include but are not limited to an affidavit, power of attorney, petition, etc.

**AGRICULTURE:** The art and science of cultivating the soil, producing crops or raising livestock, and the processing of crops or livestock, or milk produced on the same premises. Not included in this definition are riding stables, fur farms, hog or poultry farms using garbage as a principal source of feed, dairy processing operations, or the sale of nursery stock not produced on the premises.

**AIRPORT:** A cleared and leveled area where aircraft can take off and land. Airports may include hard-surfaced or grass landing strips, a control tower, hangars, passenger terminals, and accommodations for cargo.

**AIRPORT OVERLAY ZONE:** The overlay zone is the area within which the Tri-City Joint Airport Zoning Ordinance applies. This area is defined as all the lands within the City of Midland lying beneath the approach, transitional, 150' horizontal, conical and 500' horizontal surfaces, said land being located within a circle having a radius extending ten miles from the established center of the usable landing areas of Jack Barstow Airport. The boundaries of this surface are shown on the Tri-City Airport Joint Zoning Plans and in which the terms used in this definition are further defined.

**ALLEY:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on another street. An alley is not intended for general traffic circulation.

**ALTERATION:** Any construction or renovation to an existing structure other than repair or addition.

**ANIMAL, DOMESTIC:** Any animal normally and customarily kept by a domestic household for pleasure and companionship. Examples of domestic animals include domestic breeds of dogs, cats and animals confined to cages throughout their lifetime. A domestic animal excludes **exotic**, farm and service animals as defined by this ordinance.

**ANIMAL, EXOTIC:** Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, hippopotamuses and elephants); all hyaena all pinniped (such as seals and walruses); all venomous snakes and all snakes of the families Boidae and Pythonidae **(unless confined to a cage or other method of containment throughout their lifetime)**; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and owls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodylian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas, scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and Cheloniidae; wild or non-domesticated animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations. **An exotic animal excludes domestic animals as defined by this ordinance. Exotic animals may not be kept for domestic purposes in any zoning district.**

**ANIMAL, FARM:** Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine (**except as provided for** per City ordinance #1519 1711, Chapter 3 **of the Code of Ordinances**) or any other type of poultry or fowl or bees. A farm animal shall also include all animals classified as livestock by the State of Michigan. A farm animal shall not include fish.

**ANIMAL HOSPITAL:** See CLINIC, VETERINARY.

**ANIMAL SHELTER:** A building supported by a governmental unit or agency, or a nonprofit organization where dogs, cats, or other animals are kept because of requirements of local health officials, loss of owner, neglect, or violation of local ordinances or State statutes.

**APARTMENT:** See DWELLING, MULTIPLE-FAMILY.

**ARCADE:** Any establishment which provides on its premises three (3) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

**ARCHITECTURAL FEATURES:** The features of a building, including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, and decorative ornaments.

**AUTOMOBILE.** Unless specifically indicated otherwise, "automobile" shall mean any motorized vehicle including cars, trucks, vans, motorcycles, and other motorized vehicles that do not meet the definition of a **COMMERCIAL VEHICLE**.

**AUTOMOBILE FILLING STATION:** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted.

**AUTOMOBILE REPAIR:** Major or minor repair of automobiles defined as follows:

- a. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- b. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

**AUTOMOBILE SERVICE STATION:** A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and other commodities are sold directly to the public on the premises for the purposes of operation of motor vehicles, aircraft, or boat. A service station may include the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass), installation of equipment, minor repair, and temporary storage.

**AUTOMOBILE REPAIR GARAGE:** An enclosed building where minor and major automobile repair services may be carried out.

**AUTOMOBILE OR VEHICLE DEALERSHIP:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

**EXCEPTION:** An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A variance is not required for uses or structures which are permitted because of an exception.

**FAÇADE:** The exterior side of a building which faces and is more nearly parallel to, a public or private street. The façade shall include the entire building walls, including wall faces, parapets, facia, windows and doors. An individual façade is defined by a change in depth or wall treatment.

**FAMILY:** Means either of the following:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family shall be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Enforcement Officer in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to four (4). Such presumption may be rebutted by application to the Planning Commission for a conditional land use based upon the applicable standards in this Ordinance.

**FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary. **For the purposes of this ordinance, a fence is not considered an accessory structure.**

**FILL, FILLING:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**FINISHED GRADE:** See GRADE.

**FLAG LOT:** See LOT, FLAG.

**FLOOR AREA, GROSS:** The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. In the case of a building not provided with surrounding exterior walls, the floor area shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

**FLOOR AREA, NET:** See FLOOR AREA, USABLE RESIDENTIAL, and FLOOR AREA, USABLE NONRESIDENTIAL.

**FLOOR AREA, USABLE RESIDENTIAL:** The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

**FLOOR AREA, USABLE NONRESIDENTIAL:** The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of

**FORTUNE TELLING ESTABLISHMENTS:** Any place where people engage in, practice or profess to practice, the business or art of astrology, phrenology, life reading, fortune-telling, cartomancy, clairvoyance, crystal ball gazing, hypnotism (other than in connection with the practice of medicine), mediumship, mesmerism, oriental mysteries, palmistry, reading of tarot or similar cards, or of other similar occult powers for any form of compensation.

**FOSTER CARE FACILITY:** See RESIDENTIAL CARE FACILITIES.

**FRATERNAL ORGANIZATION:** See CLUB.

**FRONTAGE:** See LOT FRONTAGE.

**FRONTAGE, BUILDING:** The length of an outside building wall fronting a public right-of-way or private street.

**GAMBLING ESTABLISHMENTS:** Any premises wherein or whereon gaming is done; for the purpose of this Ordinance, a building or structure and any part of which is used or intended to be use for the purposes of dealing, operating, maintaining, conducting or exposing for pay of any game. Included in this definition are charitable organizations and facilities licensed to conduct games of chance.

**GARAGE, PRIVATE:** An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not house a home occupation. A private garage may be either attached to or detached from the principal structure.

**GARAGE, PUBLIC:** See AUTOMOBILE REPAIR GARAGE.

**GASOLINE SERVICE STATION:** See AUTOMOBILE FILLING STATION and AUTOMOBILE SERVICE STATION.

**GOLF COURSE OR COUNTRY CLUB:** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

**GRADE:** The ground elevation established for the purpose of regulating the number of stories or height of a building. "Finished grade" is the elevation of the surface of the ground after development, filling, or excavation. The building grade shall be the level of the ground adjacent to the walls of the structure if the finished grade is level. If the ground is not entirely level, the grade shall be determined by lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building, as determined in the State Construction Code.

**GREENBELT:** See LANDSCAPING.

**GROCERY STORE:** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers.

**GYM or GYMNASIUM:** A room or building equipped for gymnastics, exercise or sport.

**HABITABLE SPACE:** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**HALF STORY:** See STORY, HALF.

**HAZARDOUS USES:** Any activity which is or may become injurious to public health, safety, or welfare or the environment. Hazardous uses include but are not limited to all uses which involve the storage, sale, manufacture, or processing of materials which are dangerous or combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed the State Construction Code, as amended.

**HEIGHT OF BUILDING:** See BUILDING HEIGHT.

**HIGHWAY:** See STREET.

**HOME OCCUPATION:** An occupation or profession conducted within a dwelling or on a residential lot by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence. (See Section 3.06.)

**HOSPITAL:** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**HOSPITAL, VETERINARY:** See CLINIC, VETERINARY

**HOTEL:** A building occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

**HOUSING FOR THE ELDERLY AND THE DISABLED:** ~~An institution~~ **A facility** other than a hospital, ~~or~~ hotel ~~or nursing home~~, which provides room and board to non-transient persons. Housing for the elderly and the disabled may include the following:

- a. **Senior Apartments:** Multiple-family dwelling units generally occupied by persons sixty (60) years of age or older.
- b. **Elderly Housing Complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.
- c. **Congregate Housing:** A type of semi-independent housing facility containing common kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- d. **Dependent Housing Facilities:** Facilities including nursing homes, which are designed for the care of the aged, infirm or those suffering from bodily disorders who need a wide range of health and support services, including personal nursing care.

**IMPERVIOUS SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**INDOOR RECREATION CENTER:** A recreational use fully enclosed by walls and including a roof. Examples of such uses include bowling facilities, skating rinks, and indoor pools.

**INGRESS AND EGRESS:** As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**INTERIOR LOT:** See, LOT, INTERIOR.

**JUNK YARD or SALVAGE YARD:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles. A "junkyard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**JUVENILE SERVICES FACILITIES:** A residential and institutional complex for providing detention and rehabilitation services to juveniles under the jurisdiction of a court of record.

For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way (see Open Space Terms illustration on page 2-37).

**LOT DEPTH:** The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines (See Open Space Terms illustration on page 2-37).

**LOT, DOUBLE FRONTAGE (OR THROUGH LOT):** A lot, other than a corner lot, that fronts upon two (2) more-or-less parallel streets or upon two (2) streets that do not intersect at the boundaries of the lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit.

**LOT, FLAG:** A lot which is located behind other parcels or lots fronting on a public or private road and /or drive, but which has a narrow extension to provide access to the road. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

**LOT FRONTAGE:** The length of the front lot line measured along the street right-of-way or easement line.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) lot line fronting on a street.

**LOT LINES:** The lines bounding a lot as follows (See illustration on page 2-37):

- a. **Front Lot Line:** The lot line separating said lot from the street. In the case of a corner lot, the line separating the narrowest side of a lot from the street. The orientation of the structure on the lot does not impact the front lot line definition.
- b. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.
- d. **Side Street Lot Line:** A side lot line separating a lot from a road right-of-way.
- e. **Interior Lot Line:** Any lot line which does not abut upon a street.

**LOT OF RECORD:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Midland or Bay County Register of Deeds, or a **legally created** lot or parcel described by metes and bounds.

**LOT SPLIT AND CONSOLIDATION:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Midland or Bay County Register of Deeds.

**LOT WIDTH:** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see illustration on page 2-21).

**LOT, ZONING:** A tract of land consisting of a group of adjacent lots located within a single block, which, at the time of filing for a building permit, is designated by the owner or developer as a tract to be used, developed or build upon as a unit, under single ownership or control. A zoning lot is considered as a single lot for the purpose of this chapter. In such case, the outside perimeter of the such group of lots shall constitute the front, rear, and side lots thereof.

**MAIN ACCESS DRIVE:** A private access drive from a public or private street or road to a mobile home park, apartment or condominium complex, or commercial development.

structures not normally occupied by humans including structures such as garages and sheds; and which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

**OUTLOT:** When included within the boundary of a recorded plat, a lot set aside for purposes other than those for the rest of the lots in the plat. For example, land set aside for a future street would typically be set aside in an outlot.

**OVERLAY ZONE:** A zoning district which has definite boundaries and is superimposed over all existing zoning districts within those boundaries. The overlay zoning may establish additional regulations, reduce existing regulations, or extend or limit the permitted uses within the underlying zoning districts.

**OWNER:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**PARCEL:** A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Act and has frontage on a public or private street.

**PARK:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

**PARKING STRUCTURE:** A structure, building, or parcel of land, or any portion thereof used for the storage **of or** parking of motor vehicles, or boats, operated as a business.

**PARKING LOT, OFF-STREET:** An area in non-residential districts which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**PATIO:** A paved open space of land at grade adjacent to a residential dwelling unit or mobile home which is used as an extension to the interior of the home for private or semi-private entertainment or leisure activities.

**PAWN SHOP:** An establishment where the shop employee or proprietor lends money on the security of personal property pledge and kept by the shop until the loan is repaid. A pawn shop can also include establishments where individuals sell personal items to the shop employee or proprietor for cash instead of a loan, and where the items are then sold to the general public. A pawn shop is a retail use.

**PEDESTRIAN WALKWAY:** A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties, or is constructed to service an area deemed to be in the public interest.

**PERFORMANCE GUARANTEE:** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

**PERVIOUS SURFACE:** A surface that permits full or partial absorption of storm water.

**PET:** See ANIMAL, DOMESTIC.

3. **Foster family group home** means a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  4. **Family day care** means a private home in which one but no more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
  5. **Group day care home** means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- b. **Adult Foster Care:** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State of Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as
1. **Adult foster care facility** means a governmental or non-governmental 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 disabled** who require supervision on an ongoing basis but who do not require continuous nursing care.  
  
An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.
  2. **Adult foster care small group home** means a facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  3. **Adult foster care large group homes** means a facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  4. **Adult foster care family home** means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week or for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

**RESIDENTIAL TREATMENT CENTER:** A community-based, State-licensed facility that provides therapeutic services, counseling or treatment for mental health or substance use disorders along with room and board in a highly structured environment for its residents with staffing 24 hours per day, seven days a week. A Residential Treatment Center does not include Housing for the Elderly and the Disabled as defined by this Ordinance.

**RESTORATION:** The reconstruction or replication of an existing building's original architectural features.

**RESTAURANT:** A restaurant is any establishment whose principal business is the sale of food and/or beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- a. **Restaurant, Fast-Food:** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food **or beverage** to the customer. Service may be at a counter, cafeteria line, drive through window or in a motor vehicle for consumption where it is served, at tables, booths, or stands inside the structure or out, in a motor vehicle, or for consumption off the premises.
- b. **Restaurant, Standard:** A standard restaurant is a restaurant whose method of operation involves either:
  1. The delivery of prepared food and/or beverages by waiters and waitresses to customers seated at tables within a completely enclosed building, or
  2. The prepared food and/or beverages are acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables.
- c. **Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**RETAIL STRIP CENTER:** A property containing one or more buildings containing two or more commercial uses which have been designed and developed as contiguous units, and characterized by shared parking and the absence of a common interior walkway. This use is generally one story in height and one store deep.

**RETENTION BASIN:** A pond, pool, or basin used for the storage of water runoff.

**RETREAT CENTER:** A use that is typically in a building located in a quiet, secluded, area and which contains rooms for meetings, discussion, and contemplation.

**RIGHT-OF-WAY:** A strip of land reserved and dedicated for a street, highway, alley, walkway, or other public purpose, and which may be occupied by public utilities, such as electric transmission lines, gas pipelines, cable television lines, fiber optics lines, water mains, sanitary sewers, storm sewer mains, shade trees, or other utility uses (see illustration on page 2-36).

**ROAD:** see STREET

**ROADSIDE STAND:** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include a small operation consisting of a portable table that is operated intermittently.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**ROOMING HOUSE:** See BOARDING HOUSE.

**ROOMING UNIT:** Any room, or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

- b. Not contiguous to an inland lake or pond, or a river or stream, and more than five (5) acres in size;
- c. Not contiguous to an inland or pond, or river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

**WHOLESALE SALES:** The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

**WIRELESS, COLOCATION:** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building.

**WIRELESS COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, cellular telephone facilities, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; accessory reception antennae facilities regulated by Section 3.16 of this Ordinance; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

**WIRELESS COMMUNICATIONS FACILITIES, ATTACHED:** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established is not included within this definition.

**WIRELESS COMMUNICATION SUPPORT STRUCTURES:** Structures erected or modified to support wireless communication antennas, including, but not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance (see definition of SETBACK; also, see illustrations on page 2-36 and 2-37).

- a. **Yard, Front:** An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the nearest line of the principal building. The orientation of the structure on the lot does not impact the determination of the front yard.
- b. **Yard, Rear:** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building.
- c. **Yard, Side Street:** On a corner or through lot with more than one street lot line, an open space between a principal building and the side lot line separating the lot from the street.
- d. **Yard, Side:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

**ZONING BOARD OF APPEALS:** The Zoning Board of Appeals for the City of Midland. The words "Board of Appeals" or "Zoning Board" shall have the same meaning.

**ZONING ENFORCEMENT OFFICER: The Director of Planning and Community Development for the City of Midland, or designee.**

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## Section 3.02 -- ALLOWABLE USES

No structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used, designed or arranged for any purpose other than is permitted in the zoning district in which the structure or land is located.

## Section 3.03 -- ACCESSORY **BUILDINGS AND STRUCTURES**

### A. General Requirements

#### 1. Timing of Construction

No accessory structure, including private garages and utility structures, shall be constructed upon or moved to any parcel of property unless:

- a. there is a principal building, or use being constructed or already existing on the same parcel of land; **or**
- b. **a sufficient performance guarantee is provided to ensure removal of the accessory building if the principal building, structure or use is not commenced within 30 days and continues to proceed meaningfully towards completion.**

#### 2. Location in Proximity to Easements or Right-of-Way

Accessory structures, or uses shall not be located within a dedicated easement or right-of-way, unless the terms of the easement or right-of-way specifically permit such buildings, structures, or uses.

#### 3. Attached Accessory **Buildings and Structures**

Unless otherwise specified in this Section, accessory **buildings and** structures which are attached to the principal **building or** structure (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building or structure for the purposes of determining conformance with area, setback, height, and bulk requirements.

#### 4. Use Restrictions

No accessory structure shall be used in any part for dwelling purposes.

#### 5. Applicability of Other Codes and Ordinances

Accessory structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation. A zoning compliance permit, as outlined in Section 31.06, shall be required for all accessory structures with floor area between 50 and 200 square feet. Any accessory structure greater than 200 square feet in floor area shall require a building permit.

#### 6. Foundations

All Accessory structures with a floor area between 50 and 200 square feet shall be required to have a rat wall foundation that extends a minimum of 12" below surrounding grade. The rat wall foundation shall be constructed from concrete, block or foundation grade lumber and conforms to the Michigan Building Code. An accessory structure may also be placed on a concrete or asphalt slab which extends a minimum of two (2) feet horizontally from all four sides of the structure.

#### 7. General Requirements

Accessory structures shall be only located in the rear or side yards and shall comply with height, setback, and lot coverage requirements for accessory structures, unless otherwise permitted in this Ordinance.

**3. Size and Lot Coverage**

- a. Detached accessory structures in rear yards shall not occupy more than thirty-five percent (35%) of the required rear yard.
- b. Detached accessory structures shall not have more than eight hundred (800) square feet of gross floor area, unless they are located on parcels with greater than two (2) acres of land.
- c. For land parcels greater than two (2) acres, the area of the detached accessory structures shall not exceed the usable residential floor area of the ground floor of the principal building, excluding the floor area of all attached garages.
- d. The total floor area of all attached accessory structures, including attached garages, shall not exceed the usable residential floor area of the ground floor of the principal building.

**4. Height**

Detached accessory structures shall not exceed sixteen (16) feet, unless otherwise allowed in this ordinance.

**5. Number of Permitted Accessory Structures Buildings**

For any single-family or duplex dwelling unit, the following shall apply:

- a. If any portion of the principal building is defined as a private garage, one (1) additional accessory **structure building** is permitted per lot or parcel.
- b. If the private garage is detached from the principal building, one (1) additional accessory building is permitted per lot or parcel.
- c. Two detached accessory buildings are permitted for duplexes sharing a common side by side wall.

**C. Accessory Structures in the Residential D Zoning District**

All accessory structures in the Residential D Zoning District shall be in compliance with all requirements and standards in Article 16.00.

**D. Accessory Structures in Community, Office, ~~NC, CC, RC, C, D~~, Commercial, LCMR and Industrial Zoning Districts**

**1. Setbacks**

An accessory structure in a Community, Office, Commercial, LCMR, or Industrial Districts shall be in compliance with all setback requirements of the principal building, and other standards of this ordinance, except as follows:

- a. For allowed residential uses, detached accessory structures shall be located at least ten (10) feet from any other structure.
- b. Accessory structures on double frontage lots shall observe front yard setback requirements on both street frontages.

sides of the triangular area being twenty (20) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or

- (2) The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

- c. **Where the unobstructed sight area or a portion thereof, is held in different ownership, all required setbacks, including the sight obstruction setback requirements, shall be applied as though the property is held in common ownership.**

**7. Relocation of Existing Buildings**

No existing building or structure shall be relocated upon any parcel or lot in The City of Midland unless the building or structure conforms to all zoning and building code requirements for the district in which the building or structure is to be located and a building permit has been secured.

**8. Building Height Conformance**

No building or structure shall be constructed upon any parcel or lot in the City of Midland unless the building or structure's height conforms to the regulations promulgated in the Tri-City Area Joint Airport Zoning Ordinance as amended.

## **Section 3.10 – COMMERCIAL DRIVEWAYS**

**A. Intent**

The intent of this section is to establish standards for driveway spacing and the number of driveways permitted during the site plan review process. The standards of this section are intended to promote safe and efficient travel within the City; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always by the most direct access.

The standards herein apply to site plans and plats along roads which are under the jurisdiction of the City of Midland, Midland County Road Commission, Bay County Road Commission or Michigan Department of Transportation (MDOT). Those agencies have driveway design and permit requirements; however, those general standards may not be sufficient to meet the particular traffic issues and objectives of The City of Midland. Therefore, the driveway standards herein may be more restrictive than those provided by the road agencies. Construction within the public right-of-way under the jurisdiction of Midland or Bay County or MDOT still shall also meet the permit requirements of the road agency. Where any conflicts arise, the more stringent standard shall apply.

The City of Midland's Master Plan presents four (4) specific goals to further improve the overall transportation network in our community. This section strives to implement Goal 1 by regulating the placement of commercial driveways to ensure that all developments are constructed to a standard that maximizes pedestrian and vehicular safety and minimizes risks and negative impacts of new commercial development:

**Goal 1: Maintain and improve safety and efficiency in the transportation system to support land use patterns and ensure that Midland remains an attractive place to live, work, and visit.**

## B. General Standards for Driveway Location

1. Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
2. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the City of Midland.
3. Spacing between driveways where traffic signals are involved shall meet the requirements for spacing of driveways from street intersections as shown in Table 3.5
4. Arterials, collectors, and local streets are as classified in the City of Midland Master Plan.

## C. Commercial Driveway Spacing Standards for a Parcel

Each parcel on which a commercial or industrial development is located on shall be permitted one (1) commercial driveway to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. Additional driveways may be permitted for a property only under one of the following:

1. One (1) additional driveway may be allowed for properties with a continuous frontage of over three hundred (300) feet if it is determined there are no other reasonable access opportunities, provided the additional driveway complies with the requirements in subsection D, below.
2. On parcels with frontage along two (2) streets, one driveway may be permitted to each street provided that proper driveway spacing is achieved from the roadway intersection as shown in Table 3.5.
3. When considering additional driveway placement, Table 3.3 and the following criteria shall be reviewed:
  - a. Will not be detrimental to public safety.
  - b. Will not be detrimental to the safety and operation of the street.
  - c. Are necessary for safe and efficient use of the property.
  - d. Will prevent/reduce traffic congestion and confusion, based on a traffic impact study. (See Section 3.10(I))
4. For parcels that are not **on** a corner **lot**, one-way drives may be permitted **per parcel provided the driveway approaches comply with the commercial driveway spacing standards in subsection D, below.**

## D. Commercial Driveway Spacing Standards for Separate Parcels

1. **Spacing between driveways on separate parcels or developments:** The minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage as shown in Table 3.3. The minimum spacing indicated below is based on Michigan Department of Transportation Guidelines and are measured between driveway centerlines. The minimum spacing between driveways may be reduced if one driveway has a traffic signal.

**H. Site Plan Requirements**

All lighting, including lighting that is intended to be primarily decorative in nature, shall be shown on the site plans. For all site plan reviews, a photometric plan shall be submitted as part of the site plan in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.

**Section 3.13 -- EXCEPTIONS****A. Essential Services**

Essential services, as defined in Section 2.02, shall be permitted as authorized and regulated by franchise agreements and by state, federal, and local ordinances and laws. Essential services will be permitted in all use districts. It is the intention of this Ordinance to exempt such uses from those regulations governing lot area, building or structure height, building or structure placement, and use of land in the City that would not be practical or feasible to comply with.

~~Proposals for construction of essential services shall be subject to site plan review and conditional land use review, if applicable (See Section 27.02).~~ The intention of the City is to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services buildings and uses should be reasonably necessary for the public convenience, and should be designed, erected and landscaped to conform harmoniously with the general architecture and character of such district and shall not be permitted in clear vision areas.

**B. Exceptions to Height Standards**

The height limitations of this Ordinance shall not apply to roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire walls, parapet walls not exceeding three (3) feet in height; sky lighting, solar collectors, towers, steeples, cupolas, belfries, domes, ornamental towers, stage lofts and screens; flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, wireless masts and satellite dishes; water tanks or similar structures, fire and hose towers. Such structures may be erected without regard to height limitations imposed in the district in which the same is located, to a maximum height of one hundred (100) feet from the building grade. This maximum height limitation does not apply in the Industrial "A" and "B" Districts.

**Section 3.14 -- PERFORMANCE GUARANTEE****A. Intent and Scope of Requirements**

To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the City Council may require that a performance guarantee be deposited with the City to insure faithful completion of improvements, in accordance with Michigan Public Act 100 of 2006 as amended.

Improvements means those features and/or actions considered necessary to protect natural resources or the health, safety, and welfare of the city residents and/or the future users or inhabitants of the proposed project. Improvements for which a performance guarantee may be required include, but are not limited to, roadways, parking, lighting, utilities, sidewalks, screening and drainage.

**B. General Requirements**

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable bank letter of credit or cash escrow. If the applicant posts a letter of credit, the credit shall require only that the City present the credit with a draft and an affidavit signed by the City Manager attesting to

**E. Purchase or Condemnation**

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the City of Midland, pursuant to **Section 3a, City and Village Zoning Act, Public Act 207 of 1921, the Michigan Zoning Enabling Act, Public Act 110 of 2006**, as amended, may, but is not required to, acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

**F. Establishment of a Conforming Use or Structure**

In the event that a nonconforming principal use or structure is superseded or replaced by a conforming principal use or structure on a site, any structure or structure and land in combination shall abide by the regulations of the district in which the structure is located and the nonconforming use may not thereafter be resumed.

**G. Change of Tenancy or Ownership**

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

**H. Unlawful Nonconformity**

No land use or structure shall be permitted to continue in existence if it was unlawful at the time it was established. Unlawful land uses and structures include, but are not limited to, uses established without proper zoning approval or a proper building permit.

**I. Change of Location**

**1. Movement of Nonconforming Use**

No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the Ordinance.

**2. Movement of Nonconforming Building or Structure**

Should a nonconforming building or structure in whole or in part be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to all of the regulations for the district in which such building or structure will be located.

**Section 4.04 -- NONCONFORMING LOTS OF RECORD**

The following regulations shall apply to any nonconforming legally created lot, nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

**A. Use of Nonconforming Lots**

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lawfully created lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area, and/or width and/or road frontage, provided that the lot can be developed in compliance with other dimensional requirements (such as setback requirements) without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

## ARTICLE 5.00

# PARKING AND LOADING

### Section 5.01 -- OFF-STREET PARKING REQUIREMENTS

#### A. Scope of Off-Street Parking Requirements

Compliance with the off-street parking regulations shall be required as follows:

##### 1. General Applicability

For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Section prior to issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

The Downtown District and the Circle District **may** have different parking standards than otherwise required in this Article. Please refer to subsections 5.01.C.98 and 5.01.C.109.

##### 2. Change in Use or Intensity

Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in gross floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

##### 3. Existing Parking Facilities

Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance.

An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

##### 4. Provision of Off-Street Parking

Off-street parking may be provided by either individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.

#### B. General Requirements

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

##### 1. Materials

- a. All off-street parking and driveways shall consist of an improved surface of concrete, asphalt or brick.

7. **Parking Lot Deferment – Office, Commercial, Industrial A and Agricultural Districts**  
Where the property owner can demonstrate or the Planning Commission finds that the parking required by Table 5.3 is excessive for a use in the Office, Commercial, Industrial A or Agricultural District, the Planning Commission may approve a smaller parking area provided the following conditions are met:
- a. A deferred parking area of sufficient size to meet the parking space requirements of Table 5.3 is retained as open space. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking layout.
  - b. The owner agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Building Department.
  - c. A written legal agreement, which has been approved by the City Attorney, to construct the deferred parking shall be provided by the applicant.
  - d. The Building Department may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.
  - e. Barrier free spaces shall be provided based on the number of parking spaces being constructed. The site plan shall note the locations of additional barrier free spaces that will be required should the deferred parking be constructed.

### C. Minimum Number of Spaces Required

The following standards shall be used in determining the required number of parking spaces:

#### 1. Definition of Floor Area

For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in Article 2.00. Where areas are not defined, usable floor area shall equal eighty percent (80%) of the gross floor area as defined in Article 2.00.

#### 2. Units of Measurement

##### a. Fractional Spaces

When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ( $\frac{1}{2}$ ) may be disregarded, while a fraction of one-half ( $\frac{1}{2}$ ) or more shall be counted as one space.

##### b. Employee Parking

When required, parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time. Employee parking may be located off site with proof of parking agreement or ownership of parking area.

#### 3. Uses Not Cited

For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, as determined by the Director of Planning and Community Development.

#### 4. Parking for the Physically Handicapped

shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day. These requirements do not apply to one or two family dwelling units.

**8. Minimum Number of Spaces Required in the D (Downtown) District**

Development in the D (Downtown) District is exempt from providing off-street parking, provided that any establishments with drive-in or drive-up windows for servicing patrons in automobiles shall provide the necessary off street stacking spaces for waiting vehicles as required herein. Should any establishment in the D (Downtown) Zoning District choose to provide off-street parking, it shall be constructed in accord with the standards contained in Section 5.01.D.

**9. Minimum Number of Spaces Required in the C (Circle) District**

The amount of required off-street parking in the C (Circle) District shall comply with the following regulations:

- a. Required parking in the C (Circle) District shall be one-half (1/2) of the parking otherwise required by Table 5.3. Any fractional parking spaces that result shall be rounded up.
- b. Any establishments with drive-in or drive-up windows for servicing patrons in automobiles shall provide the necessary off street stacking spaces for waiting vehicles as required herein.
- c. Off-street parking spaces in the C (Circle) District shall be constructed in accord with the standards contained in Section 5.01.D.
- d. Off-street parking may be provided in the Circle District through the use of collective parking per Section 5.01.B.8. Off-street parking may be provided within 500 feet of the **subject site per Section 5.01.B.2.e building it is intended to service, measured from the nearest point of the building.**

**Table 5.3: SCHEDULE OF MINIMUM REQUIRED OFF-STREET PARKING**

Land Use	Number of Spaces Required
<b>Residential Uses</b>	
Single and Two-Family, Detached	2 spaces per dwelling unit (may be in a garage).
Multiple-Family	1.5 spaces per each efficiency or one-bedroom dwelling unit, and 2 per each unit with 2 or more bedrooms. Supplemental guest parking shall be provided at the rate of 1 additional space per 3 dwelling units
Housing for the Elderly	One (1) space per 1 dwelling units + one (1) space per employee present on largest shift. Guest parking shall be provided at a rate of 1 additional space per 3 dwelling units
Mobile Home Parks	Parking should be provided in accordance with the Michigan Mobile Home Commission Rules and the Mobile Home Commission Act, Public Act 96 of 1987, as amended
<b>Institutional or Public Uses</b>	
Places of Worship	One for each 3 fixed seats, 1 for each 6 feet of pews or benches and 1 for each 30 square feet of assembly floor area without fixed seats, including all areas used for worship services at any one time.
Child Care Centers	One (1) space per employee + 1 off street loading place for every 10 pupils
Clubs, Lodges, Fraternal Buildings, Day Shelter, Soup Kitchen	One (1) space per 100 sq. ft. of <i>usable</i> floor area

**H. Maintenance of Unobstructed Visibility For Drivers**

All landscaping shall comply with the provisions concerning Unobstructed Sight Distance set forth in Section 3.09.A(5).

**I. Landscaping of Divider Medians and Cul-de-Sacs**

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet. Curb cuts which permit drainage of landscaped areas may be designed as part of required curbing.

Cul-de-sacs and site entrances shall be landscaped with species tolerant of roadside conditions in Midland County.

**J. Irrigation**

The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards. Irrigation systems should be designed to prevent impervious surfaces.

**Section 6.03 -- SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS**

**A. Requirements for Commercial, Office, Community, Agricultural, and Industrial Districts**

All lots or parcels located in commercial, office, community, agricultural, and industrial zoning districts shall comply with the following landscaping requirements:

**1. General Site Landscaping**

All developed portions of the site shall conform to the General Site Requirements in Section 6.02, sub-section A, except where specific landscape elements are required.

**2. Landscaping Adjacent to Street**

All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the street in Section 6.02, sub-section B.

**3. Berm Requirements**

A berm may be used to screen off-street parking from view of the street, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 6.02, sub-section B. The berm shall be located totally on private property, adjacent to the street right-of-way.

**4. Screening**

Screening in the form of a landscaped berm or greenbelt shall be required wherever a non-residential use in a commercial, office, or industrial district **abuts directly upon abuts or is directly across the street from** land zoned for residential purposes, and where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 6.02, sub-section E. If the length of the adjoining residentially zoned property is less than two hundred (200) feet, a wall or solid fence with a planting strip a minimum of three (3) feet in width may be erected in lieu of a berm or greenbelt.

**B. Location**

Required obscuring walls and fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall at the property line, in which case the wall shall be placed on the utility easement line located nearest the property line. All walls and fences shall comply with the specifications for maintenance of unobstructed sight distance for drivers in Section 3.09.A(5).

**C. Time of Construction**

Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall or fence shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence, in which case the wall or fence shall be constructed as soon as feasible after construction commences. Completion of a required obscuring fence or wall shall be required for the issuance of a Certificate of Occupancy.

**D. Obscuring Wall Required**

For the following uses and districts, an obscuring wall or fence shall be provided along property lines that abut a lot in a residential district or a lot that is used for residential purposes: Commercial Districts (except D and Circle), Industrial and LCMR Districts, Community District, off-street parking, utility buildings and substations, and lots adjacent to freeways.

**E. Wall or Fence Height**

The height of the wall or fence shall be measured from the average of the natural grade at a distance from 5 feet from each side of the wall or fence. Fill or berms shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.

When an obscuring wall or fence is required, the wall or fence height shall meet the requirements in Table 7.1.

**Table 7.1: REQUIRED OBSCURING WALL OR FENCE HEIGHT**

Location, Use or Zone	Maximum Height from Grade <sup>a</sup>	Comments
Required front or <b>required</b> side street yard setback	4 feet	
Double frontage lots	6 feet	One side of the lot, for purposes of fence placement, may be designated as the rear yard to erect a 6 foot tall fence, so long as it adheres to the general appearance of the neighborhood, does not obstruct clear vision and is not on a corner lot.
Off-Street Parking	6 feet	
Agricultural District	6 feet	8 foot maximum height for non-residential uses. Construction details required for fences taller than 6 feet (see Section 7.01.A).
Residential District	6 feet	May not exceed 4 feet in any front yard. The front yard extends from the front property line to the front face of the principal structure.
Commercial, Office, Downtown, or Circle District	6 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).

Location, Use or Zone	Maximum Height from Grade <sup>a</sup>	Comments
Industrial or LCMR district	8 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Community District <sup>b</sup>	8 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Utility Buildings, Substations	8 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Schools and Parks <sup>b</sup>	6 feet	8 foot maximum height for chain link Construction details required for fences taller than 6 feet (see Section 7.01.A)
Lot lines adjacent to an expressway	12 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A)

- a. When a fence and berm are built in combination with a fence or wall, the total height of the berm and fence or wall and berm shall not exceed six (6) feet from grade the maximum height set out in this table.
- b. The Planning Director shall have the discretion to permit fences over 8' to serve institutional or recreational uses or meet safety considerations for recreational uses and to permit fences up to 6' in the required street side yard.

**F. Substitution or Waiver**

1. As a substitute for a required obscuring wall or fence, the use of existing or proposed living or man-made landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence may be approved. Any such substitute screening shall comply with the applicable requirements in Section 6.02.
2. When determined necessary and appropriate by the City Council in the course of reviewing and approving a site plan, fences or walls exceeding requirements listed in Table 7.1 may be approved when such fences or walls are used as screening devices on property in non-residential districts from property in residential districts.

**G. Non-Required Fences in Districts**

Fences, other than required obscuring walls and fences, shall be permitted in the Office Service, Commercial, Community and LCMR districts, subject to the following conditions:

1. Non-required fences are permitted in the side and rear yards only.
2. The height of a fence shall be measured from the surrounding grade at every point along the fence line. All fences in non-residential districts shall not exceed the height specified in Table 7.1.

**Section 7.03 -- WALLS AND FENCES IN RESIDENTIAL DISTRICTS**

Fences in Residential Districts may be located in the required front, side or rear yard subject to the following requirements:

**A. Height**

All fences shall not exceed six (6) feet in height above grade except for the following:

1. Fences located in required front or required side street yards shall not exceed four (4') feet in height above grade.
2. Fences four (4') feet in height or greater, when located outside of the required front yard and in front of the principle structure, shall be at least 50% non opaque in nature and constructed so as not to create the appearance of a wall in the front of the house.

3. Fences along a lot line adjacent to an expressway may be twelve (12) feet in height. Construction details for any wall or fence taller than six (6) feet shall be submitted to the Building Department for evaluation with the permit application.
4. **The Planning Director shall have the discretion to permit the repair or replacement of fences up to 6' in the required street side yard.**

**B. Fence Design Temporary Fences**

1. ~~Fences and walls in the required front yard setback may be obscuring if they do not exceed four (4') feet in height.~~
2. ~~Fences four (4') feet in height or greater are permitted in the front yard, outside of the required front yard, provided that the entire fence located within the front yard shall be at least 50% non-opaque in nature and constructed so as not to create the appearance of a wall in the front of the house.~~
3. Temporary fences not associated with construction are prohibited.

**Section 7.04 -- WALLS IN-RESIDENTIAL DISTRICTS**

Walls shall be permitted in residential districts, subject to the following requirements:

1. **General Standards**  
The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall. Fill or berms shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted. When a wall and a berm are built in combination, the total height shall not exceed six (6) feet in height above grade.
2. **Walls in Front and Side Street Yards**  
Walls in front **yards** and **required** side street yards shall not exceed four (4') feet in height above grade.

**Section 7.05 – ENTRANCEWAY STRUCTURES**

1. **Entrance to Residential Developments**  
Residential development entranceway structures, such as walls or columns which mark the entrance to a single family subdivision, condominium, or multiple family development, shall be permitted in the required setback area, provided that:
  - a. Entranceway structures shall not exceed eight (8') feet in height and sixty-four (64) square feet in size.
  - b. Entranceway structures shall not be located in the street right-of-way or private street easement.
  - c. Approval of the Building Official and issuance of a building permit shall be required prior to construction.
  - d. Such structures shall not restrict emergency vehicle access.
2. **Entrances to Individual Residential Parcels**  
Residential entranceway structures, such as walls, columns or gates shall be permitted to mark the entrance to individual single family residential parcels.

## Section 12.03 -- INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall apply to the interpretation of zoning district boundaries:

- A. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center line.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following the corporate limits of the City at the time of the adoption of this Ordinance shall be construed as following such limits.
- D. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a change in shore line, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Zoning district boundaries that are shown as being a continuation of or parallel to a road centerline, alley centerline, plat boundary line, or other feature, shall be construed as being a continuation of or parallel to such a feature. Distances not specified on the official Zoning Map shall be determined using the scale on the map. All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way.
- F. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning **Board of Appeals Enforcement Officer** shall interpret the exact location of zoning district boundaries **with the recommendation of the City Planning Commission**.
- G. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

## Section 12.04 -- ZONING UPON ANNEXATION

Whenever any area is annexed to the City of Midland, one of the following conditions shall apply:

1. Where the newly annexed area was zoned previous to annexation, the then-existing zoning regulations for the annexed territory shall remain in full force and effect for a period of two (2) years after annexation, unless the City Council shall lawfully adopt another zoning by Ordinance.
2. Areas unzoned prior to annexation shall be considered for zoning in accordance with the provisions of State law and this Ordinance.

## Section 12.05 -- ZONING OF VACATED AREAS

Whenever any street, alley, or other public way within the City of Midland is vacated by action of the City Council, and when the lands within the boundaries become a part of lands adjoining the vacated

## ARTICLE 14.00

# **RA-1, RA-2, RA-3, RA-4, ONE SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICTS**

### **Section 14.01 -- STATEMENT OF PURPOSE**

The intent of the Residential Districts is to primarily provide for single family and two-family detached residential development. The RA-1, RA-2, RA-3, and RA-4 Districts have different minimum area, density, and building placement requirements to provide different housing types to accommodate the varied needs of the population.

It is further the intent of these Districts to permit a limited range of uses that are related to and compatible with residential land use, and which would contribute to the richness and stability of neighborhoods. Uses that would interfere with the quality of single family residential life are prohibited in these Districts.

### **Section 14.02 -- PERMITTED USES AND STRUCTURES**

#### **A. Principal Uses and Structures**

In all areas zoned RA-1, RA-2, RA-3, or RA-4, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Single family detached dwellings.
2. Two-family detached dwellings in the RA-4 District only.
3. Public or semi-public cultural facilities.
4. Fire Stations.
5. Schools.
6. Parks.
7. Adult foster care family home, as defined in "Residential Care Facilities" in Section 2.02.
8. Family day care, as defined in "Residential Care Facilities" in Section 2.02.
9. Foster family group home, as defined in "Residential Care Facilities" in Section 2.02.
10. Foster family home, as defined in "Residential Care Facilities" in Section 2.02.

#### **B. Accessory Uses and Structures**

## ARTICLE 15.00

# RESIDENTIAL B – MULTIPLE-FAMILY **RESIDENTIAL** DISTRICT

### Section 15.01 -- STATEMENT OF PURPOSE

The intent of the Residential B – Multiple Family **Residential** District is to address the varied housing needs of residents by providing areas for attached housing at a higher density than is permitted in any of the Residential Districts. It is intended that multiple family housing: 1) be designed with essential services, such as public water and sewer, and outdoor recreation space and recreation facilities; 2) have access to roads that can adequately handle the traffic generated by such uses; and 3) be designed to be compatible with surrounding uses, especially when a Multiple Family **Residential** District serves as a transitional use between single family residential development and more intensive development.

### Section 15.02 -- PERMITTED USES AND STRUCTURES

#### A. Principal Uses and Structures

In all areas zoned Residential B, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Fire Stations.
2. Schools.
3. Parks
4. Social Service Agencies

#### B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Residential B District shall be permitted, subject to the provisions in Section 3.03:

1. Home occupations, subject to the provisions in Section 3.06.
2. Signs, subject to the provisions in Article 8.00.
3. Off-street parking, subject to the provisions in Article 5.00.
4. Uses and structures incidental to the primary use.
5. Small Wind Energy Systems.

#### C. Permitted Uses with Special Standards

In all areas zoned Residential B District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

## ARTICLE 21.00

**NC - NEIGHBORHOOD COMMERCIAL DISTRICT**

**CC - COMMUNITY COMMERCIAL DISTRICT**

**RC - REGIONAL COMMERCIAL DISTRICT**

**D - DOWNTOWN DISTRICT**

**D-O - DOWNTOWN OVERLAY DISTRICT**

**C - CIRCLE DISTRICT**

**DNO - DOWNTOWN NORTHSIDE OVERLAY  
DISTRICT**

### **Section 21.01 -- STATEMENT OF PURPOSE**

The intent of the Commercial Districts is to provide for a variety of commercial uses, including retail, office, restaurant, and service uses, to serve the needs of residents of the City and surrounding communities. The Zoning Ordinance provides for **six five** Commercial Districts **and two Overlay Districts**, which vary based on the intended target market, the permitted intensity of use, and the range of products and services offered by permitted uses. It is intended that uses in the Commercial Districts exhibit high standards of site planning and landscape design so as to achieve compatibility with surrounding uses.

The purposes of the individual Commercial Districts are as follows:

#### **NC - Neighborhood Commercial District**

The purpose of the Neighborhood Commercial District is intended to provide locations for businesses that meet the day-to-day shopping and service needs of residents in surrounding neighborhoods. Wherever possible, Neighborhood Commercial uses should be designed to fit into the fabric of the surrounding neighborhood, by giving special consideration to site layout, building design, pedestrian orientation, traffic patterns, exterior lighting, and similar site and building characteristics. Intensive commercial uses that generate large volumes of traffic or that have other characteristics that would adversely affect the quality of surrounding residential areas are not appropriate in the Neighborhood Commercial District.

#### **CC - Community Commercial District**

The purpose of the Community Commercial District is to provide for commercial development that offers a broad range of goods and services to meet the convenience and comparison shopping needs of residents. Because of the variety of business types permitted in the CC District, special attention shall be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining uses. An effort should be made to achieve design compatibility between adjoining commercial uses.

**TABLE 21.1: TABLE OF PERMITTED USES**

Use	Districts Where Permitted										Comments
	D	D-O	DNO	C	NC	CC	RC				
P = Principal Permitted Use S = Principal Permitted Use with Site Development Standards, see Article 9.00 C = Conditional Land Use, see Article 28.00 C/S = Conditional Land Use with Special Standards, see Article 9.00 and Article 28.00 A = Accessory use, subject to the provisions in Section 3.03 No Symbol = Use is not permitted											
<b>Coffee shops</b>	P	P	P	P	P	P	P	P	P	P	To be regulated in the same manner as a restaurant
Convenience stores	P	P	P	P	P	P	P	P	P	P	
Dressmaking/Tailoring	P	P	P	P	P	P	P	P	P	P	
Dry cleaning drop-off and pickup locations	P	P	P	P	P	P	P	P	P	P	No dry cleaning processing activity may occur on-site
Funeral homes	P										
Greeting card and gift stores	P	P	P	P	P	P	P	P	P	P	
Grocery Store	C	C	C	C	C	C	C	C	C	C	
Hardware, floor covering, paint, kitchen and bath store	P	P	P	P	P	P	P	P	P	P	Not larger than 20,000 sq. ft. in gross floor area - larger stores shall be considered a home improvement center.
Home improvement center				P					C	P	Lumber yards are permitted as an accessory use, except in the C District
Hotels	P	P	P						P	P	
Motels									P	P	
Interior decorator studios	P	P	P	P	P	P	P	P	P	P	
Music, art, and dance studios	P	P	P	P	P	P	P	P	P	P	
Outdoor sales and display of merchandise, vehicles, boats, trailers, modular homes and other buildings, and swimming pools									C	P	
Outdoor sales of nursery stock, garden supplies, and produce									C	P	
Personal service establishments	P	P	P	P	P	P	P	P	P	P	
Pet shops	P	P	P	P	P	P	P	P	P	P	
Pharmacies and drug stores without drive up windows	P	P	P	P	P	P	P	P	P	P	
Pharmacies and drug stores with drive up windows	P	P	C	P	P	P	P	P	P	P	
Photographic studios	P	P	P	P	P	P	P	P	P	P	
Radio and television studios and offices, with broadcasting towers									C/S	C/S	Any such use shall be subject to the provisions in Section 3.16.
Radio and television studios and offices, without broadcasting towers	P								P	P	



## Section 21.03 -- DEVELOPMENT STANDARDS

### A. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 27.00.

### B. Required Conditions for Uses in the NC and C Districts

Unless otherwise noted, buildings and uses in the NC (Neighborhood Commercial) and C (Circle) Districts shall comply with the following requirements:

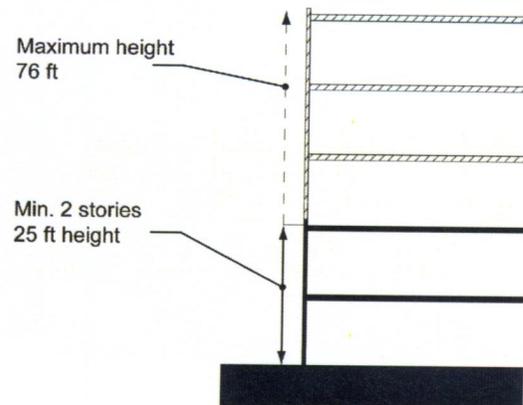
1. All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
3. There shall be no outside storage of any goods, inventory, or equipment. Any storage shall be clearly accessory to the principal permitted use.
4. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear **yard** only. This provision shall apply to operable vehicles **that** are moved on and off of the site on a regular basis.
5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.
6. In the C District, no single use shall have more than 20,000 square feet in gross floor area.
7. All uses in the NC District shall comply with the hours of operation requirements as established in the City of Midland Code of Ordinances.

### C. DNO Area, Height, Bulk, and Placement Regulations

1. **Building Height.** All buildings shall meet the following height requirements:

Minimum Building Height	2 stories and 25-foot minimum building height along the street frontage.
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Maximum Building Height	76-foot maximum building height.
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Use	Districts Where Permitted		Comments
	A	B	
P = Principal Permitted Use S = Principal Permitted Use with Site Development Standards, see Article 9.00 C = Conditional Land Use, see Article 28.00 C/S = Conditional Land Use with Special Standards, see Article 9.00 and Article 28.00 A = Accessory use, subject to the provisions in Section 3.03			
Mini-warehouses	S		Any such use shall be subject to the provisions in Section 9.02.H
Mobile and modular home sales and service	P		
Offices	A	A	
Off-street parking	A	A	Subject to the provisions in Article 5.00
<b>Open storage yards</b>	<b>P</b>	<b>P</b>	<b>Subject to the provisions of Section 9.02.J</b>
Parking lots and parking structures	A	A	
Places of Worship	P	P	
Public utility facilities	P	P	Any such use shall be subject to the provisions in Section 9.02.K
Radio and television studios and offices, with broadcasting towers	C	C	
Radio and television studios and offices, without broadcasting towers	P	P	
Recycling center	P	P	
Repair service establishments of all types	P	P	
Research and testing laboratories	P	P	
Restaurants	P	P	
Sanitary landfills	P	P	
Signs	A	A	Subject to the provisions in Article 8.00
Solar Energy Generating Facilities	P	P	
Taxi and bus dispatch centers, not including storage or repair terminals	P		
Telephone exchange buildings, shops, and yards	P	P	
Truck and heavy equipment sales and service	P	P	
Vocational, technical and trade schools	P		
Veterinary clinics	P		Outdoor kennels are permitted as an accessory use
Warehousing	P	P	
Water and sewage treatment plants	P	P	
Wholesale and distributing establishments, distributing centers	P	P	

**TABLE 26.01**

Zoning District	Lot Minimum		Max Height (Feet)	Minimum Setback Requirement (in feet)				
	Area (Sq. Ft.)	Width (Feet)		Front	Rear	Side	Both Sides	Side Street
Agricultural	14,000	100	28 b	30 a, b	35 a, b	10 a, b, d	20 a, b	20 a, b, e
Residential A-1	12,000	80	28 b	30 b, c	30 b	8 b, d	20 b	20 b, e
Residential A-2	9,000	70	28 b	30 b, c	30 b	8 b, d	20 b	20 b, e
Residential A-3	7,200	60	28 b	25 b, c	25 b	7 b, d	16 b	15 b, e
Residential A-4								
1 Family	7,200	60	28 b	25 b, c	25 b	7 b, d	16 b	15 b, e
2 Family	9,000	60	28 b	25 b, c	25 b	7 b, d	16 b	15 b, e
Residential B								
1-2 Family Boarding Houses: 3-8 Boarders	7,200	60	28	25	25	5 d	14	10 e
Multi-Family: 3-6 Units Boarding Houses: 9+ Boarders)	10,000 f	70	28 g	25 g, i	25 g, h, i	10 d, g, h, i	20 g, h, i	15 e, g, i
Multi-Family: 7+ Units All Other Permitted Uses	10,000 f	70	28 g	25 g, i	25 g, h, i	25 d, g, h, i	50 g, h, i	25 e, g, i
Residential D								
Community	12,000	100	28 p	30	25 j	25 d, j	50 j	30
Office Service	7,200	60	28k	25 k	25 k, m	7 d, k, l, m	16 k, l, m	25 k
Neighborhood Commercial NC	none	none	28	25	l	l	l	25
Community Commercial CC	none	none	28	25	n	n	n	25
Regional Commercial RC	none	none	none	25	n	n	n	25
Downtown D	none	none	76	none	l	l	l	none
Downtown Overlay D-O	none	none	none (min. ht. of 2 stories)	none	none	none	none	none
Downtown Northside Overlay DNO	none	none			See 21.03.C.7			
Circle C	none	none	36	none	none	none	none	none
Industrial A	none	none	none	25	o	o	o	25
Industrial B	none	none	none	25	o	o	o	25
LCMR	none	150	45 p	20 p, q	20 p, q, r	20 p, q, r	40 p, q, r	20 p, q

residential district or the building exceeds twenty-five (25) feet in height. Required setbacks are as follows:

Circumstance	Required Setback (Side and Rear)
Abuts Single Family District	25 ft.
Exceeds 25 feet in height 1-3 stories	25 ft.
Exceeds 25 feet in height 4 Stories	25 ft. 36 ft. when adjacent to single family residential zoning district
Exceeds 25 feet in height 5 Stories or more	36 ft. 54 ft. when adjacent to single family residential zoning district

o. **Required Side and Rear Yard Setback in IA and IB Districts (Adjacent to Residential Districts):** If the side lot or rear lot line abuts any Residential District, a one hundred (100) foot side yard setback or rear yard setback shall be provided from that lot line.

p. **Additional Setback Required for Building over 28 feet in the LCMR and COM Districts:** For buildings over twenty-eight feet, or two stories in height, in the LCMR and COM districts all required setbacks shall be increased according to the following table:

Building Height	Additional Setback Required (All Yards)
<b>Up to</b> 3 Stories	18 ft.
4 Stories	36 ft.
5 Stories or more	54 ft.

q. **Additional Minimum Setbacks in the LCMR District:** When abutting a major or secondary thoroughfare, or adjacent to a Residential and Community district, the following minimum setbacks shall be provided from the lot line:

Circumstance	Required Setback	Prohibited in Required Setback
Abuts major or secondary thoroughfare	50 ft.	Parking
Adjacent to Residential District	25 ft.	Parking and Commercial Driveways
Adjacent to Community District	25 ft.	Parking and Commercial Driveways

r. **Parking Permitted:** Parking is permitted in required rear and side yards.

s. **All residential dwellings must maintain a 25 foot front yard setback.**

# ARTICLE 27.00

## SITE PLAN REVIEW

### Section 27.01 -- INTENT

The site plan review procedures and requirements in this Section are intended to achieve the following:

1. Provide a consistent and uniform method of review of certain proposed development plans;
2. Ensure full compliance with the regulations and standards in this Ordinance and other applicable ordinances and laws, including the Building Code enforced by the City;
3. Ascertain that significant redevelopment complies with current standards;
4. Create an accurate record of approved development;
5. Achieve efficient use of the land;
6. Protect natural resources; and
7. Mitigate adverse impact on adjoining or nearby properties.

### Section 27.02 -- SITE PLAN REQUIRED

#### A. Site Plan Required

Except as provided in the following subsection B, the construction of any new structures, development of any new use, and all other building or development activities shall require site plan approval pursuant to this Section. Site plan review shall be required for the following activities:

1. Erection, relocation, conversion or structural alteration to a building or structure to create an additional seventy five hundred (7,500) square feet of gross floor space, other than a single family dwelling or two family dwelling.
2. Development of all non-single family residential uses permitted in single family districts, regardless of the building square footage.
3. Expansion or paving of off-street parking involving twenty-six (26) or more spaces. All proposed parking lots and parking lot expansions are subject to the parking lot review and approval process in Section 5.01.D(1).
4. Mobile home parks shall be reviewed in accord with the standards set forth in this Article unless contrary to provisions of the Mobile Home Commission Act 1987, PA 96, as amended, and the Mobile Home Commission Rules.
5. All site condominium projects where four (4) or more detached dwelling units are proposed.
6. Erection, relocation, conversion or structural alteration to a building or structure that will result in a change in access provisions to adjoining streets.
7. Erection, or structural addition of at least one thousand square feet (1,000) of gross floor area to a commercial, industrial or office building or structure when located directly adjacent to RA-1, RA-2, RA-3, or RA-4 Residential Zoning districts.

**B. Site Plan Not Required**

Notwithstanding the preceding subsection A, site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. Construction of any structure, building or addition to an existing building or structure with less than seventy five hundred (7,500) square feet of gross floor area, so long as the addition does not increase the existing building's gross floor area above 7,500 square feet, in aggregate.
3. Construction of any addition to an existing building or structure to create not more than an additional seven thousand five hundred (7,500) square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.

**C. Administrative Site Plan Review**

All activities, which meet the criteria listed in subsection B(2) shall still-require an administrative site plan review by city staff to determine compliance with this ordinance and other city codes and ordinances. Submission requirements for administrative site plans shall be the same as other site plans, except that this review shall only be conducted by city staff and approved by the Planning and Community Development Department. Applicable review fees may be required per Chapter 21 of the Midland Code of Ordinances.

## **Section 27.03 -- SITE PLAN REVIEW APPLICATIONS AND PROCEDURES**

**A. Review and Approval Authority**

All site plans shall be reviewed by the Planning Commission and approved by the City Council following the procedures set forth in the following Section 27.04. The City Council shall have the authority to approve, approve with conditions, or deny all site plans.

**B. Submission of Site Plan for Formal Review and Approval**

In order to initiate formal review by the Planning Commission, the applicant shall submit the following materials:

1. One (1) completed and signed copy of the Application for Site Plan Review,
2. Six (6) legible copies of the site plan on sheets at least 24 inches by 36 inches, two (2) copies of the site plan on sheets at least 11 inches by 17 inches, and one (1) digital copy of the site plan that includes a colored rendering of the site plan and elevations when available.
3. Evidence shall be submitted to show that the plans have been submitted to governmental agencies that have jurisdiction over any part of the development, including, but not necessarily limited to: Midland County Road Commission, Midland County Drain Commissioner, and Midland County Health Department, Michigan Department of Transportation, Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
4. The required review fee as established by Chapter 21 of the City of Midland Code of Ordinances.

# Memo



**To:** Planning Commission Members  
**From:** C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services  
**Date:** March 17, 2016  
**Re:** Annual Zoning Ordinance Updates 2015/16

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## **BACKGROUND:**

Each year a list of zoning amendments is compiled to improve the zoning text and reflect current needs, identified problems and recommendations from the Zoning Board of Appeals based on cases heard. Draft text amendments were first introduced in October of 2015. Based on the discussions from that meeting and subsequent staff research, updated text amendments were provided for consideration on January 26, 2016. Final revisions are now presented based on the additional feedback provided at the last meeting.

Text amendments are presented within the content of the existing zoning ordinance language. Text proposed to be deleted is noted in ~~strikethrough~~, while text proposed to be added is noted in **bold underline**.

## **SUMMARY OF REVISED TEXT AMENDMENTS:**

The following provides a summary and proposed text amendments that reflect revisions since these amendments were last considered.

### **Article 2 – Definitions**

Accessory Structure, Attached – several changes were made in the earlier draft to correct references to accessory building and accessory structure. Not included, but pointed out at the last meeting, was the current defined term of Accessory Building, Attached. The correct reference here should be Accessory Building, Attached.

**ACCESSORY ~~STRUCTURE BUILDING~~, ATTACHED:** An accessory building that is physically joined to the principal ~~structure building~~ by a wall, roof, rafter, or other structural component.

Animal, Exotic – Staff was asked to include revised language permitting exotic animals that are confined to a cage or other method of containment. This language, has been added. An additional standard requiring that such cage or containment be within the residence is also proposed to avoid outdoor pens or cages.

**ANIMAL, EXOTIC:** Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as

gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, hippopotamuses and elephants); all hyaena all pinniped (such as seals and walruses); all venomous snakes and all snakes of the families Boidae and Pythonidae; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and owls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodilian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas, scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and Cheloniidae; wild or non-domesticated animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations . **An exotic animal excludes: 1) animals confined to a cage or other method of containment throughout their lifetime, provided such cage or other method of containment is located wholly within a residence; and 2) domestic animals as defined by this ordinance. Exotic animals may not be kept for domestic purposes in any zoning district.**

Housing for the Elderly and the Disabled – Our last discussion centered on the word “institution” used in the definition. Although no direction was provided at that time, staff has further reviewed this definition and determined that it would be appropriate to replace the word “institution” with the word “facility”. This minor change removes any concern about defining senior apartments as an institution.

**HOUSING FOR THE ELDERLY AND THE DISABLED:** An institution other than a hospital, **or** hotel **or nursing home**, which provides room and board to non-transient persons. Housing for the elderly and the disabled may include the following:

### **Article 3 – General Provisions**

Section 3.03 Accessory Structures – Considerable discussion took place regarding the terms accessory building and accessory structure and the sometimes subtle differences between the two. Based on that discussion, and several changes that will be made within the various provisions of Section 3.03, it would be appropriate to change the title of this section to reflect the full scope of the regulations.

#### Section 3.03 – ACCESSORY **BUILDINGS AND** STRUCTURES

Section 3.03.A.3 Attached Accessory Structures - Following discussion, it was determined and directed by the Planning Commission that the provisions of this section apply to accessory buildings and structures

#### **Attached Accessory **Buildings and** Structures**

Unless otherwise specified in this Section, accessory **buildings and** structures which are attached to the principal **building or** structure (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building or structure for the purposes of determining conformance with area, setback, height, and bulk requirements.

**Article 7 – Walls and Fences**

Following a lengthy discussion on this section, it was directed that walls and fences in the front yard (extending from the front of the structure to the street) will not be permitted to exceed four (4) feet in height. It was further directed that permission from the Planning Director to erect a fence up to six (6) feet in height in the side yard setback would be restricted to instances where such fence was being repaired or replace. Finally, due to the front yard fence height limitation, all references to the opacity of a fence in the front yard were deemed unnecessary and direction was provided to remove such provisions. The changes needed to give effect to these directions are as follows:

**Table 7.1: REQUIRED OBSCURING WALL OR FENCE HEIGHT**

Location, Use or Zone	Maximum Height from Grade <sup>a</sup>	Comments
Residential District	6 feet	May not exceed 4 feet in any front yard. The front yard extends from the front property line to the front face of the principal structure.

**Section 7.03 – WALLS AND FENCES IN RESIDENTIAL DISTRICTS**

Fences in Residential Districts may be located in the required front, side or rear yard subject to the following requirements:

**A. Height**

All fences shall not exceed six (6) feet in height above grade except for the following:

1. Fences located in required front or required side street yards shall not exceed four (4') feet in height above grade.
2. Fences ~~four (4') feet in height or greater, when~~ located outside of the required front yard and in front of the principle structure, shall be at least 50% non opaque in nature and constructed so as not to create the appearance of a wall in the front of the house.
3. Fences along a lot line adjacent to an expressway may be twelve (12) feet in height. Construction details for any wall or fence taller than six (6) feet shall be submitted to the Building Department for evaluation with the permit application.
4. The Planning Director shall have the discretion to permit the repair or replacement of fences up to 6' in the required street side yard.

**B. Fence Design Temporary Fences**

1. Fences and walls in the required front yard setback may be obscuring if they do not exceed four (4') feet in height.
2. Fences four (4') feet in height or greater are permitted in the front yard, outside of the required front yard, provided that the entire fence located within the front yard shall be at least 50% non opaque in nature and constructed so as not to create the appearance of a wall in the front of the house.
3. Temporary fences not associated with construction are prohibited.

**Article 27 – Site Plan Review**

Section 27.02.B.2 (page 27-2) – Consideration of an alternative standard utilizing percentage of building expansion was previously requested. Upon review, staff was unable to develop a standard that was reasonable and simple to apply.

Presented previously was the concept of a stepped level of site plan review. As presented in January, any development that crossed a minimal threshold of 7,500 square feet would trigger full site plan review. Thereafter, any addition or aggregate of additions that would have exceeded an additional 15,000 square feet would have triggered a further full site plan review process. Smaller additions not meeting these threshold standards would have required only administrative site plan review. This concept was rejected by the Planning Commission.

Following discussion, it was the direction of the Planning Commission that any addition or aggregate of additions exceeding 7,500 square feet should be subject to full site plan review. Based on this direction, it was further directed that additions which pushed total square footage past 7,500 square feet but did not increase total building size by at least 7,500 square feet would require only administrative review. The following text amendments are required to give effect to this direction:

**B. Site Plan Not Required**

Notwithstanding the preceding subsection A, site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. ~~Construction of any structure, building or addition to an existing building or structure with less than seventy five hundred (7,500) square feet of gross floor area, so long as the addition does not increase the existing building's gross floor area above 7,500 square feet, in aggregate.~~
3. **Construction of any addition to an existing building or structure to create not more than an additional seven thousand five hundred (7,500) square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.**

**NEXT STEPS:**

The text amendments presented at this time require Planning Commission review and discussion. Once the Planning Commission is generally satisfied with the proposed text, both these and the previously approved text amendments will be forwarded to the City Attorney for his review and approval. A public hearing will then be scheduled and public notice of that meeting will be provided. Only following the public meeting can a recommendation be made to City Council.

# Memo



**To:** Planning Commission Members  
**From:** C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services  
**Date:** January 20, 2016  
**Re:** Annual Zoning Ordinance Updates 2015/16

---

## **BACKGROUND:**

Each year a list of zoning amendments is compiled to improve the zoning text and reflect current needs, identified problems and recommendations from the Zoning Board of Appeals based on cases heard. Draft text amendments were first introduced in October of 2015. Based on the discussions from that meeting and subsequent staff research, updated text amendments are now provided for consideration.

Text amendments are presented within the content of the existing zoning ordinance language. Text proposed to be deleted is noted in ~~strikethrough~~, while text proposed to be added is noted in **bold underline**.

## **SUMMARY OF PROPOSED TEXT AMENDMENTS:**

The following summary is intended to explain changes to the proposed text amendments since this was last considered. Text amendments presented previously that were not questioned remain included in the attached documents but are not discussed in this summary report.

### **Article 2 – Definitions**

Accessory Building and Accessory Structure – considerable overlap in the definitions previously existed. Clarification intended to make the distinctions between an accessory building and an accessory structure are proposed.

Animal, Exotic – Staff was asked to investigate whether a shorter, more concise definition could be utilized. Discussions with the City Attorney indicate that the detail included in this definition is important for application and enforcement purposes. He did recommend, however, that greater distinction be added to differentiate domestic and exotic animals. Changes to each of these definitions, as generally recommended by the City Attorney, are therefore provided for consideration.

Animal, Farm – Possible conflict with the reference to swine and the city's ordinance allowing for miniature pigs was raised during our last discussion. Direct reference to that ordinance and exemption from the definition is now proposed to address this conflict.

Restaurant, Fast Food – To address and permit coffee shops in the table of permitted uses under the standard restaurant provisions, the definition of fast food restaurant needed to be expanded to include reference to both food and beverages. The proposed change is now presented for review.

### **Article 3 – General Provisions**

Swimming pools – Swimming pools were found to be generally and appropriately regulated through the accessory structure standards of the current ordinance. It was determined, however, that the definition of accessory building included reference to pump houses. After review, it would be more appropriate to regulate these as accessory structures. The single impact of this change would be to remove pump houses from the restrictions of Section 3.03.B.5, wherein only one accessory building could be permitted.

### **Article 5 – Parking and Loading**

Section 5.01.C.9.d Circle District Standards (page 5-8) – The current language provides for the provision of parking within 500 feet of the subject site in the Circle District. Reservations about this distance were raised and staff was asked to investigate the history of this standard. As explained at our last meeting, this standard has existed since the ordinance was adopted in 2004. A review of the previous ordinance, adopted in 1969, shows that a similar standard existed but required measurement from the nearest part of the building instead of the site. A change restoring the previous ordinance intent is included. Discussion of whether or not to include this standard at all is encouraged.

### **Article 27 – Site Plan Review**

Section 27.02.B.2 (page 27-2) – Consideration of an alternative standard utilizing percentage of building expansion was requested. Upon review, staff was unable to develop a standard that was reasonable and simple to apply.

Also discussed was the concern about multiple building additions that could be approved administratively without ever requiring the more formal and public site plan review process. Proposed are text revisions that establish triggers for such review whenever a smaller building expands beyond 7,500 sq ft and whenever multiple additions, collectively, exceed 15,000 sq ft since the time of the last full site plan review. These revisions are intended to make certain that expanding facilities are reviewed through the more extensive site plan review process and subject to the current standards of public notice and input at appropriate stages of their development. At the same time, the 15,000 sq ft standard has been added so as to give recognition that smaller additions typically have much more limited impacts and should still be afforded the more timely administrative review process.

### **NEXT STEPS:**

The text amendments presented at this time require Planning Commission review and discussion. Once the Planning Commission is generally satisfied with the proposed text, the text amendments will be forwarded to the City Attorney for his review and approval. A public hearing will then be scheduled and public notice of that meeting will be provided. Only following the public meeting can a recommendation be made to City Council.

# Memo



**To:** Planning Commission Members  
**From:** C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services  
**Date:** 10/20/2015  
**Re:** Annual Zoning Ordinance Updates 2015/16

---

## **BACKGROUND:**

Each year a list of zoning amendments is compiled to improve the zoning text and reflect current needs, identified problems and recommendations from the Zoning Board of Appeals based on cases heard. Attached are the proposed text amendments for 2015/2016.

Text amendments are presented within the content of the existing zoning ordinance language. Text proposed to be deleted is noted in ~~strikethrough~~, while text proposed to be added is noted in ***bold italics***.

## **SUMMARY OF PROPOSED TEXT AMENDMENTS:**

The following summary is intended to help guide your review of the proposed text amendments and the intent of each amendment. This summary should be used together with the actual text amendments attached.

### **Article 2 – Definitions**

Accessory Building and Accessory Structure – Both definitions require reworking from what is presently included in the ordinance. Proposed ordinance language is being drafted but is not yet available.

Animal, Exotic – Previously defined but not regulated, this category of animals was originally intended to be prohibited. The proposed amendment addresses this intent.

Animal, Farm – Minor change to remove reference to another city ordinance that relates to enforcement action but is not required in this definition.

Fence – Clarification that a fence is not classified as an accessory structure and is therefore not subject to the same setback standards as an accessory structure.

Fortune Telling Establishment – removes definition as this term is not used within the zoning ordinance.

Housing for the Elderly and the Disabled – revises definition to clarify that a nursing home is considered to fall within the scope of a dependent housing facility.

Lot of Record – Clarification added that a lot must have been legally created to be defined as a lot of record.

Parking Structure – Minor typographical and sentence structure errors corrected.

Residential Care Facilities – Adult Foster Care – Adult foster care facility – replace the word “handicapped” with the word “disabled” to reflect language from the Americans with Disabilities Act.

Zoning Enforcement Officer – New definition added to clarify that the Director of Planning and Community Development, or designee, is the Zoning Enforcement Officer for the purposes of the zoning ordinance.

General – Correct several page number references on current pages 2-20 and 2-21. (not attached)

### **Article 3 – General Provisions**

Section 3.03.A.1 – Timing of Construction (page 3-3) – Construction scheduling sometimes requires the construction of an accessory building prior to the start of the principal building. City practice has been to permit this as long as a financial guarantee is posted that will cover removal of the accessory building if the principal permitted building is not started within a short period of time. This practice is not reflected in the current ordinance text. The proposed language will recognize this current practice and provide direct support for collection of the financial guarantee.

Section 3.03.B.5 – Number of Permitted Accessory Structures (page 3-5) – accessory structures, by definition, include things such as HVAC units, generators, garages, storage sheds, gazebos, etc. This specific ordinance standard is intended to regulate the number of accessory buildings, which is more narrowly defined to be things such as sheds, garages, gazebos, etc. Replacing the word “structure” in both the heading and the body of the standard with the word “building” is therefore proposed.

Section 3.03.D (page 3-5) – The section heading includes reference to several commercial zoning districts but does not include the DO and DNO overlay districts. The proposed text amendment replaces the individual district references with the more generic term “Commercial” to be fully inclusive of all intended districts.

Section 3.09.A.6.b (pages 3-11 and 3-12) – The text of this section is appropriate but the format and numbering makes interpretation of the section awkward. The section is proposed for reformatting for ease of interpretation.

Section 3.10.C.4 (page 3-13) – The current language speaks to one-way drives on commercial parcels that are not corner lots, but the existing language intent is unclear. The proposed text clarifies that a one-way drive may be permitted provided the two approaches comply with the requirements of the commercial driveway spacing standards.

Section 3.13.A Essential Services (page 3-23) – Essential services do not currently require review as conditional land uses or through the site plan review process. A single sentence in this text appears to imply that such a review may be required, but no provision in the ordinance supports that position. Removal of the first sentence in the second paragraph is therefore recommended.

Swimming pools – Swimming pools have a unique set of considerations applicable to them, including such matters as their pump houses and decks. The accessory structure standards are in need of review of these standards. Draft language is not yet prepared.

#### **Article 4 - Nonconformities**

Section 4.03.E Purchase or Condemnation (page 4-3) – the outdated reference to the City and Village Zoning Act needs to be replaced by referencing Michigan Public Act 110 of 2006 (the Michigan Zoning Enabling Act).

#### **Article 5 – Parking and Loading**

Section 5.01.A.1 General Applicability (page 5-1) – The Downtown and Circle Districts have different standards than prescribed for other areas of the city. Removing the word “may” in the second paragraph would therefore be appropriate. Further, section references are incorrect in the current text. Correcting the section references from subsections 5.01.C.9 and 5.01.C.10 to subsections 5.01.C.8 and 5.01.C.9, respectively, is required.

Section 5.01.B.7 Parking Lot Deferment (page 5-4) – the current standards provide authorization for the Planning Commission to defer the provision of parking spaces in the Industrial A and Agricultural Districts provided certain specified criteria can be satisfied. The intent is to minimize the provision of parking when it is not necessary and thereby reduce development costs. The limitation of this to the Industrial A and Agricultural zones, however, does not appear necessary. Broadening this discretionary authority to apply to all Industrial, Office, Commercial and Agricultural Districts is recommended for consideration.

Section 5.01.C.9.d Circle District Standards (page 5-8) - The reference to Section 5.01.B.8 requires correction to Section 5.01.B.5. The second sentence of this standard indicates that off-street parking may be provided within 500 feet of the subject site per Section 5.01.B.2.c. This section does not exist. Further research is being conducted to determine what the original intent of this ordinance language was.

**Article 6 – Landscaping and Screening**

Section 6.03.A.4 Screening (page 6-6) – for clarity and consistency with language used elsewhere in the zoning ordinance, the words “abuts directly upon” should be replaced with the words “abuts or is directly across the street from”. This change is consistent with past application of the ordinance standard when requiring screening between differing land uses.

**Article 7 – Walls and Fences**

Section 7.02.B Location (page 7-2) – the current language of this section is awkward and is inconsistent in its use of the terms “walls and fences” and “walls”. A rewriting of this section is proposed to address these matters and make application of the provisions more straightforward. The proposed language makes this clarification but does not change the intent of the original language.

Section 7.03 and Table 7.1 (pages 7-2 through 7-4) – current standards provide a mix of directives that result in inconsistent fencing standards in the front yard of a residence. It is proposed that the standards be revised to permit obscuring fences 4 ft or less in height in the full front yard. Fences beyond the front yard setback but still in front of the house would be permitted to a maximum of 6 ft in height and shall be non opaque in nature. Subsections 7.03.C (Walls) and D (Entranceways Structures) should be separated into their own set of standards, distinct from fences.

**Article 12 – Establishment of Zoning Districts**

Section 12.03.F (page 12-2) – as written, the first level of interpretation of an unclear zoning district boundary falls to the Zoning Board of Appeals. This standard should first provide for a staff level interpretation by the Director of Planning and Community Development. In cases of disagreement, such interpretation can be taken to the Zoning Board of Appeals based on a challenge of the staff-level interpretation.

**Article 14 – RA-1, RA-2, RA-3, RA-4, One and Two Family Residential Districts**

The article title now refers to One and Two Family Residential Districts. The proper reference should be to Single Family and Two Family Residential Districts for consistency with the zoning district names and to Article 12.

**Article 15 – Residential B Multiple Family District**

The article title now refers to Multiple-Family District. The proper reference should be to Multiple Family Residential District for consistency with the zoning district name and to Article 12. This reference correction should be continued throughout Section 15.01 Intent.

**Article 21 – Business Districts**

Section 21.01 Statement of Purpose (page 21-1) – language mid-paragraph refers to six commercial districts. The current ordinance format provides for 5 commercial districts and 2 commercial overlay districts. This correction is reflected in the proposed text update.

Table 21.1 (page 21-5) – coffee shops are listed as a permitted use in every district, as are restaurants. Restaurants with drive-in or drive-up windows are permitted subject to conditional land use approval and standards. No such distinction is in place for drive-in or drive-through coffee shops. Such uses should be subject to the same conditions as are drive-in or drive-through restaurants.

Table 21.1 (page 21-7) – offices on the first floor of a structure and offices on the second floor of a structure are each listed as a permitted use in every zoning district. As there are no standards that differ between these, the replacement of these listed uses with just “offices” is recommended.

Section 21.03.B.4 (page 21-10) – clarification of the existing text is offered to correct what appears to be typographic errors.

**Article 23 – Industrial Districts**

Table 23.1.C Table of Permitted Uses – Other Permitted Uses (page 23-3) - open storage yards are regulated in Article 9 (Section 9.02.J) but are not identified as a permitted land use in the Industrial districts. Such use should be added to both the Industrial A and B districts, as a permitted use with site development standards.

**Article 26 – Schedule of Regulations**

Table 26.01 (page 26-2) – the setback standards for the Agricultural district mistakenly reference footnote b. This is not correct and the footnote reference across this line in Table 26.01 should be removed.

Table 26.01 footnote p (page 26-5) – the current chart references building heights starting at 3 stories. Buildings having an overall structural height of 28 ft or higher but being less than 3 stories in height have inadvertently been omitted. It is recommended that the current “3 Stories” reference be changed to “Up to 3 Stories” to address this omission.

**Article 27 – Site Plan Review**

Section 27.02.B.2 (page 27-2) – this standard directs that any new construction (new building or addition to a building) less than 7,500 square feet in size is not subject to full site plan review. The current language, however, states that this provision only applies if the “addition” does not increase a building beyond this size in aggregate. This is

contrary to Section 27.02.A.1. Deleting the latter part of the text addresses this inconsistency and is therefore proposed in the attached text document.

**NEXT STEPS:**

The text amendments presented at this time require Planning Commission review and discussion. Further review of some points has been noted and will be presented at a future meeting.

Once the additional text noted has been prepared and the Planning Commission is generally satisfied with the proposed text, a public hearing will be scheduled and public notice of that meeting provided. Only following the public meeting can a recommendation be made to City Council.

# Memo



To: Planning Commission Members  
From: C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services  
Date: July 20, 2016  
Re: N. Saginaw Road Area – Master Plan Updates

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## **BACKGROUND:**

On April 12, 2016, Planning Staff presented a memo and draft recommendations for changes to the Future Land Use Map of the Master Plan, as it applies to the N. Saginaw Road area. Following Planning Commission discussion, those proposed map amendments were generally supported and staff was directed to move forward in our Master Plan review process with them. The next step, as noted at that time, was to mail property owners within the subject area, advise them of the changes being considered, and invite them to provide any comments or concerns they may have.

In response to the April mailing of the proposed changes noted above, two letters of concern were received from affected property owners. Those letters were received by the Planning Commission at the May 10, 2016 meeting. Also received at that time was direct comment from Tod and Valerie McCloy, the property owners of 7022 N Saginaw Rd. Following discussion, it was determined that their property would remain in a Commercial land use designation as it would provide them with greater flexibility for future use of the site and would be consistent with the surrounding land use designations. Prior to that meeting, and at the request of the property owners, direction had been provided to change the land use designation of their property to Medium Density Residential.

Also discussed at the May 10, 2016 Planning Commission meeting was the concept of access control and access management policies. Staff stated at the time that N. Saginaw Rd., as currently built, is not designed for multiple driveway access points without significant impact on the traffic utilizing this road. As such, staff recommended that access management policies be considered. Direction to proceed with a review of any needed policies was provided by the Planning Commission at that time.

## **ACCESS MANAGEMENT POLICIES**

Since May, staff has completed a review of the current Master Plan and all policies contained therein. In particular, the transportation policies of Chapter 6 were examined to determine what changes are necessary should access management policies be considered for adoption into the Zoning Ordinance at a later time.

Attached for your review are pages 6.13-6.16 of the current Master Plan. These pages contain the existing adopted Access Management and Traffic Calming policies of the city. They were last reviewed and updated in 2013 as part of our annual 5 year review of the Master Plan.

As written, the attached policies may be applied to any street within the city. They refer to the concerns about multiple driveways and also refer to various options or tools capable of addressing access control. These options/tools include spacing of access points, alignment of access points, intersection and traffic signal design, and shared access systems such as connected land uses, shared driveways, frontage roads and rear service drives. Collectively, these options/tools represent those most likely to be employed in zoning based access management control standards. As such, staff is of the opinion that the current Master Plan policies fully cover the needs of the city should future access management controls be implemented at the zoning ordinance level. No further revisions to the Master Plan are therefore needed or recommended.

**NEXT STEPS:**

The original intent of further discussing the N. Saginaw Rd area was to identify and propose appropriate access management policies for inclusion in the Master Plan. That has been determined to be unnecessary.

This meeting of the Planning Commission has, however, been noticed as a second informal public input session on the proposed Future Land Use Map changes within the N. Saginaw Rd area. While not a formal public hearing, staff would encourage any public comments offered to be considered and discussed at this time. This also represents the final opportunity for public comment on the proposed land use designations for this area before the proposed, updated Future Land Use Map is forwarded to City Council requesting authorization to begin the formal input and public hearing process that will lead to Planning Commission adoption of the updated Future Land Use map.



## Other Traffic Issues, Recommendations, and Opportunities

In addition to potential improvements to major streets noted above, there are some scattered problem areas identified by the public and through the review of data. While several physical and operational improvements to the transportation system are recommended, there are also several programs and procedures that may improve traffic and safety, especially in areas where road or intersection expansion is not feasible.

### Public Transportation

**Issues and Conditions:** Public transportation is provided to Midland residents by Dial-A-Ride Transportation (DART). DART provides demand-response transportation to destinations within the City limits. Demand-response service requires users to schedule rides a minimum of 60 minutes in advance or residents can schedule standing order service, meaning a consistent time and location. DART is available for use by all residents.

**Recommendation:** As Midland continues to grow, the feasibility and ridership of a fixed-schedule route or route network should be periodically evaluated. Connecting the City's residential areas with the Circle, Saginaw, Downtown, and Minor League Ballpark areas would provide a great community service and encourage use of alternate modes of transportation.

### Access Management

**Issues:** The proliferation of driveways along commercial corridor segments causes confusion, congestion, and crashes. Both of these predominantly commercial areas need retrofit access management plans and additional policies and regulations in place to address this issue and improve the long-term health of these corridors.

**Recommendations:** Access management is a set of techniques whose goal is to maintain efficient traffic flow, preserve the street's capacity, and reduce the frequency and severity of crashes while maintaining reasonable access to adjacent land uses. Careful placement (or relocation in the case of retrofit areas) of access points reduces conflicts with traffic using other access points and traffic flowing through intersections. The City should pursue a pilot access management plan for a select segment of street in the City. Saginaw and Eastman are two candidates that would have the biggest potential benefit of a corridor-specific access management plan. Access management usually involves tools to appropriately space access points or restrict problematic turning movements. These tools include the following items:

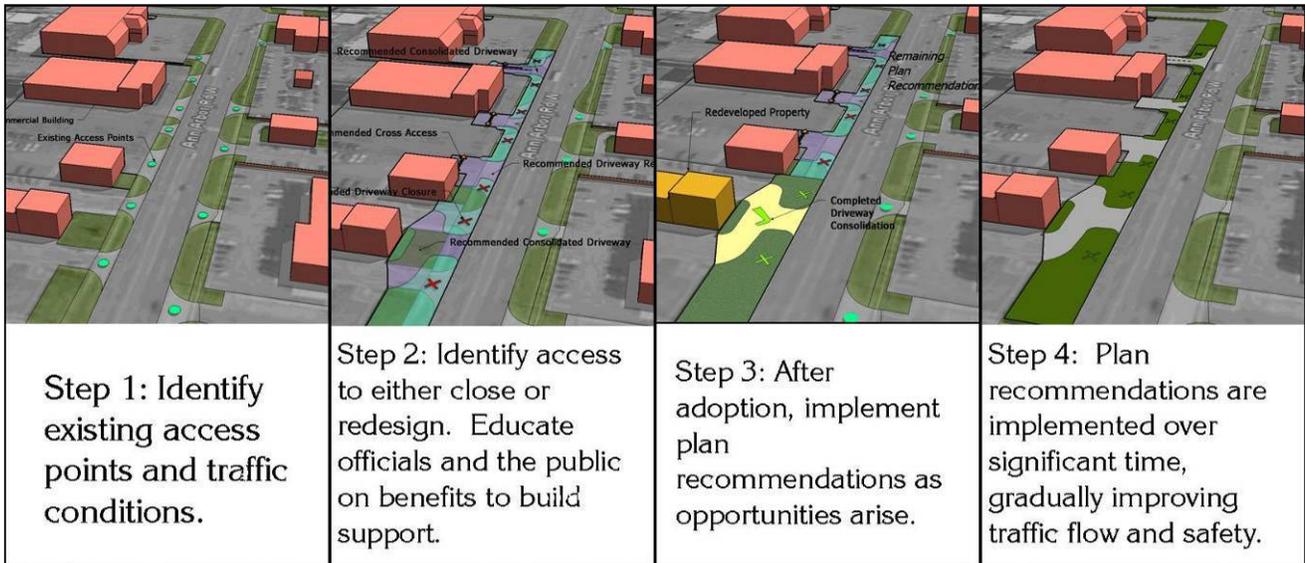
- Adequate spacing of access points along the same side of the street
- Alignment or spacing from access points on the opposite side of the street
- Placing commercial driveways a sufficient distance from intersections to minimize impact to intersection operations
- Geometric design such as channelized right turns to restrict certain turning movements (usually left turns) by use of a raised island,
- Location/spacing of traffic signals



- Shared access systems (connections between land uses, shared driveways, frontage roads or rear service drives)

The Access Management Plan and implementation process are illustrated in the graphic below.

**Figure 6.2: Access Management Plan**



Application of access management plans and regulations can provide several benefits to motorists, land uses, and non-motorists in the City of Midland. These benefits are most obvious if applied in a retrofit manner to corridor sections such as S. Saginaw Road and north Eastman Avenue (see specific recommendations on the Transportation Plan Map). The following is a list of benefits often resulting from an effective access management plan and ordinance language.

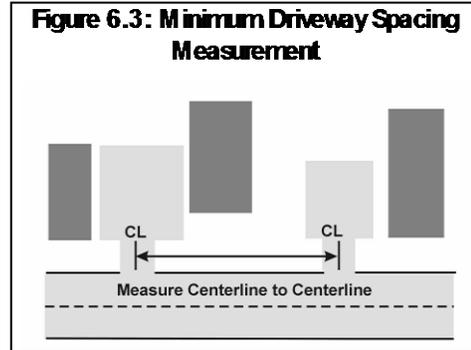
- Reduce crashes and crash potential
- Preserve or increase roadway capacity and the useful life of roads
- Decrease travel time and congestion
- Improve access to and from properties
- Ensure reasonable access to properties (though not necessarily direct access nor the number of driveways preferred by the landowner/developer)
- Coordinate land use and transportation decisions
- Improve environment for pedestrians and bicyclists (less driveways to cross)
- Improve air quality by reducing congestion and delays
- Maintain travel efficiency and related economic prosperity

Driveway spacing standards commonly used in local communities and State and county agencies in Michigan are noted in the table below (MDOT guidelines). Flexibility is encouraged only in



retrofit areas, where meeting spacing standard would be difficult. The main goal of the plan and ordinance is to improve safety and traffic flow by reducing the number of driveways in built-up areas regardless of the resulting driveway spacing.

<u>Posted Speed limit</u>	<u>Along arterials</u>	<u>Along other Roadways</u>
35 mph or less	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.



The Transportation Plan Map and Sample Area Map illustrates some specific recommendations for the two corridors identified as access management problem areas. The City should consider and incorporate the preceding standards into its regulations to help improve access conditions throughout the City.

Traffic Calming

**Issues:** The problem area is the perceived cut-through traffic and inappropriate high speeds for residential neighborhoods.

**Recommendations:** Traffic calming refers to roadway design features and strategies intended to reduce vehicle speeds and through traffic volumes on a street. Traffic calming measures can range from minor modifications of an individual street to comprehensive redesign of a street network. Only minor modifications of individual streets are needed to address the problem areas identified through the Master Plan process, but comprehensive standards for future developments are encouraged. The objectives of a traffic calming project typically include one or more of the following:

- Reduce traffic speeds
- Reduce cut-through traffic
- Increase safety
- Reduce traffic-related noise
- Enhance aesthetics of the street
- Consider needs of all residents and business owners
- Redefine the image of a neighborhood

Strategies or measures that can be part of a traffic calming toolbox include:

- Median islands
- Speed humps (not bumps) or speed tables
- Mid-block chokers (narrowing of the street)
- Chicanes
- Roundabouts



- Small Traffic Circles
- Pavement treatment
- Bike lanes
- Street trees
- Partial or full street closures

A successful traffic calming program involves educating staff planners and engineers about calming strategies. In addition, policies and guidelines for implementing traffic calming projects must be established and funding sources developed. Specific projects may be initiated by neighborhood requests (may be by petition), traffic safety programs, or as part of a community redevelopment project.

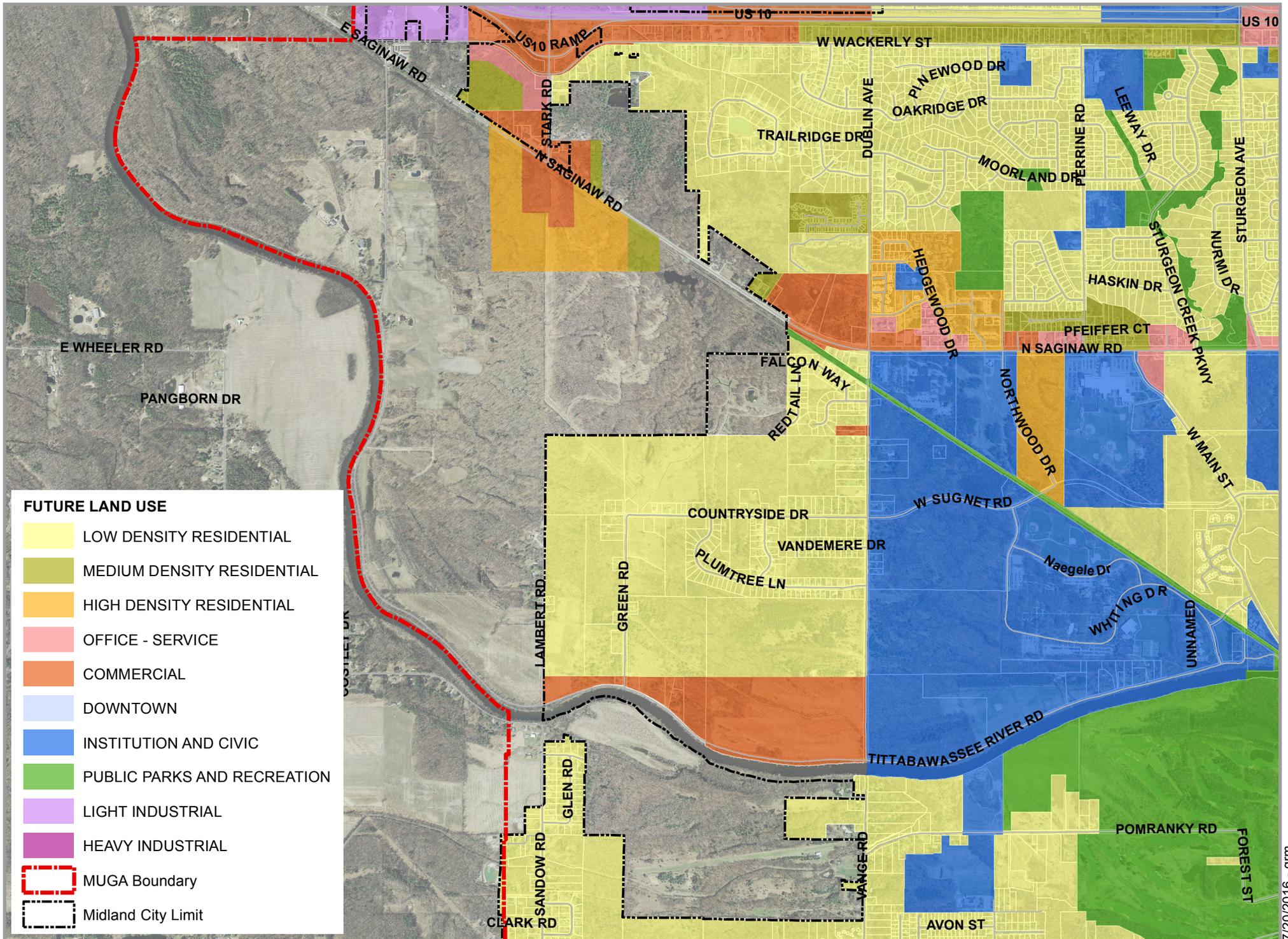
Due to the large number of neighborhoods in Midland with through roads, Midland should develop a traffic calming program to maintain safety and aesthetics of neighborhoods.

Based upon master plan input, a pilot traffic calming program should include portions of Dilloway at/near its approaches to Eastman Avenue and/or at Chapel near the school where speed and safety are a concern.

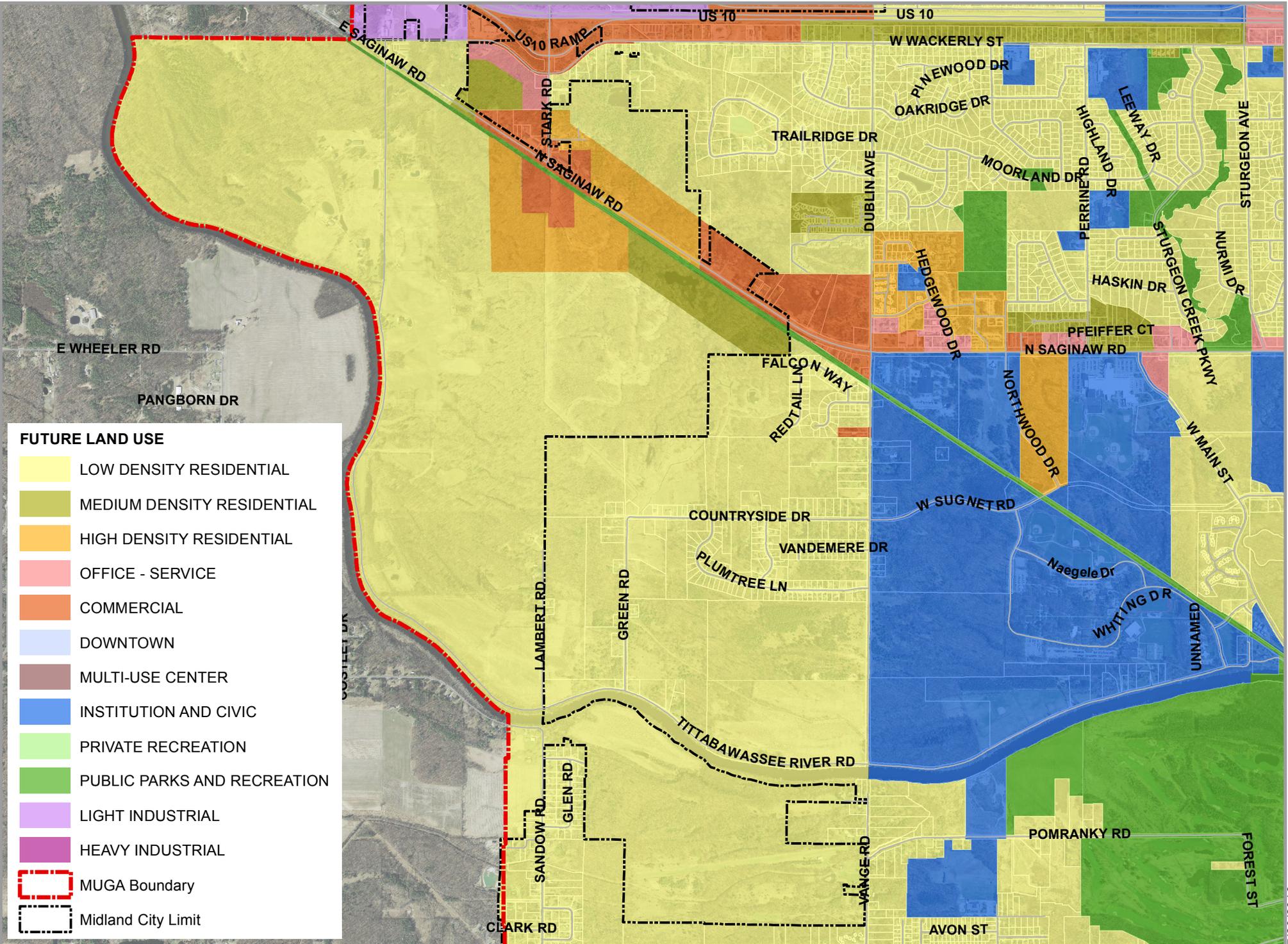
#### *New Transportation Model*

The City should take full advantage of the new transportation model (computer/software driven) that has been developed for the Midland area's major street system.—The model calibration has been updated. MDOT worked with City staff to ensure that the existing conditions model matches known street characteristics. Now, the City can request testing of various land use and roadway improvement alternatives and identify potential street system impacts. This model is an excellent tool to supplement and improve upon existing long-term traffic projections.

# Current Future Land Use | West End to MUGA



# Proposed Future Land Use | West End to MUGA



**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- MULTI-USE CENTER
- INSTITUTION AND CIVIC
- PRIVATE RECREATION
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- MUGA Boundary
- Midland City Limit

# Memo



To: Midland City Planning Commission

From: C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

Date: July 20, 2016

Re: Master Plan Update – Summary of Parcels Subject to Future Land Use Designation Change

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## **HISTORY:**

The City of Midland Master Plan was last updated in January of 2013. Since that time, several development applications and annexation petitions have raised concerns with the land use designations applied to specific parcels, or parcels surrounding them. As site specific reviews of the Future Land Use Map contained in the Master Plan are generally not advisable, the Planning Commission and Planning Staff have been identifying and listing the areas of concern since.

Late in 2015, it was determined that a review of all such parcels and concerns would be initiated. Although sooner than the 5 year review required by the Michigan Planning Enabling Act, the number of properties in need of review was felt to warrant this early review process. An early start to this process will also ease the wait time for parcels in need of land use designation changes to proceed forward with development.

### N. Saginaw Rd Area

The first specific area identified for review was the N. Saginaw Rd area, generally extending from Dublin Rd west to the Midland Urban Growth Area (MUGA) boundary. Beginning in December of 2015 and extending to the July 26, 2016 Planning Commission meeting, this area was reviewed and discussed by the Planning Commission in depth. Monthly with the exception of June, the Planning Commission received updated information and/or provided opportunity for public input on the land use designations being considered. The last of the reports prepared by Planning Staff will be considered by the Planning Commission at the July 26, 2016 meeting, prior to consideration of this report.

### N. Waldo Rd Area

In March and again in May of 2016, consideration was given to the current land use designations applicable along the N. Waldo Rd corridor located north of US-10. This review was initiated partially in response to a proposed retirement living facility in the area, and partially in response to concerns expressed by one of the property owners in this same area. While various options for re-designation were considered, it was ultimately determined that the Primrose Retirement Communities site would be changed from Low Density Residential to Medium Density Residential, but that no further changes would be made in the area at this time.

### Annexations

In addition to the above area specific reviews, a number of parcels have been annexed into the city limits since the Master Plan was last updated. Of those annexed parcels, three do not have current land use designations applied to them by the Future Land Use Map of the Master Plan. A summary of those parcels was requested by the Planning Commission in April of 2016 and presented on May 10, 2016. The parcels and their proposed land use designations are as follows:

Location	Property Owner	Parcel Acreage	Parcel History	Master Plan Designation	Proposed Designation
<b>Category 1 – Annexed parcels without current Future Land Use Map designation</b>					
5600 Falcon Way	Lyons	40	Annexation behind Hawks Nest	Not designated	Low Density Residential
1111 Vance Road	Carrick	3.5	Annexation of single lot	Not designated	Low Density Residential
6309 W Wackerly	Hellebuyck	2.53	Annexation of single lot	Not designated	Low Density Residential

### Development Proposals

As Planning Commissioners are aware, the Master Plan and the land use designations applied to specific parcels heavily influence the review of site specific development applications. In several cases over the past 3 years, our review of a development proposal has revealed the need for changes to the Future Land Use Map to better reflect our long range planning intentions for either the parcel subject to the application or for the surrounding properties.

As with the annexed properties described above, the Planning Commission requested a listing of all such parcels in April of 2016, and was provided that list on May 10, 2016. The list of such parcels, with the proposed land use designation changes, is as follows:

Location	Property Owner	Parcel Acreage	Parcel History	Master Plan Designation	Proposed Designation
<b>Category 2 – Properties Subject to or Adjacent to Recent Planning Application</b>					
4710 Eastman	4710 Eastman Road LLC	0.9	Adjacent to Wal-Greens – proposed RC zoning	Commercial	Office-Service
6001-6205 Woodpark Dr	Multiple Owners	10 separate parcels	Adjacent to proposed rezoning for Tim Horton's	Office-Service	Low Density Residential
2803 Orchard Dr	Dahlia Hill	0.5 (part)	Proposed COM zoning	High Density Residential	Institutional and Civic
410 W Indian St	Murray	0.14	Portion recently sold by City	Medium Density Residential & Downtown	Downtown
4203 W Main St	Northwood University	30	Proposed COM zoning	Multiple Designations	Institutional and Civic

Additionally, Planning Commissioners took up the question of how best to designate the front acreage of the Bennett Construction property located at 9203 N Eastman Ave. A

consensus of the Planning Commissioners was not reached, but direction was ultimately provided to identify the parcel frontage for Commercial purposes, with additional discussion to follow as the public input process proceeds.

**NEXT STEPS:**

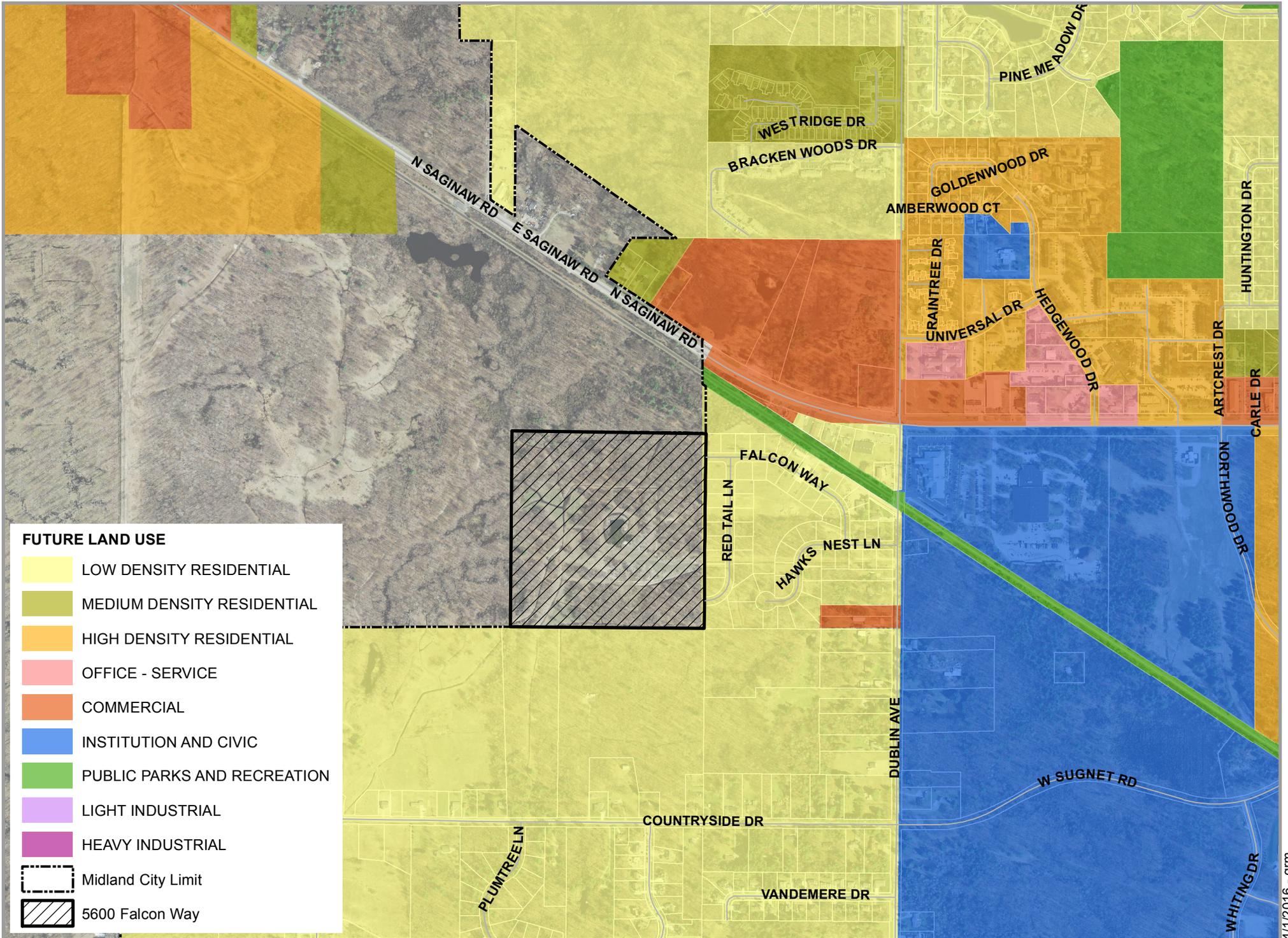
Maps showing each of the areas and/or properties discussed above are attached to illustrate the changes to the Future Land Use Map now being proposed. A consolidated and updated Future Land Use Map is also attached that includes each of the changes noted above.

Subject to any direction received from an earlier report on this agenda concerning the N. Saginaw Rd area, our initial review process is now complete and all recommended changes have been reflected on the draft Future Land Use Map attached. Although we have provided opportunity throughout our process to date for public input and comment, the formal public comment phase of this Master Plan update now needs to commence.

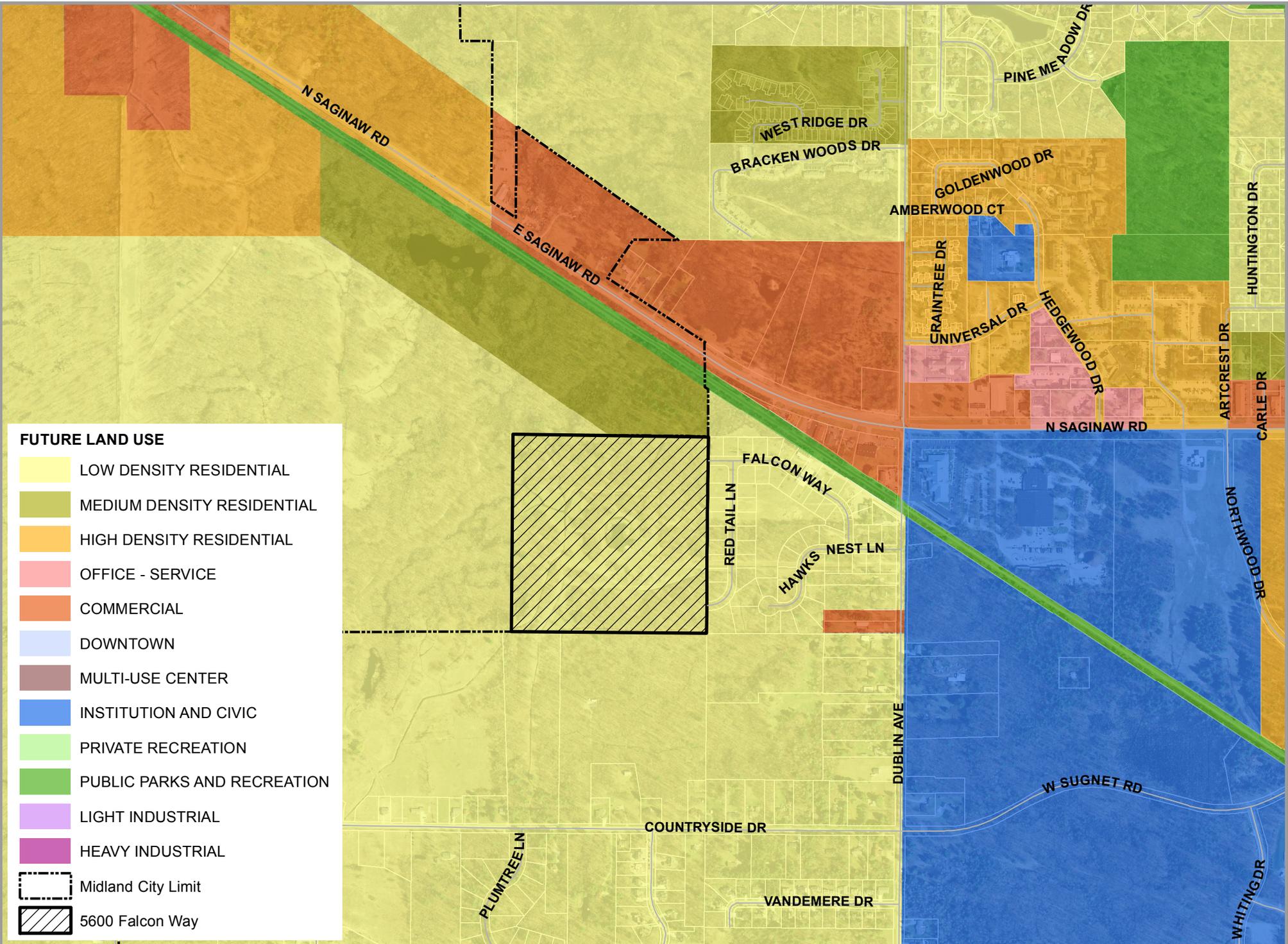
Provided the Planning Commission is satisfied with the attached Future Land Use Map in the form provided, the next step in the process is a motion recommending this map to City Council and requesting approval to circulate the proposed plan in compliance with the standards of the Michigan Planning Enabling Act. From there, City Council will take the matter up and determine whether to grant such approval, or not. If granted, the draft plan update will be circulated to all agencies and governmental units required under the Michigan Planning Enabling Act. Those agencies and units of government will have 42 days to provide comments to us on the draft plan. Any comments received will be presented to the Planning Commission for consideration at a future, fully noticed public hearing. Following completion of the public hearing and consideration of any public input received, Planning Commission consideration and adoption of this proposed Master Plan update can take place.

From the perspective of timing, should the Planning Commission recommend the draft Master Plan update to City Council on July 26, 2016, City Council would take the matter up at its August 15, 2016 meeting. If approved for circulation at that time, and accounting for the required circulation and public noticing requirement, it is anticipated that a public hearing before the Planning Commission would be scheduled for October 11, 2016. These dates are, of course, subject to change based on Planning Commission action and City Council agenda scheduling.

# Current Future Land Use | 5600 Falcon Way



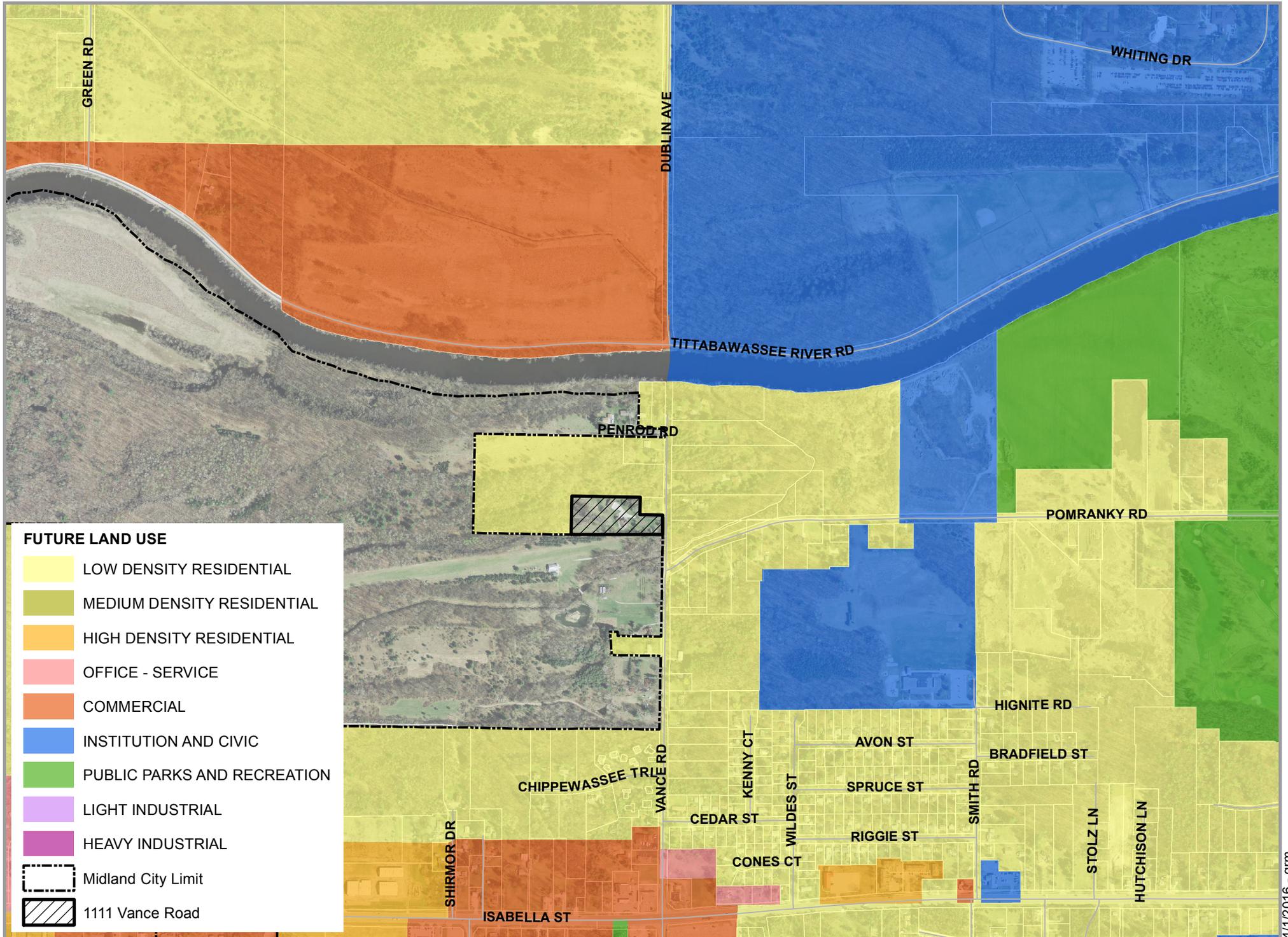
# Proposed Future Land Use | 5600 Falcon Way



**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- MULTI-USE CENTER
- INSTITUTION AND CIVIC
- PRIVATE RECREATION
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- Midland City Limit
- 5600 Falcon Way

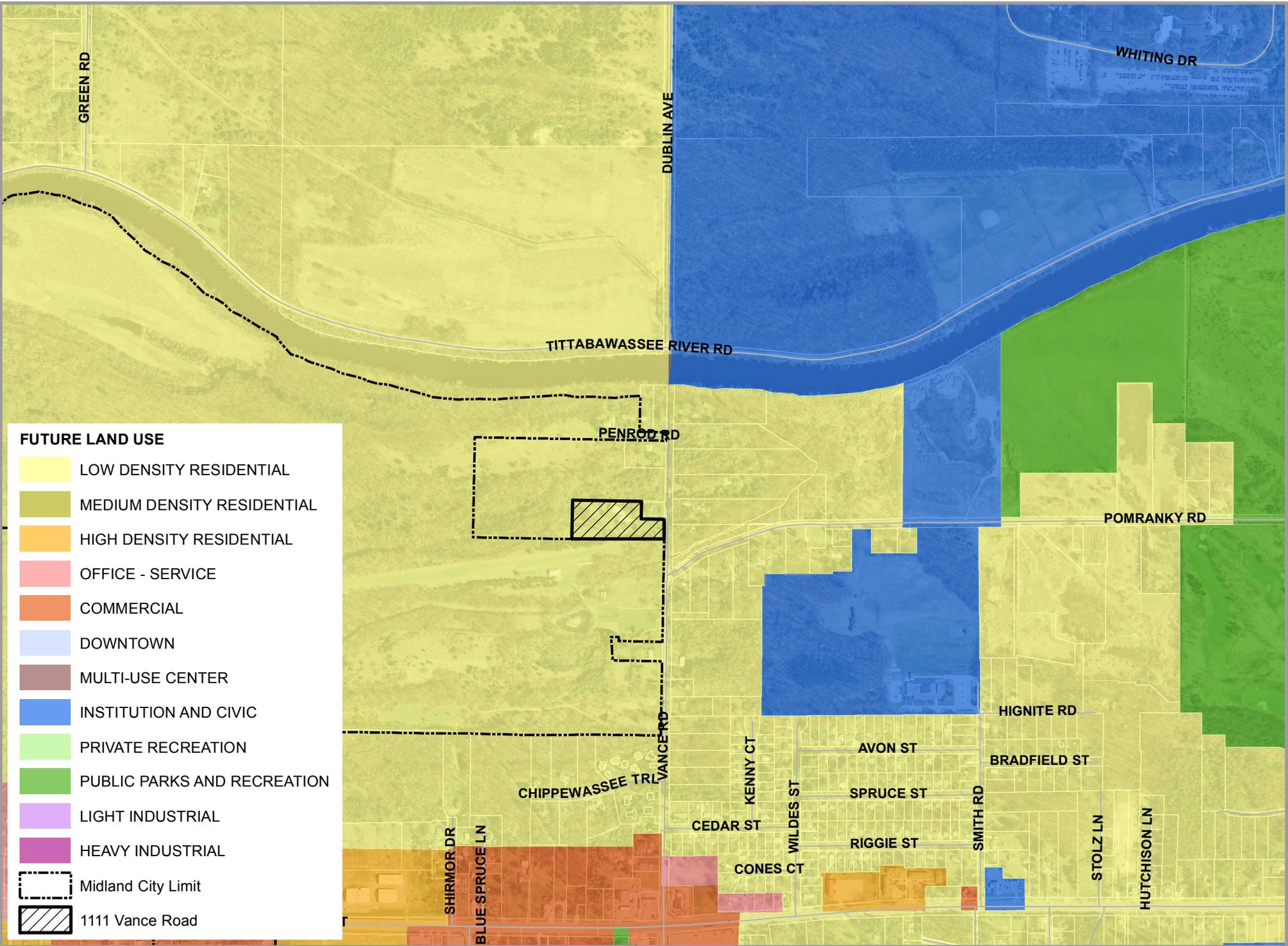
# Current Future Land Use | 1111 Vance Road



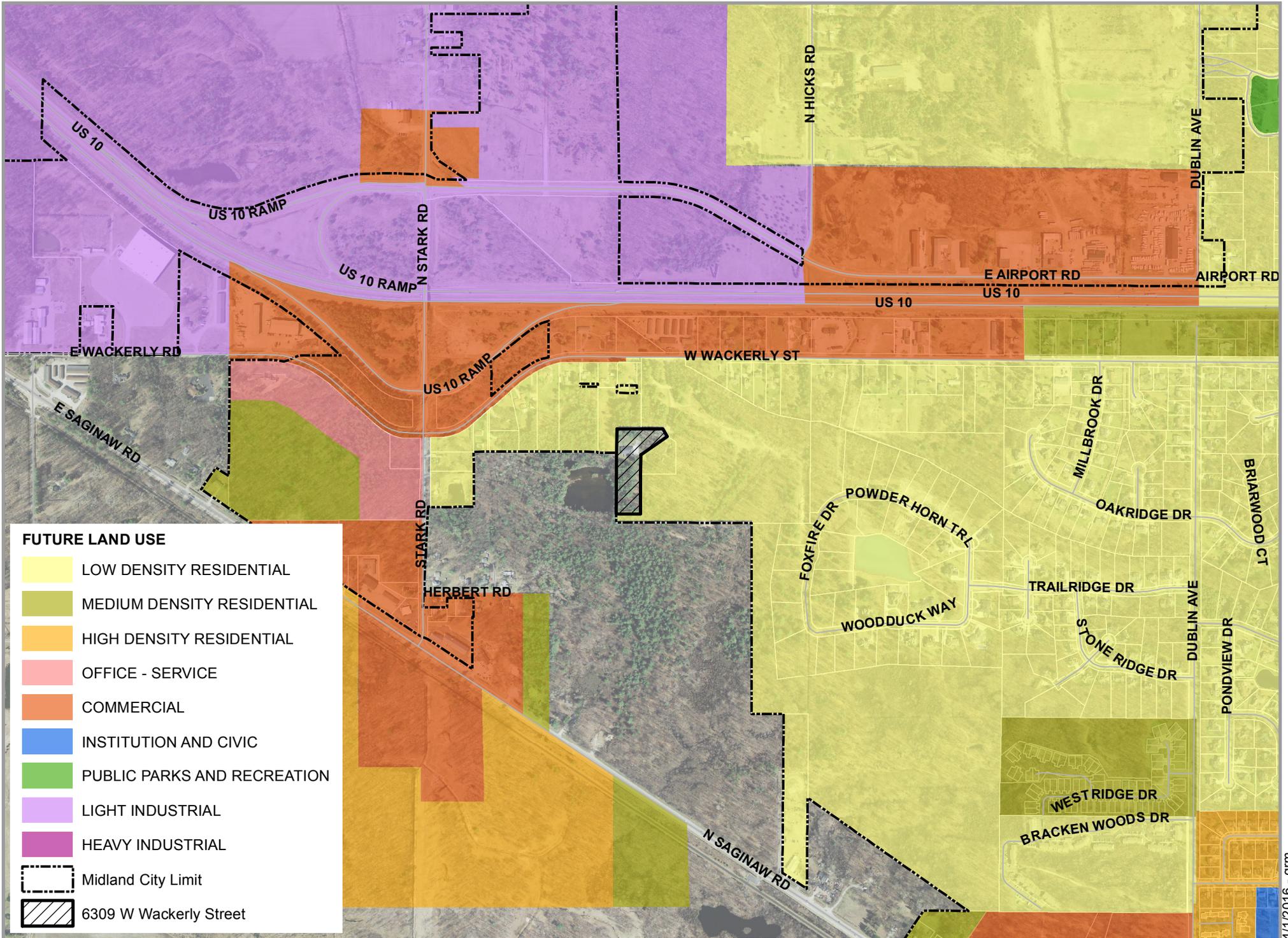
## FUTURE LAND USE

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- INSTITUTION AND CIVIC
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- Midland City Limit
- 1111 Vance Road

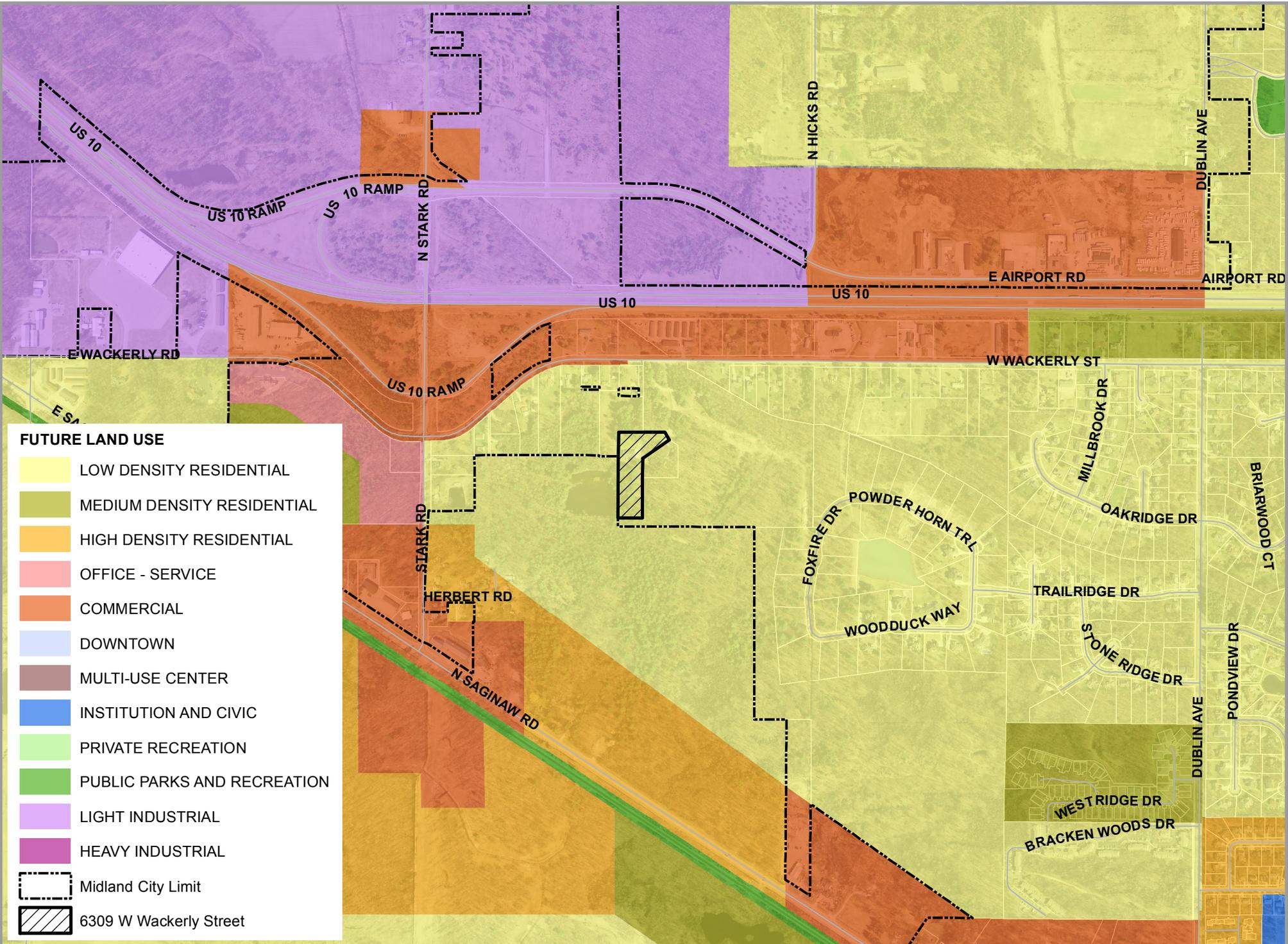
# Proposed Future Land Use | 1111 Vance Road



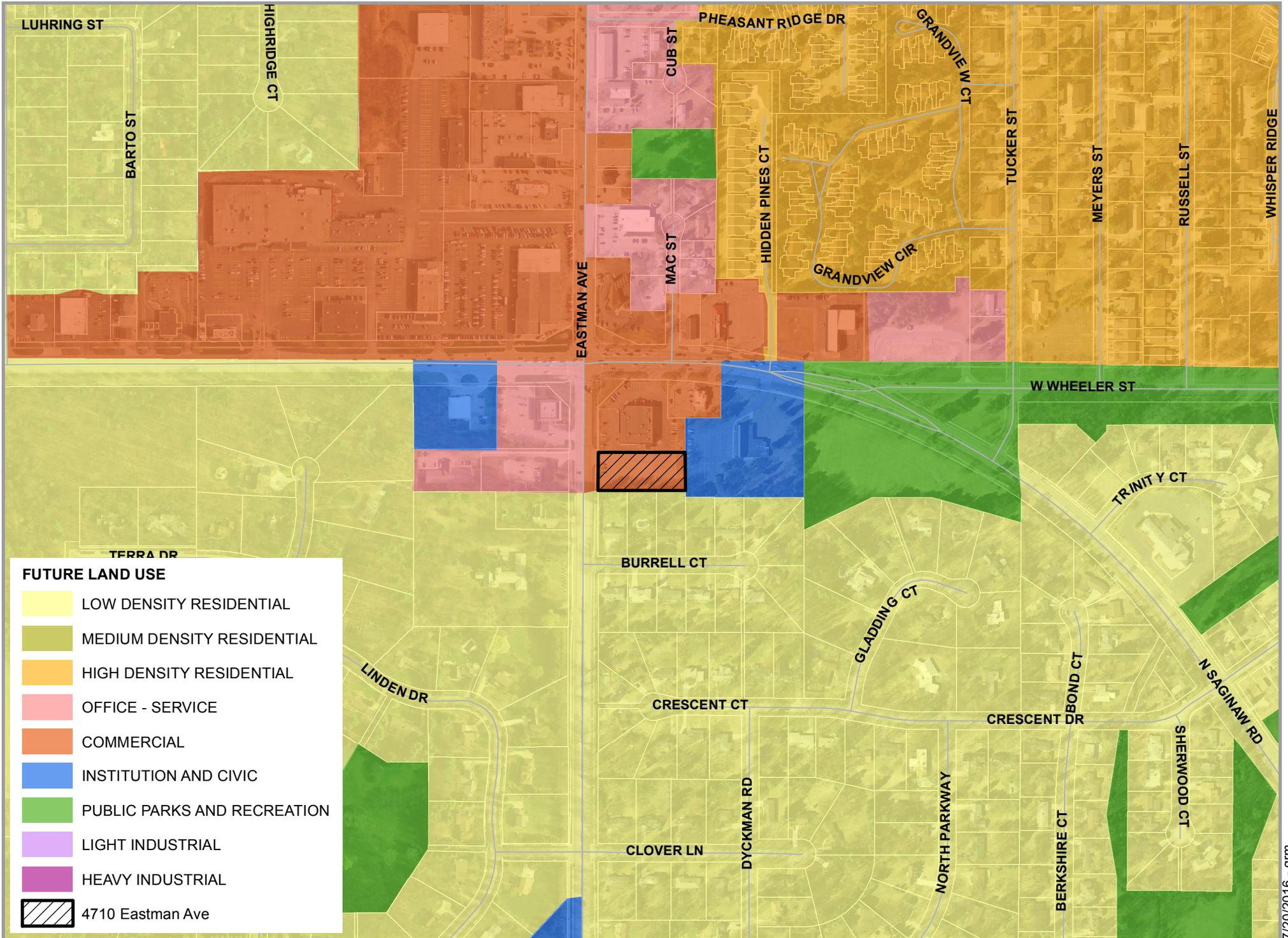
# Current Future Land Use | 6309 West Wackerly Street



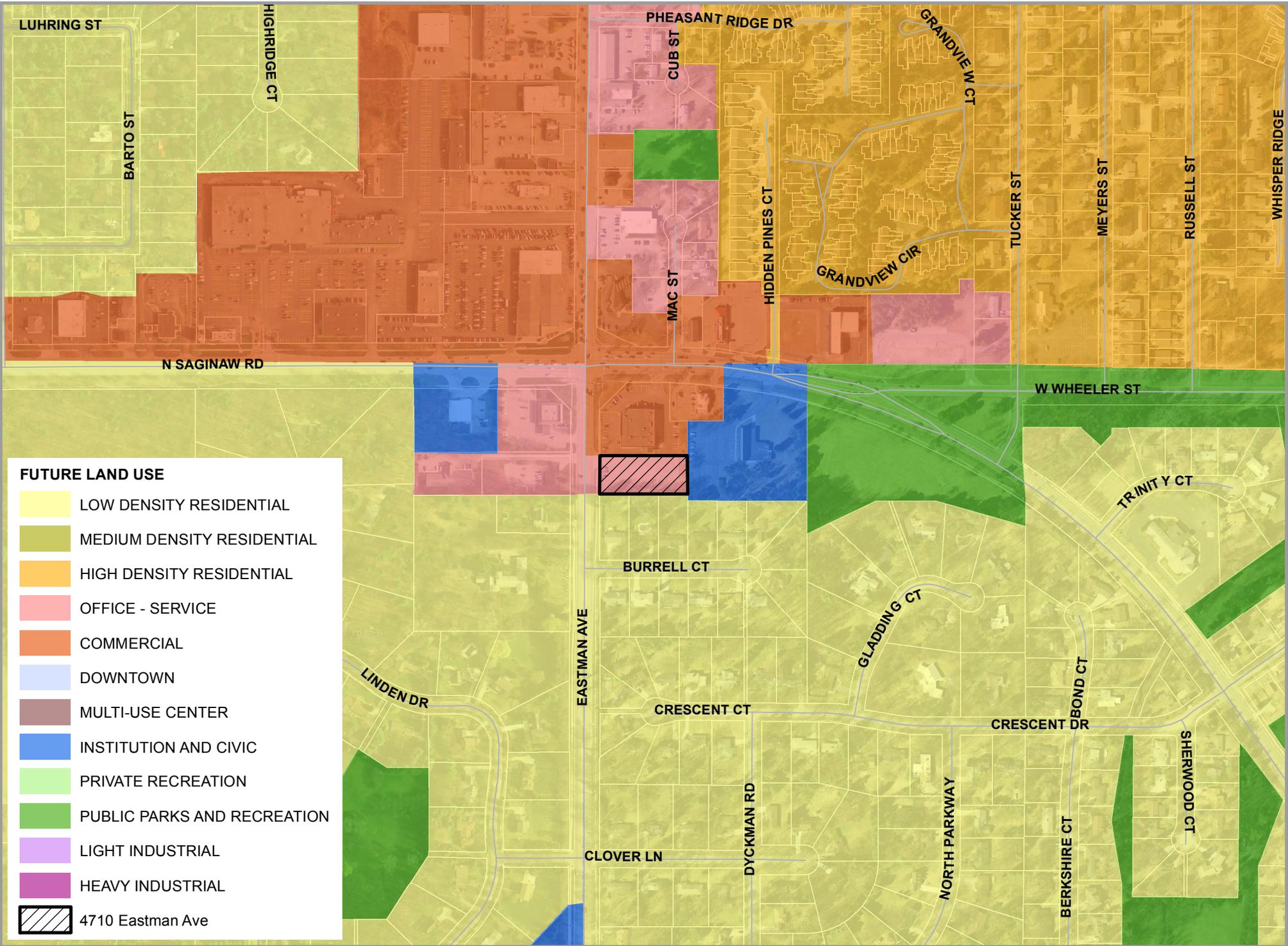
# Proposed Future Land Use | 6309 West Wackerly Street



# Current Future Land Use | 4710 Eastman Avenue



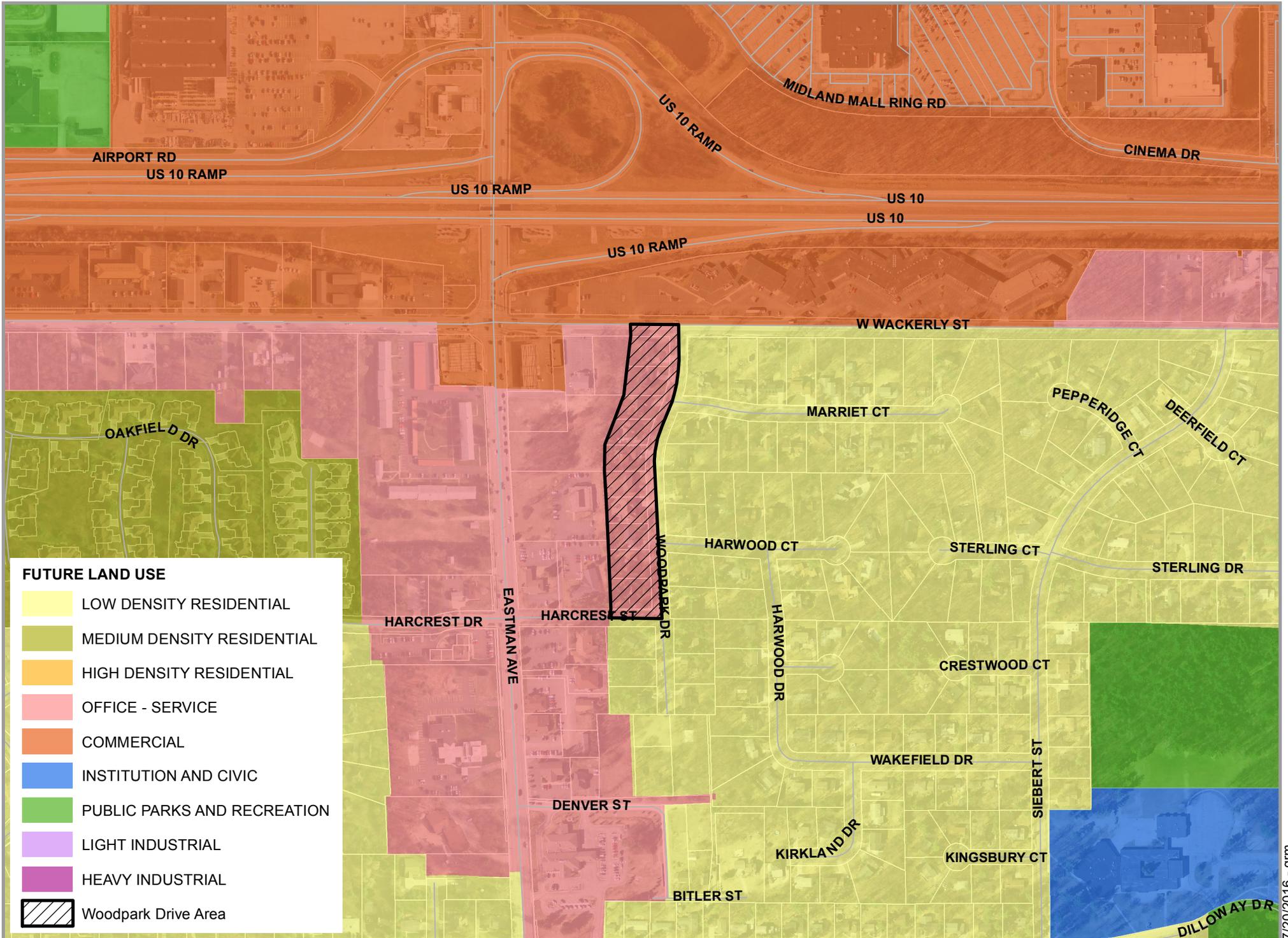
# Proposed Future Land Use | 4710 Eastman Avenue



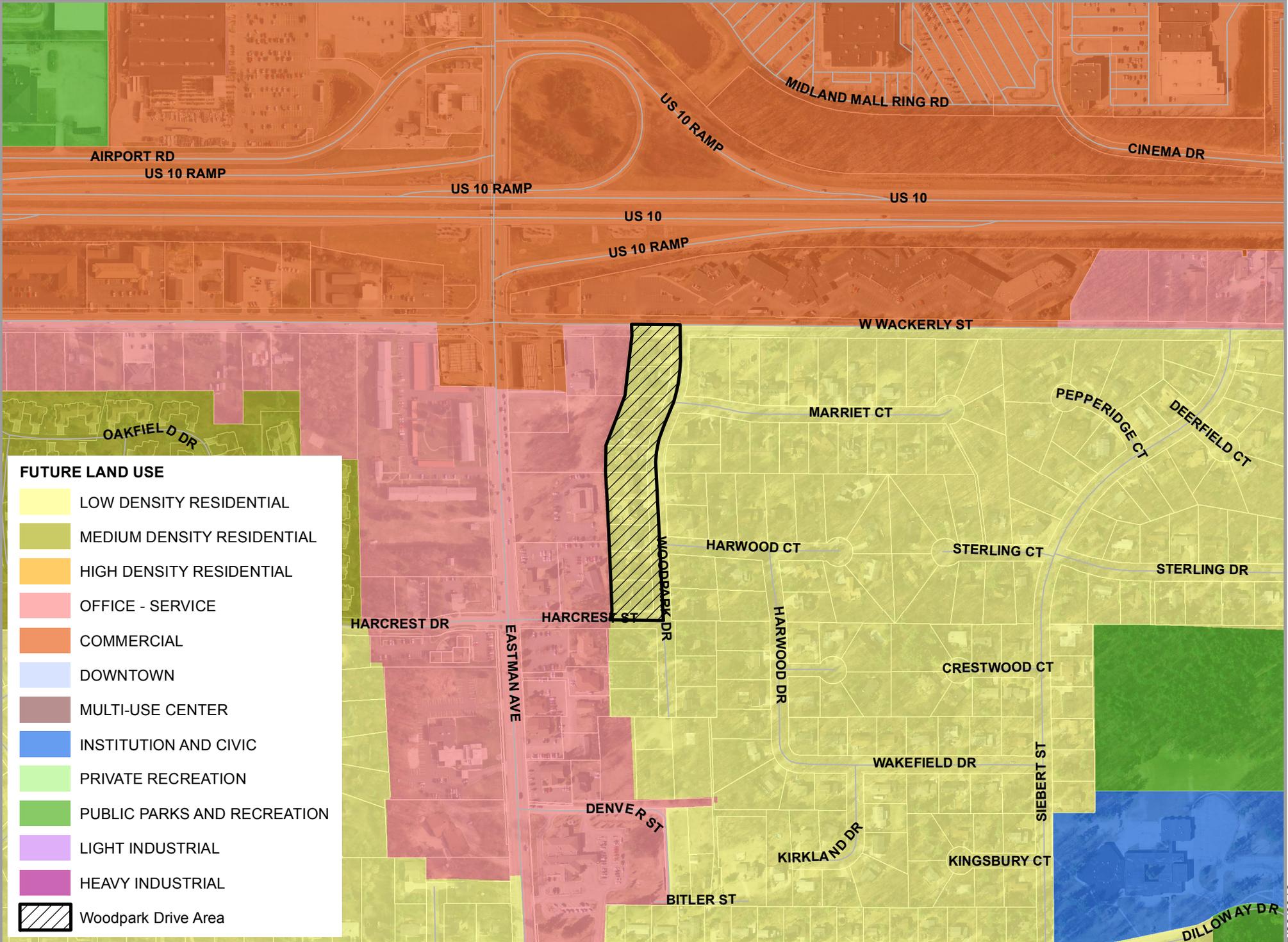
**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- MULTI-USE CENTER
- INSTITUTION AND CIVIC
- PRIVATE RECREATION
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- 4710 Eastman Ave

# Current Future Land Use | Woodpark Drive (Various Addresses)



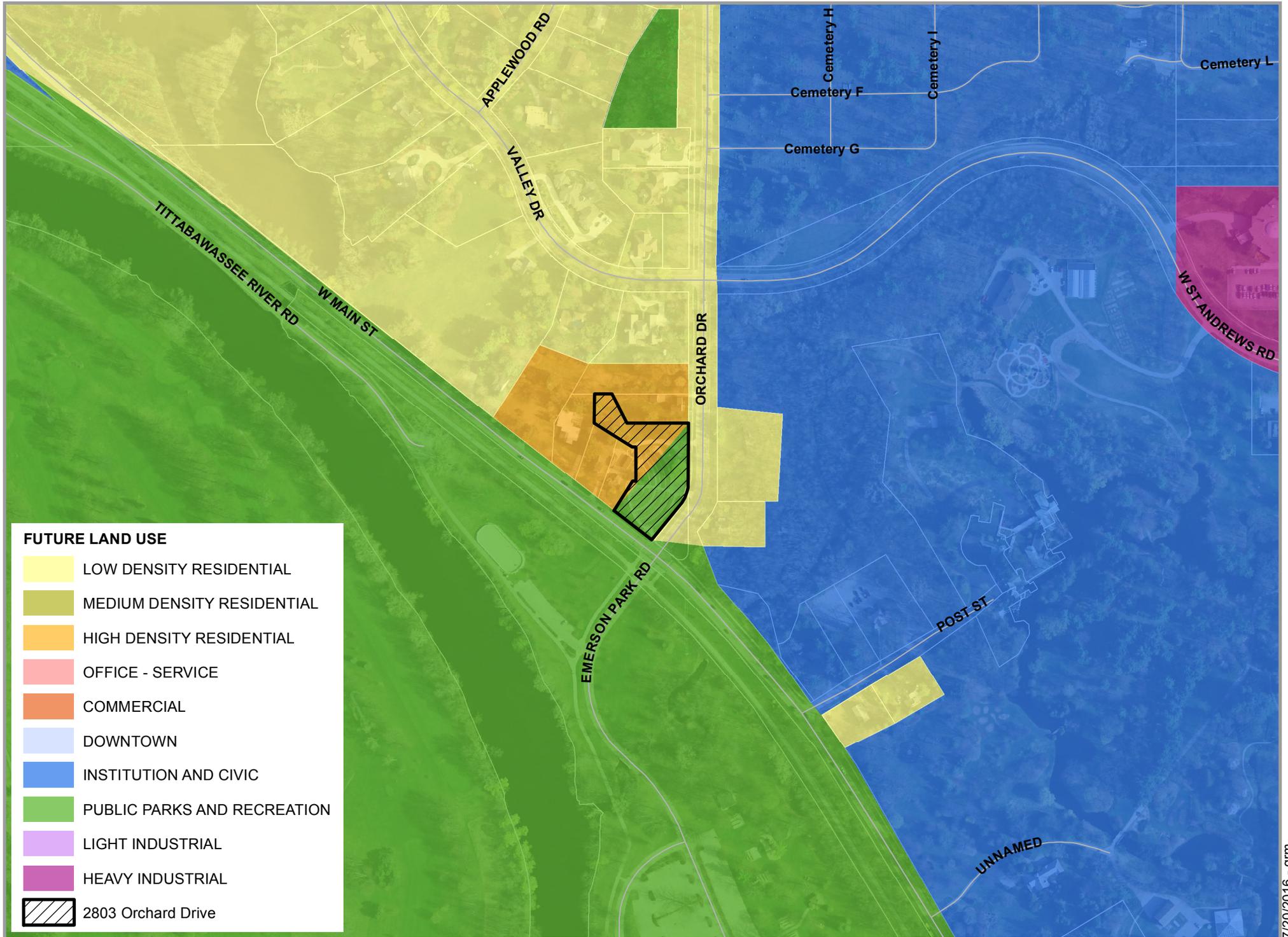
# Proposed Future Land Use | Woodpark Drive (Various Addresses)



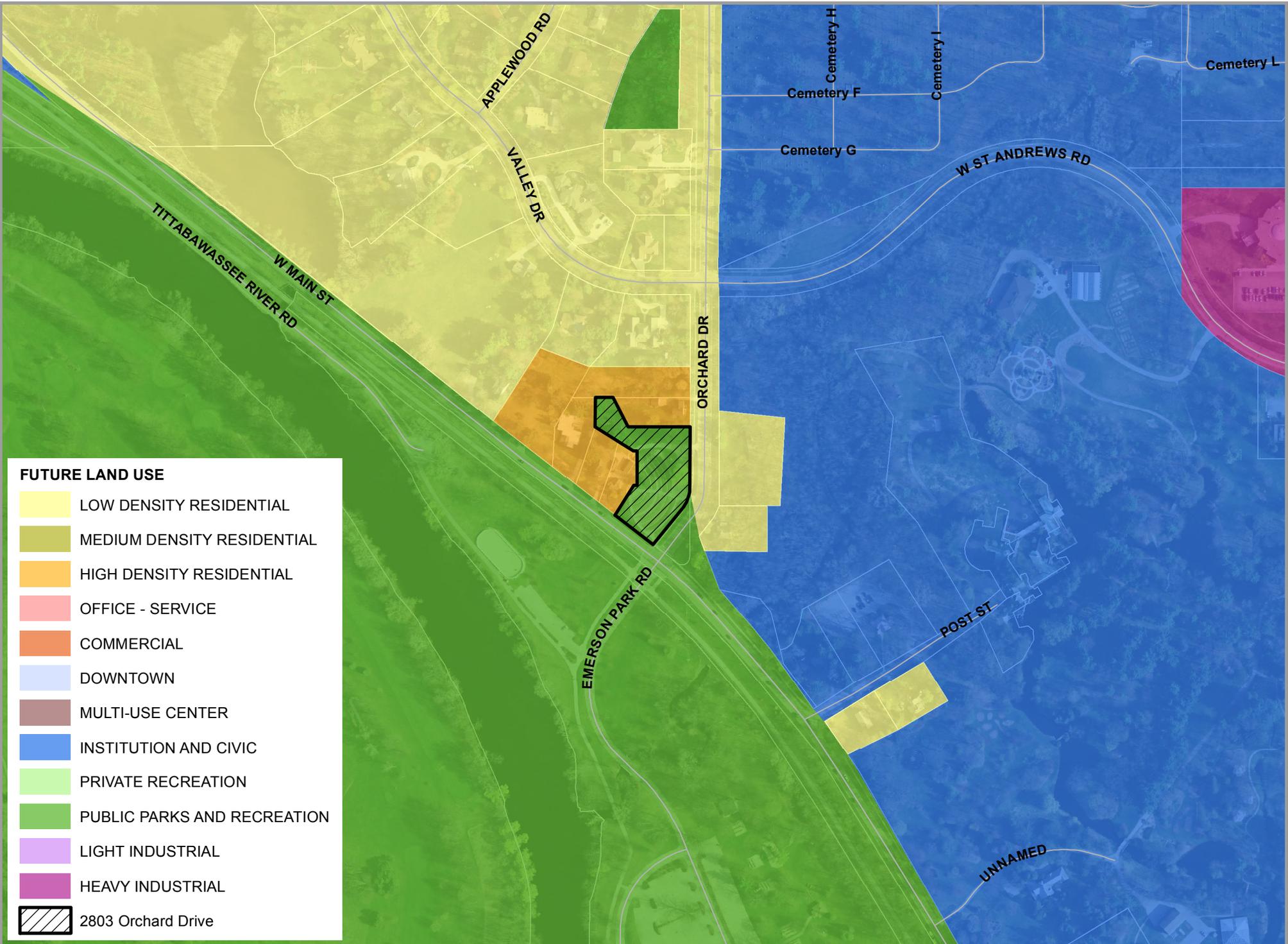
**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- MULTI-USE CENTER
- INSTITUTION AND CIVIC
- PRIVATE RECREATION
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- Woodpark Drive Area

# Current Future Land Use | 2803 Orchard Drive



# Proposed Future Land Use | 2803 Orchard Drive



# Current Future Land Use | 410 West Indian Street



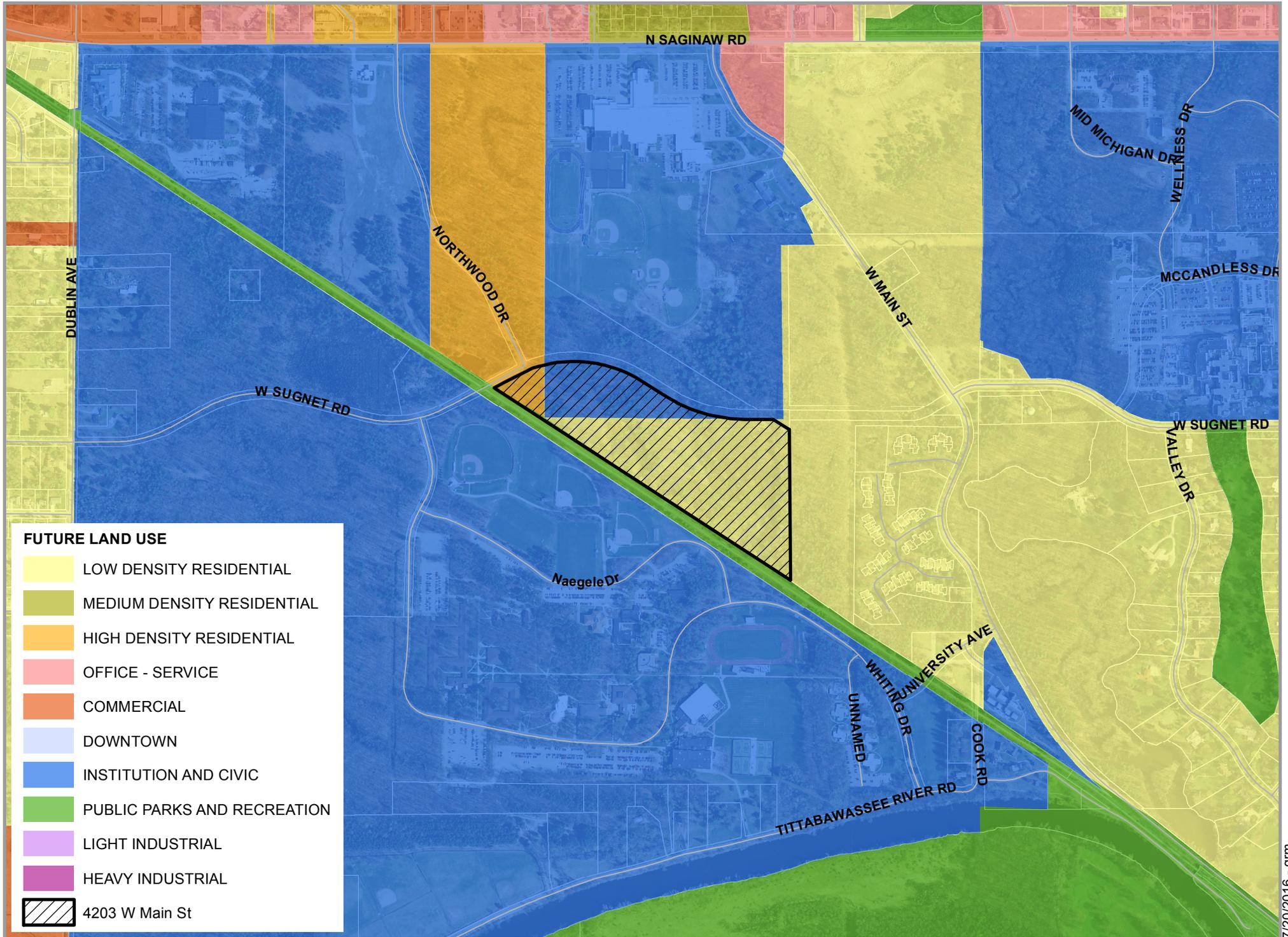
# Proposed Future Land Use | 410 West Indian Street



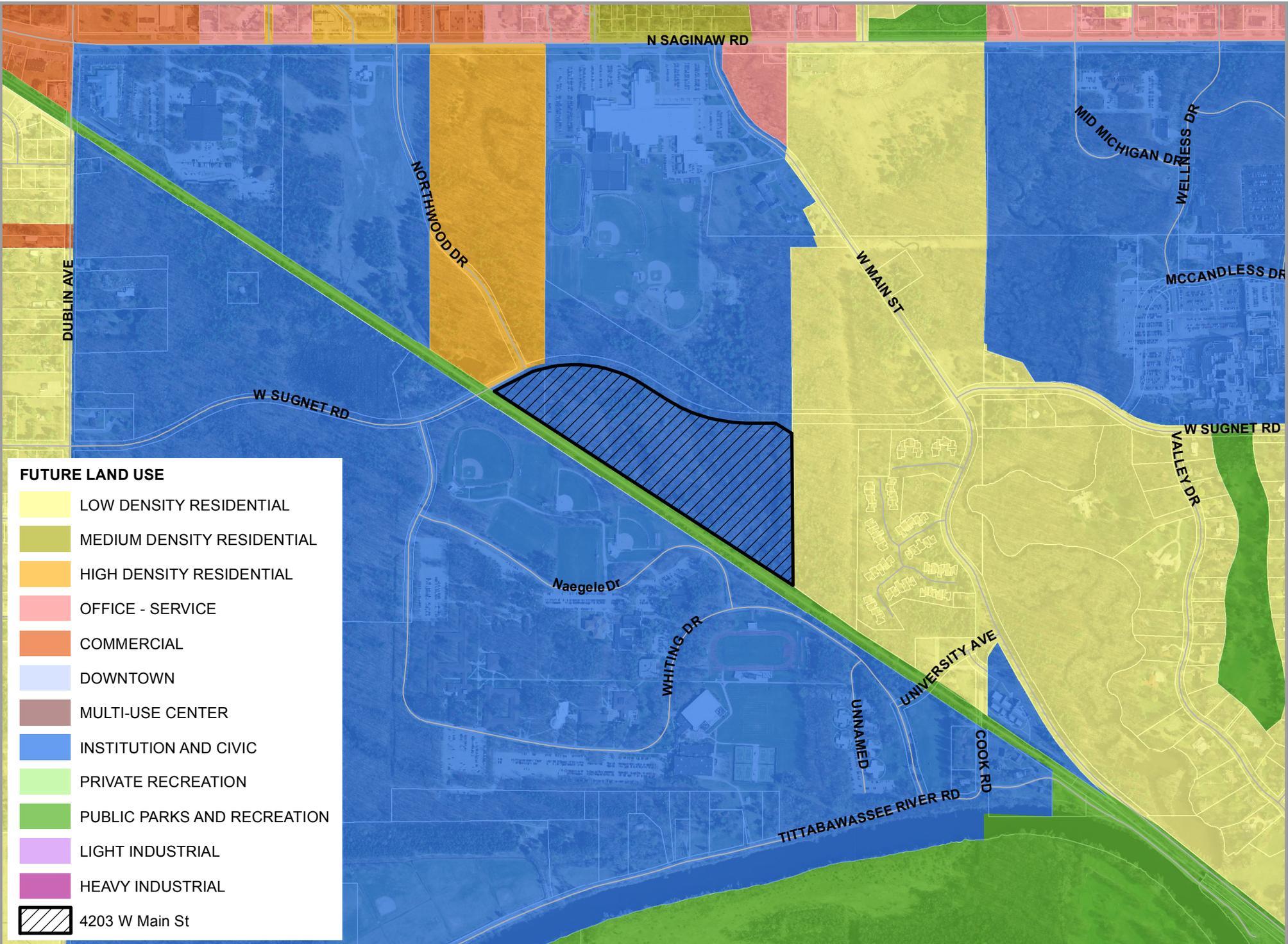
**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- MULTI-USE CENTER
- INSTITUTION AND CIVIC
- PRIVATE RECREATION
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- 410 W Indian Street

# Current Future Land Use | 4203 West Main Street

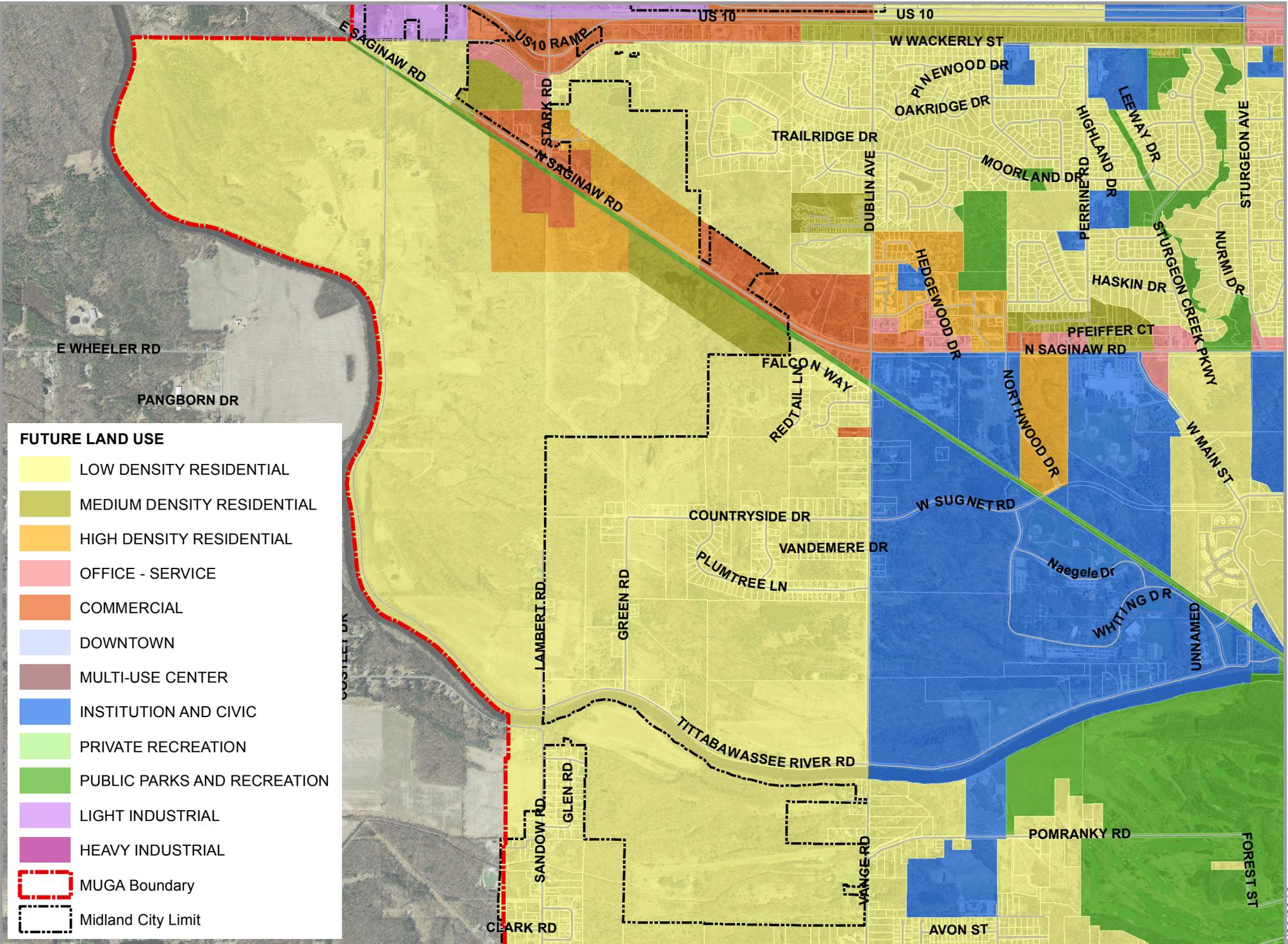


# Proposed Future Land Use | 4203 West Main Street





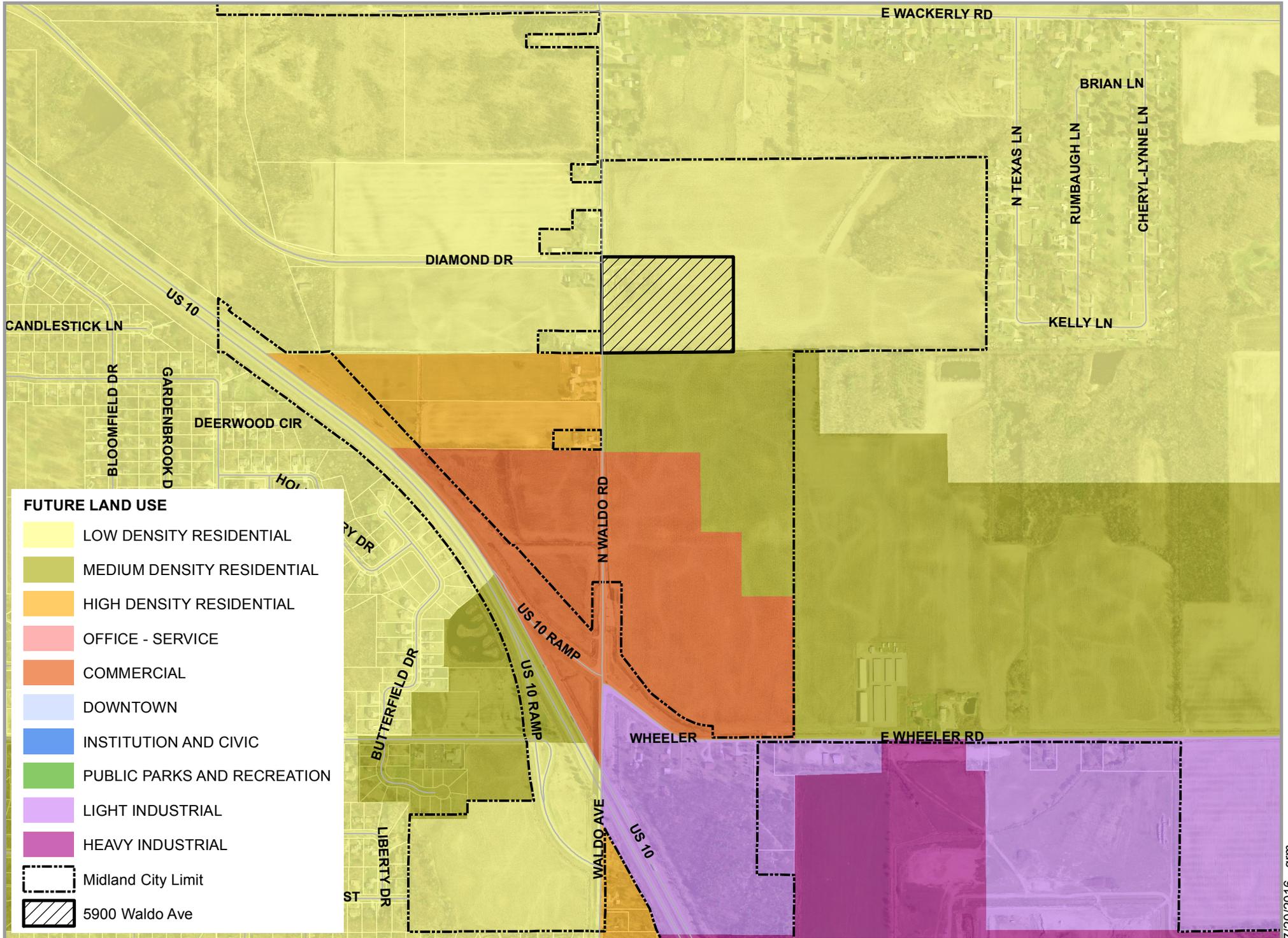
# Proposed Future Land Use | West End to MUGA



**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- MULTI-USE CENTER
- INSTITUTION AND CIVIC
- PRIVATE RECREATION
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- MUGA Boundary
- Midland City Limit

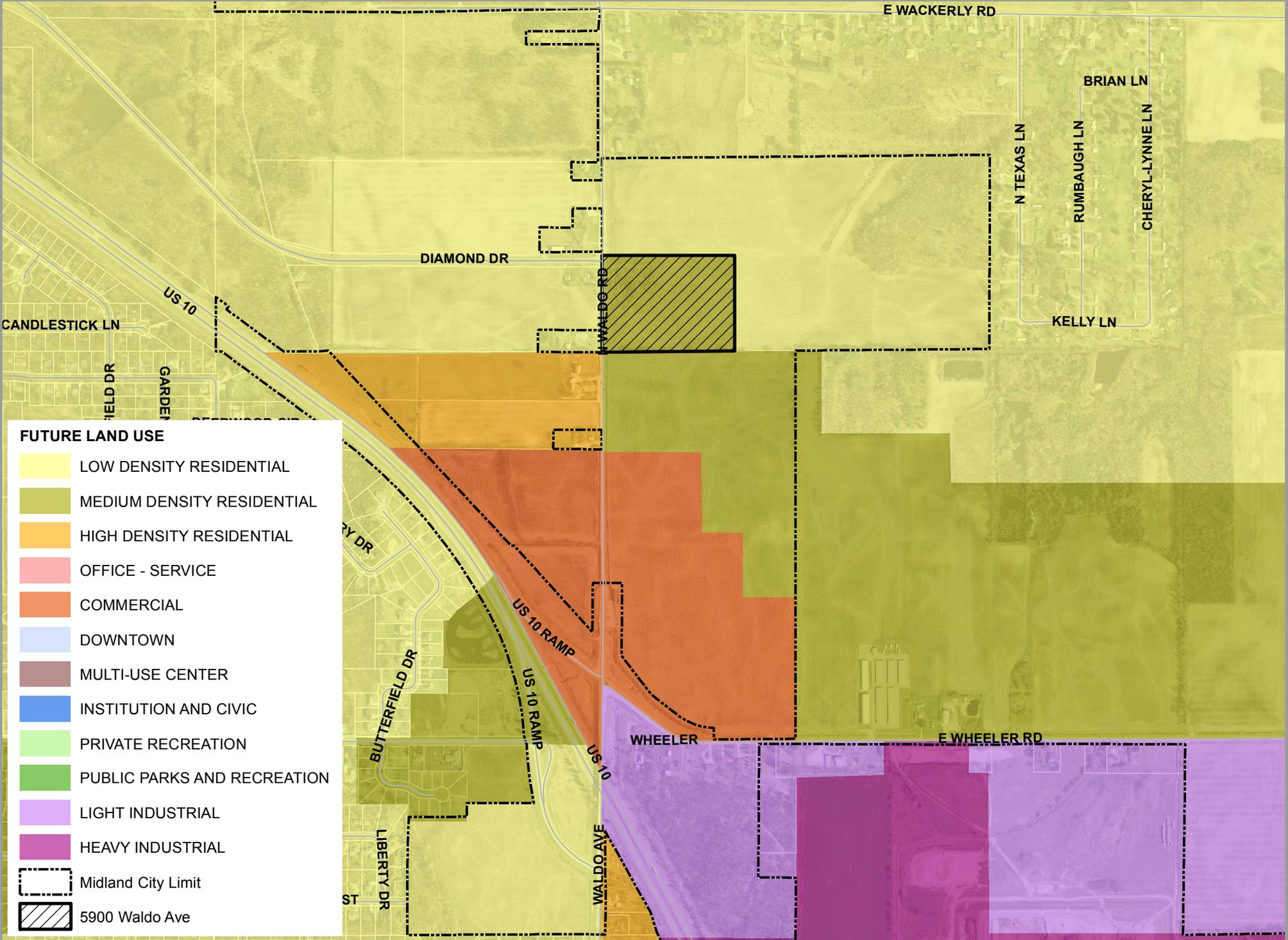
# Current Future Land Use | North Waldo Area



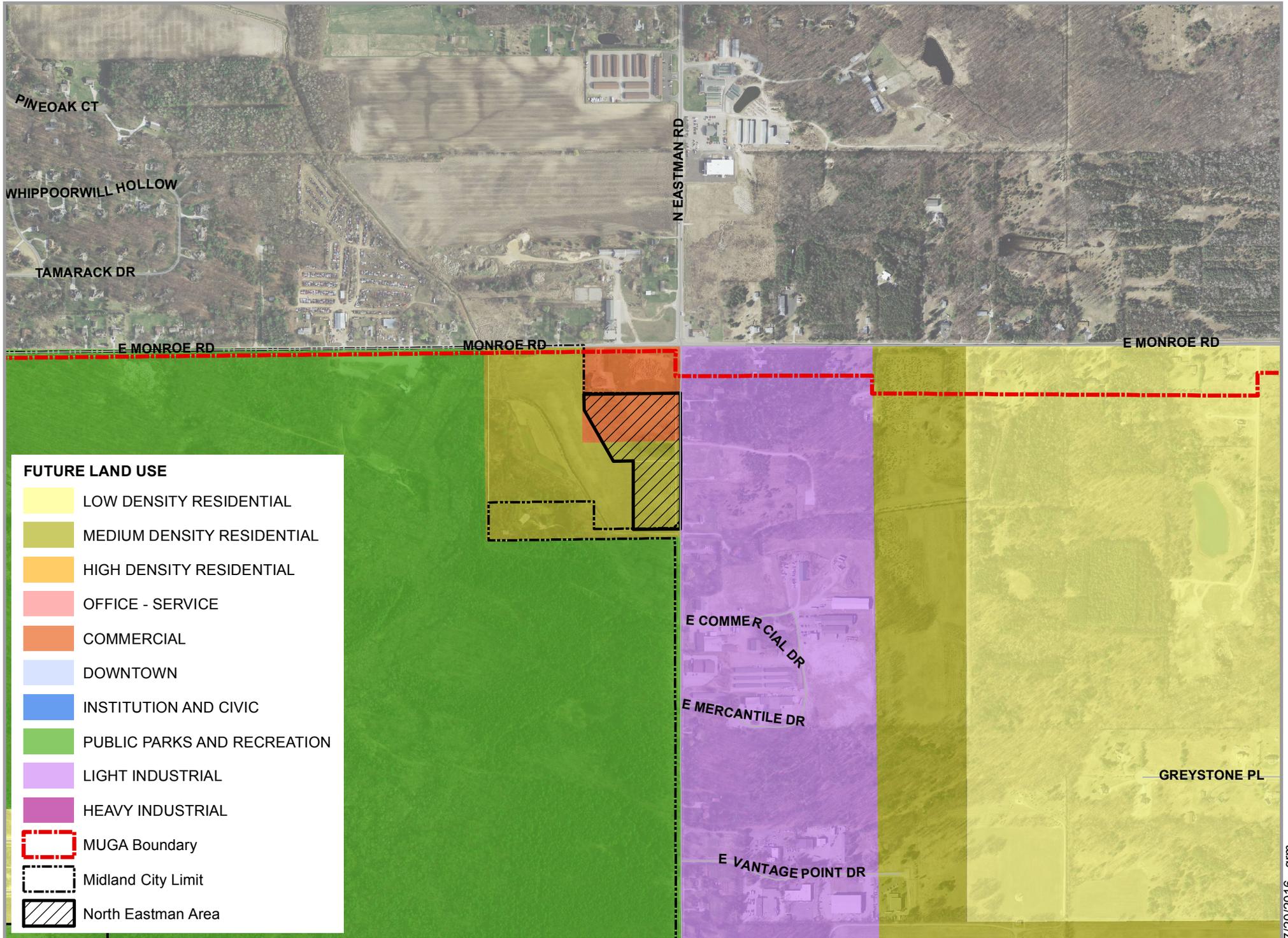
**FUTURE LAND USE**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- INSTITUTION AND CIVIC
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- Midland City Limit
- 5900 Waldo Ave

# Proposed Future Land Use | North Waldo Area



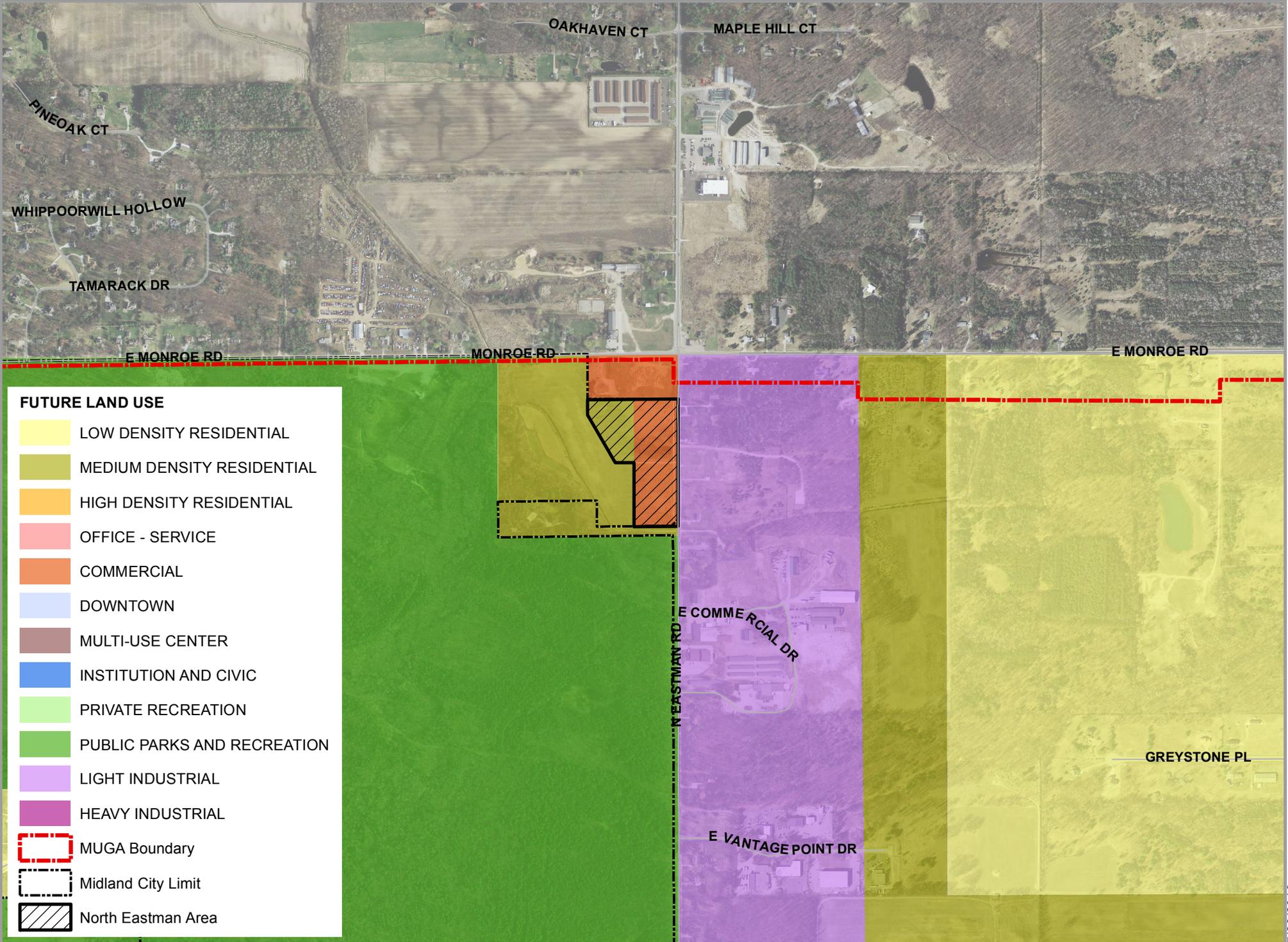
# Current Future Land Use | North Eastman Area



## FUTURE LAND USE

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- DOWNTOWN
- INSTITUTION AND CIVIC
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- MUGA Boundary
- Midland City Limit
- North Eastman Area

# Proposed Future Land Use | North Eastman Area



- FUTURE LAND USE**
- LOW DENSITY RESIDENTIAL
  - MEDIUM DENSITY RESIDENTIAL
  - HIGH DENSITY RESIDENTIAL
  - OFFICE - SERVICE
  - COMMERCIAL
  - DOWNTOWN
  - MULTI-USE CENTER
  - INSTITUTION AND CIVIC
  - PRIVATE RECREATION
  - PUBLIC PARKS AND RECREATION
  - LIGHT INDUSTRIAL
  - HEAVY INDUSTRIAL
  - MUGA Boundary
  - Midland City Limit
  - North Eastman Area