

January 9, 2022

A regular meeting of the City Council was held on Monday, January 9, 2023, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Tim Soler, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the December 19, 2022 special meeting and the December 19, 2022 regular meeting were offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

AMEND MIDLAND POLICE DEPARTMENT GENERAL FUND FY2022/23

Chief of Police Nicole Ford presented information on the proposed amendment to the Midland Police Department General Fund FY 2022/23 budget to recognize additional revenue from the USDOJ COPS Office Law Enforcement Agency De-Escalation Grant. A public hearing opened at 7:10 p.m., recognizing no public comments, the hearing closed at 7:11 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, in accordance with section 11.6 of the Charter of the City of Midland, and after having given proper legal notice, a public hearing was conducted on Monday, January 9, 2023 on the proposal to amend the Midland Police Department General Fund FY 2022/23 budget to recognize additional revenues and additional expenditures for the Midland Police Department; now therefore

RESOLVED, the City Council graciously accepts the grant of \$161,253 from the U.S.

Department of Justice; and

RESOLVED FURTHER, that the Midland Police Department General Fund FY 2022/23 budget is hereby amended to increase revenue by \$161,253 and to increase corresponding expenditures by \$161,253 in acceptance of U.S. Department of Justice Community Oriented Policing Services (COPS) Office Law Enforcement Agency De-Escalation Grant funding awarded to the department. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 81

Director of Planning & Community Development Jacob Kain presented information on Conditional Use Permit No. 81. A public hearing opened at 7:19 p.m., Jennifer Acosta 2041 E. Mockingbird Ln. of Acosta Real Estate & Development, Mitch Milner 1803 St. Johns Ave. of Milner & Caringella, Inc., Joseph Caringella 1803 St. Johns Ave. of Milner & Caringella, Inc., Mike Hurst 5000 Willis Rd. of Andy's Place, Grant Murschel 2119 Bayliss St. of the Housing Taskforce, and the Honorable Judge Michael Beale 1307 Glendale St. spoke in favor; Penny Prince 401 Arbury Pl. spoke against and Rachel Morr 2210 Louanna St. and Joseph Sepesy spoke on the Conditional Use Permit. The hearing closed at 9:33 p.m. The original resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky. Following discussion, Councilman Wazbinski motioned, seconded by Councilman Brown Wilhelm to amend the resolution to be contingent on reevaluation of the parking deferment request by the Planning Department and the City Attorney 12 months after full occupancy of the development. (Motion to Amend ADOPTED).

WHEREAS, Mitch Milner – Milner & Caringella, Inc. submitted a request for a conditional land use to permit a 50 unit multiple family development located at 1510 Bayliss Street; and WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on October 28, 2022 and publishing said notice on October 29, 2022 of the public hearing on November 16, 2022; and WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore RESOLVED, that the parking deferment approval is contingent on further evaluation by the City Planning Department and City Attorney 12 months after full occupancy of the development. RESOLVED FURTHER, that the City Council finds the request for the conditional use to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 81, in accord with documents provided and submitted at the meeting of January 9, 2023. (Motion ADOPTED. YEAS: Arnosky, Brown Wilhelm, Soler, Wazbinski NAYS: Donker)

City Council recessed from 9:52 p.m. until 9:57 p.m.

PLANNED UNIT DEVELOPMENT NO. 21

Director of Planning & Community Development Jacob Kain presented information on Planned Unit Development No. 21. A public hearing opened at 10:17 p.m., John McGraw 1038 Trowbridge Rd. of RiverCaddis Development, Justin Brooks 1403 S. Valley Center Dr. of Wade Trim, Mike Corby 840 Ottawa Ave. of Integrated Architecture, and Grant Murschel of the Housing Taskforce spoke in favor; Fred Jones 114 Princeton Ct., Jennifer Ferren 313 Princeton Ct., Linda Barth 2431 Damman Dr., Brandi Brown 118 Princeton Ct., Cecilia Duley 501 E. Nelson St., Elizabeth Thomas 111 Princeton Ct., and Matthew Thomas 111 Princeton Ct. spoke against; and John Elsen 6106 Sturgeon Creek Pkwy spoke on the Planned Unit Development. The hearing closed at 12:02 a.m. The original resolution was then offered by Councilman Wazbinski and seconded by Mayor Donker. Following discussion, Councilman Brown Wilhelm motioned, seconded by Councilman Donker to amend the resolution to be contingent on staff approval of a detailed landscape screening plan on the north side of the development with consideration of the elevation difference between the property and adjacent properties to the north. (Motion to Amend ADOPTED).

WHEREAS, River Caddis Development submitted a request for approval of a Concept Plan for Planned Unit Development (PUD) No. 21, a proposed multiple family residential development located at 115 Eastlawn Drive; and WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 24.06(A) of the Zoning Ordinance of the City of Midland on said PUD Concept Plan; and WHEREAS, the Planning Commission has submitted its recommendation to approve the request, in accord with Section 24.06 of the Zoning Ordinance of the City of Midland; and WHEREAS, the City Clerk notified property owners and occupants within three hundred (300) feet of the subject properties by transmitting notice on December 23, 2022 and publishing said notice on December 23, 2022 of the proposed public hearing on January 9, 2023; and WHEREAS, a public hearing was held by the City Council in Council Chambers of City Hall on January 9, 2023 at 7:00 p.m.; now therefore RESOLVED, that approval is contingent on a more detailed landscape screening plan with consideration of the elevation difference with adjacent properties to the north being reviewed and approved by the City Planning Department and the City Attorney. RESOLVED FURTHER, that the City Council finds the request for the planned unit development to be in accord with Section 24.06 of the Zoning Ordinance, and hereby approves a Concept

Plan for Planned Unit Development No. 21, in accord with documents provided and submitted at the meeting of January 9, 2023. (Motion ADOPTED. YEAS: Brown Wilhelm, Donker, Soler, NAYS: Arnosky, Wazbinski)

ZONING PETITION NO. 646

Director of Planning & Community Development Jacob Kain presented information on Zoning Petition No. 646. A public hearing opened at 12:23 a.m., recognizing no public comments, the hearing closed at 12:24 a.m. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

ORDINANCE NO. 1873

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RB MULTIPLE FAMILY RESIDENTIAL WHERE TOWNSHIP ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

SEC 28 T15N R2E COM 40 FT N OF SE SEC COR, TH W 462.5FT, N 194 FT, E 462.5 FT, S 194 FT.

CONTAINING 2.05 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

STREET VACATION OF E. PINE STREET

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Jamie Broderick has petitioned to vacate E. Pine Street, east of Ashman Street; and

WHEREAS, consideration of such vacation must be done in accord with Section 23-87 of the Code of Ordinances; now therefore

RESOLVED, that in accord with Section 23-39 of the Code of Ordinances, the request to vacate E. Pine Street, east of Ashman Street is hereby referred to the Planning Commission, the City Engineer and other City departments as determined by the City Manager, for their review and recommendation. (Motion ADOPTED.)

TRAFFIC CONTROL ORDER P-22-01

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. P-22-01 filed October 20, 2022 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That the existing "No Stopping Standing Parking 8A-4P School Days" parking restriction on the east side of Siebert Street apply from Bayberry Lane to Dilloway Drive.

Further, should this traffic control order become permanent, that previous Traffic Control Orders for parking restrictions along this segment be rescinded.
is hereby made permanent. (Motion ADOPTED.)

TRAFFIC CONTROL ORDER P-22-02

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. P-22-02 filed October 20, 2022 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That "No Parking Any Time" parking restrictions be posted on both sides of Evamar Drive and Russell Street between Siebert Street and Sylvan Lane.

Further, should this traffic control order become permanent, that previous Traffic Control Orders for parking restrictions along this segment be rescinded.
has received multiple resident comments against the new restriction and is hereby rescinded. █
(Motion ADOPTED.)

TRAFFIC CONTROL ORDER R-22-01

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. R-22-01 filed October 21, 2022 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That an Intersection Warning Sign (W2-1) be installed for both northbound and southbound traffic along W. Main St. at points 390 feet from the intersection with W. Sugnet Rd. in both directions.

That an Advisory Speed Plaque (W13-1P) with the advisory speed of 25 mph be installed along with the Intersection Warning Signs for both northbound and southbound traffic along W. Main St. at points 390 feet from the intersection with W. Sugnet Rd.

These should be located on the same sign post as the W2-1 signs.

Further, should this traffic control order become permanent, that previous Traffic Control Orders for stop control at this intersection be rescinded.
is hereby made permanent. (Motion ADOPTED.)

TRAFFIC CONTROL ORDER S-22-02

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. S-22-02 filed October 20, 2022 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That a STOP sign (R1-1) be installed for traffic along Bartos Trail at the intersection with Commerce Drive.

Further, should this traffic control order become permanent, that previous Traffic Control Orders for stop control at this intersection be rescinded.

is hereby made permanent. (Motion ADOPTED.)

APPROVED MDOT ACCESSIBILITY PLAN FOR DIAL-A-RIDE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the Michigan Department of Transportation (MDOT) requires public transit agencies to develop an accessibility plan every five years that is reviewed and approved by the agency's highest governing body; and

WHEREAS, Dial-A-Ride has developed an accessibility plan in accordance with Section 10e (18) of the Michigan Transportation Fund Act (MCL 247.660e) and the official administrative rules for the administration of Michigan's Comprehensive Transportation Fund; and

WHEREAS, the accessibility plan covers several areas including: composition of the Dial-A-Ride Advisory Council, current and projected vehicle inventory detailing the number of accessible vehicles, fare structure, service area map and additional service features; and

WHEREAS, the Dial-A-Ride Advisory Council reviewed the plan on December 15, 2022 and made a recommendation that City Council approve the plan as presented; now therefore

RESOLVED, that City Council hereby approves the Dial-A-Ride Accessibility Plan and authorizes staff to submit the plan to the Michigan Department of Transportation. (Motion ADOPTED.)

CITY COUNCIL BUDGET OBJECTIVES FOR FY 2023-24

City Manager Brad Kaye presented information on the City Council Budget Objectives for FY 2023-25. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm.

WHEREAS, on January 7, 2023 the City Council conducted a planning retreat for the purpose of discussing current and future financial concerns; and

WHEREAS, at the conclusion of that session Council expressed their expectations regarding the basic approach to be taken in developing the Fiscal Year 2023-2024 budget; and

WHEREAS, during their regular meeting of January 9th the City Council reviewed and affirmed those expectations embodied in a report of January 9, 2023 titled: City Council Budget Objectives for FY 23-24; now therefore

RESOLVED, that the report City Council Budget Objectives for FY 23-24 is hereby received. (Motion ADOPTED.)

AWARDED ENGINEERING CONTRACT NO. 02

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for roadway reconstruction and water main installation on Hamilton Dr. and on Hancock Dr.; and

WHEREAS, funding for this project is provided by the Local Street Fund and the Water Fund; now therefore

RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2023 Hamilton Drive and Hancock Drive Reconstruction and Water Main; Contract No. 02" project, in the amount of \$1,007,799.80, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$50,000.00. (Motion ADOPTED.)

AWARDED ENGINEERING CONTRACT NO. 01

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main installation on Poseyville Rd. and on St. Charles St.; and

WHEREAS, funding for this project is provided by the Water Fund; now therefore RESOLVED, that the low qualifying sealed proposal submitted by American Excavating, LTD. of Saginaw, Michigan for the "2023 Poseyville Rd. and St. Charles St. Water Main; Contract No. 01" project, in the amount of \$612,843.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$50,000.00. (Motion ADOPTED.)

PURCHASE PLAY EQUIPMENT FOR MIRACLE FIELD

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, bids for parks amenities including play equipment are solicited by the Sourcewell Cooperative Purchasing Program on a routine basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and

WHEREAS, sufficient funding for the purchase of play equipment for the inclusive play area at the Miracle Field is available in the project fund held at the Midland Area Community Foundation (MACF) with invoices to be paid directly by MACF; and

WHEREAS, staff has received a quote for five pieces of play equipment from Landscape Structures, Inc. of Minneapolis, Minnesota in the amount of \$108,701.00 utilizing the Sourcewell Cooperative Purchasing Program; now therefore

RESOLVED, that City Council approves the purchase of this play equipment for the Miracle Field and authorizes staff to place the order with Sourcewell's selected vendor, Landscape Structures, Inc., in the amount of \$108,701.00, all in accordance with the associated cooperative purchasing program's proposals and specifications. (Motion ADOPTED.)

PURCHASE TANDEM AXLE TRUCK – WATER DEPT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, competitive bids for heavy and medium duty trucks are solicited by the State of Michigan's Extended Purchasing Program on a bi-annual basis and the City of Midland is authorized to make purchases from these cooperative purchasing programs; and

WHEREAS, competitive bids for heavy duty trucks and equipment were solicited by the City of Rochester Hills, Michigan on behalf of the City of Midland; and

WHEREAS, sufficient funding for the purchase of one tandem axle dump truck is included in the FY 2022-23 Equipment Revolving Fund Capital Outlay account as a replacement for Unit 307 used by the Water Distribution department; now therefore

RESOLVED, that the Accounting Manager is authorized to issue purchase orders to the State of Michigan's selected vendor, D&K Truck Company of Lansing, MI in the amount of \$100,230.00 for the purchase of one tandem axle dump truck chassis; and the City of Rochester Hills' selected vendor Truck & Trailer Specialties of Dutton, MI in the amount of \$73,365.00 for the purchase and installation of one stainless steel heated dump box all in accordance with the associated cooperative purchasing programs' proposals and specifications; and RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase orders not to exceed 10% of the total cost for any unforeseen issues that arise during the truck build process. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND MIDLAND POLICE DEPARTMENT GENERAL FUND FY 2022/23 BUDGET

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, January 23, 2023, in the Council Chambers of City Hall on the proposal to amend the Midland Police Department General Fund FY 2022/23 Budget to recognize additional revenue of \$19,976 received from the Dow Company Foundation to provide for the purchase of patrol bicycles, related maintenance equipment, and giveaway helmets.

RESOLVED FURTHER, direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND THE FY 2022/23 DIAL-A-RIDE BUDGET

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Dial-A-Ride purchases replacement buses off the State of Michigan Vehicle Contract as this gives the benefit of volume pricing and offers standardized transit bus options for public transit; and

WHEREAS, Dial-A-Ride had budgeted to replace a total of four buses in FY2020/21 and FY2021/22; and

WHEREAS, the State of Michigan's bus contract was renegotiated at prices much higher than originally budgeted requiring an additional \$207,068.00 in funds to purchase the four buses; and

WHEREAS, there is adequate grant funding available from the FTA to cover the 80% federal component of the cost increase and the State of Michigan has agreed to increase their 20% share of funding as well so there will be no net impact on the City financially; and

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 pm, Monday, January 23, 2023 in the Council Chambers of City Hall on the proposal to amend the FY2022/23 Dial-A-Ride Capital budget by increasing both revenue and expense by a total of \$207,068.00 to cover the cost increase on the purchase of replacement buses for existing units 13, 15, 16 and 17; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

ADJOURN ACTION OF AGENDA ITEMS 6, 8, & 9

Councilman Wazbinski moved, seconded by Councilman Soler, to adjourn action on agenda items 6, 8, & 9 until 6:00 p.m. Monday, January 23, 2023.

RESOLVED, that action is hereby adjourned until 6:00 p.m. Monday, January 23, 2023 on agenda items 6, 8, & 9. (Motion ADOPTED)

RECONVENE ACTION OF AGENDA ITEMS 6, 8, & 9

Honorable Mayor Donker reconvened the meeting at 6:00 p.m. Monday, January 23, 2023. Councilman Wazbinski did not return from the adjournment.

ZONING TEXT AMENDMENT NO. 164

Director of Planning & Community Development Jacob Kain presented information on Zoning Text Amendment No. 164. A public hearing opened at 6:32 p.m. Joe Kozuch of 715 S. Saginaw Road commented. The hearing closed at 6:36 p.m. The following ordinance was then offered by Councilman Brown Wilhelm and seconded by Honorable Mayor Donker.

ORDINANCE NO. 1874

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND ARTICLE 21.00 BUSINESS DISTRICTS BY ADDING STANDARDS FOR THE CENTER CITY OVERLAY DISTRICT

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended by replacing Article 21 in its entirety as follows:

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 five Commercial Districts and three 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.

RC – Regional Commercial District

The purpose of the Regional Commercial District is to provide for commercial development that offers a diversity of retail, service, entertainment, office, finance, and related business uses to

serve the needs of residents of the City and region. The Regional Commercial District is intended to be the City's most intensive, vehicle-oriented commercial district. Consequently, Regional Commercial uses should be served by or have access to major or minor thoroughfares and the uses should be buffered from or located away from residential uses. Because of the prominence of Regional Commercial uses, high standards of site planning and landscape design are desired.

D – Downtown District & D-O – Downtown Overlay

The Downtown District is intended to be a compact, lively, pedestrian-oriented District that offers a wide diversity of commercial, office, civic, cultural, entertainment, recreation, residential, and tourism uses. Building design and layout should be based on traditional design principles, with architectural features that create visual interest. Primary building entrances should be physically and visually oriented toward streets. The D-O, Downtown Overlay, is intended to promote a vibrant traditional downtown environment, along Main Street between Jerome and George Streets. Residential development, particularly on the upper floors of retail and office buildings, is encouraged in the Downtown Overlay District. The D classification applies to more outlying areas in the Downtown where vehicle oriented uses exist in a less compact urban setting.

C – Circle District

The Circle District is intended to provide for the continued use, enhancement, and new development of retail, personal service, and related commercial uses in the Ashman Circle business district. Residential use is encouraged on the upper floors of retail and office buildings and in townhouses. Businesses in the Circle District are intended primarily to meet the day-to-day shopping and service needs of residents in surrounding neighborhoods and the broader community. Intensive commercial uses that would adversely affect the quality of surrounding residential areas are not appropriate in the Circle District.

CCO-A and CCO-B – Center City Overlay Districts

The purpose of the Center City Overlay Districts is to provide specific regulations to achieve the following:

1. Encourage reactivation of vacant properties and redevelopment of the district as a mixed-use environment with commercial, office, and residential uses.
2. Enhance overall walkability and safety through appropriate pedestrian accommodations and streetscape improvements.
3. Promote safer and improved traffic flow and accessibility in Ashman Circle and along the Saginaw Road and Washington Street corridors.
4. Regulate building orientation and placement to achieve appropriate scale and ensure proper transitioning between denser areas and surrounding residential neighborhoods.
5. Provide standards that promote distinctive site and building designs consistent with the district.

DNO – Downtown Northside Overlay District

The purpose of the Midland Downtown Northside Overlay District is to provide specific regulations to achieve the following:

1. Facilitate redevelopment of the district as a fully integrated, mixed-use, pedestrian-oriented environment with mixed-use buildings that contain commercial, residential and office uses.
2. Provide for a variety of housing types that include a more-urban alternative to single family detached, including townhouses, apartments above commercial uses and live-work units.
3. Calm traffic traveling through the City to create a more pedestrian-friendly environment and improve pedestrian linkages to the Downtown.
4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition between the downtown and surrounding neighborhoods.

5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.
6. Create a more pedestrian-oriented development pattern by placing storefronts near the sidewalk, locating parking in the side, or rear yard and limiting auto-oriented uses such as drive-throughs.

The Downtown Northside Overlay District is an overlay district that applies over the existing underlying zoning. The existing underlying zoning of a property is not changed nor is any legal use at the time of adoption of the overlay district made illegal or nonconforming. Not until such time as the property changes use or is redeveloped do the provisions of the overlay district become required.

Section 21.02 -- PERMITTED USES AND STRUCTURES

A. Table of Permitted Uses

In all areas zoned NC, CC, RC, D, D-O, C and DNO no building 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 uses listed in the Table of Permitted Uses (Table 21.1 located on page 21-4).

B. Accessory Uses and Structures

Uses and structures accessory to principal uses and structures in the NC, CC, RC, D, D-O, C and DNO Districts shall be permitted, subject to the provisions in Section 3.03.

C. Permitted Uses with Special Standards

In all areas zoned NC, CC, RC, D, D-O, C and DNO, the uses indicated in the following table as permitted uses with special standards are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

D. Conditional Land Uses

The uses indicated in the following table as conditional land uses may be permitted by the City Council, upon recommendation by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

E. Uses Not Cited by Name

The Director of the Planning and Community Development Department shall have the authority to determine if a use which is not cited by name as a permitted use in the NC, CC, RC, D, D-O, C, CCO-A & B, and DNO Districts as specified in Section 3.08 of the Ordinance.

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								
AUTOMOTIVE USES								
Auto parts sales						S	S	
Automobile filling station	C/S				C/S	S	S	Any such use shall be subject to the provisions in Section 9.02, subsection C.
Automobile or vehicle dealership						C	P	
Automobile repair garage, major						P	P	Any such use shall be subject to the provisions in Section 9.02, subsection C
Automobile repair garage, minor						P	P	Any such use shall be subject to the provisions in Section 9.02, subsection C
Automobile service stations						S	S	Any such use shall be subject to the provisions in Section 9.02, subsection C
Automobile wash						S	S	Any such use shall be subject to the provisions in Section 9.02, subsection D
Muffler sales					C/S	S	S	Any such use shall be subject to the provisions in Section 9.02, subsection C
Tire Sales					C/S	S	S	Any such use shall be subject to the provisions in Section 9.02, subsection C
COMMERCIAL USES								
Adult Regulated Uses							C	Any such use shall be subject to the provisions in Section 9.02, subsection A
Banks and credit unions	P	P	P	P	P	P	P	
Banks and credit unions with drive up windows	P	P	C	P	P	P	P	
Banquet and conference/meeting facilities	P	P	P			P	P	
Barber shops and beauty shops	P	P	P	P	P	P	P	
Bed and breakfasts	P	P	P	P				

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								
Business service establishments, limited to advertising, mailing, reproduction, commercial art, photography, stenographic services, personal supply services, computer programming, data processing, and other computer related services	P	P	P	P		P	P	
Car Rental Establishments						C	P	
Convenience stores	P	P	P	P	P	P	P	
Dressmaking/Tailoring	P	P	P	P	P	P	P	
Dry cleaning drop-off and pickup locations	P	P	P	P	P	P	P	No dry cleaning processing activity may occur on-site
Funeral homes	P				P	P	P	
Greeting card and gift stores	P	P	P	P	P	P	P	
Grocery Store	C	C	C	P	P	P	P	
Hardware, floor covering, paint, kitchen and bath store	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	
Music, art, and dance studios	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	

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								
Outdoor sales of nursery stock, garden supplies, and produce						C	P	
Personal service establishments	P	P	P	P	P	P	P	
Pet shops	P	P	P	P		P	P	
Pharmacies and drug stores without drive up windows	P	P	P	P	P	P	P	
Pharmacies and drug stores with drive up windows	P	P	C	P	P	P	P	
Photographic studios	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	P	
Repair service establishments, limited to small appliances, radio, TV, computer, jewelry, watches, upholsterer, shoe repair, and locksmith				P	P	P	P	
Repair service establishments of all types						P	P	Does not include repair of automobiles or other vehicles.
Restaurant, bar/lounge	P	P	P	P	P	P	P	
Restaurant, carry out	P	P	P	P	P	P	P	
Restaurant, with drive-in or drive-up windows						C/S	C/S	Any such use shall be subject to the provisions in Section 9.02, subsection G
Restaurant, standard	P	P	P	P	P	P	P	
Restaurant with outdoor seating	P	P	P	P	C	P	P	Shall not have outdoor music speakers.
Retail sales in an enclosed building	P	P	P	P	P	P	P	
Retail Strip Centers				P	P	P	P	Not larger than 20,000 sq. ft. in gross floor area in NC

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Self-serve laundries	P		P		P	P	P	
Shopping Centers			P			P	P	
LIGHT INDUSTRIAL USES								
Beverage bottling							C	
Bus and truck storage and repair							C	
Commercial bakeries	C		C	C			P	
Commercial Printing and publishing establishments	C		C			C	C	
Contractor's yards							C	
Dispatch Center							P	Limited to one tow truck and no vehicle storage.
Dry cleaners including processing						P	P	
Lumber yards							C	
Mini-warehouses, Self storage facilities							S	Any such use shall be subject to the provisions in Section 9.02, sub-section H
Processing of preprocessed and previously manufactured goods							C	
Solar Facilities							P	
Taxi and bus dispatch centers, not including storage or repair terminals						C	P	
Warehousing							C	
Wholesale and distributing establishments							C	
OFFICE/MEDICAL USES								
Dental clinics	P	P	P	P	P	P	P	
Medical clinics	P	P	P	P	P	P	P	
Veterinary clinics	P		P	P	P	P	P	No outdoor kennels are permitted
Dental, medical, and optical laboratories	P	P	P	P	P	P	P	

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Offices	P	P	P	P	P	P	P	
Social Service Agencies	P			P	P	P	P	
PUBLIC/INSTITUTIONAL USES								
Adult foster care facility	C		C	C				As defined in "Residential Care Facilities" in Section 2.02
Adult foster care small group home	C		C	C				As defined in "Residential Care Facilities" in Section 2.02
Adult foster care large group home	C		C	C				As defined in "Residential Care Facilities" in Section 2.02
Child care centers	C		C	C	C	C	C	
Clubs and Fraternal Organizations	S		C/S	S	S	P	P	Shall be subject to the provisions in Section 9.02, subsection E.
Colleges and universities	P		P			P	P	Any such use shall not exceed 100,000 square feet of floor area
Community colleges	P		P			P	P	Any such use shall not exceed 100,000 square feet in floor area
Cultural facilities	P	P	P	P	C	C	C	
Day Shelter							S	
Fire stations	P			P	P	P	P	
Governmental administration offices	P	P	P	P	P	P	P	
Housing for the elderly	C/S		C/S	C/S				Any such use shall be subject to the provisions in Section 9.02, subsection I
Parks	P	P	P	P	P	P	P	
Public and private libraries	P	P	P	C	C	C	C	
Public utility facilities	C/S		C/S	C/S				Any such use shall be subject to the provisions in Section 9.02, subsection K
Recycling collection station						C	C	
Residential treatment facilities							S	

TABLE 21.1: TABLE OF PERMITTED USES

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Retreat centers	C		C	C		P	P	
Transitional housing							S	
Vocational, technical, primary, secondary, and trade schools						P	P	Such schools may only offer instruction in uses otherwise permitted in the district.
Vocational, technical, primary, secondary, and trade schools	P			P				Such schools may only offer instruction in uses otherwise permitted in the district, and may not be located on the first floor.
RECREATION/ENTERTAINMENT USES								
Arcade	S		S	S		S	S	Any such use shall be subject to the provisions in Section 9.02, subsection L
Campgrounds and outdoor recreation facilities						C/S	C/S	Any such use shall be subject to the provisions in Section 9.02, subsection L
Commercial amusements, indoor						C/S	C/S	Any such use shall be subject to the provisions in Section 9.02, subsection L
Commercial amusements, outdoor						C/S	S	Any such use shall be subject to the provisions in Section 9.02, subsection L
Health clubs and spas	P	P	P	P	P	P	P	No outdoor services
Theatres	P	P	P	P		P	P/C	Drive in theatres only permitted in RC via Conditional Use
RESIDENTIAL USES								
Boarding Houses	C		C	C				
Dwelling units on upper floors above business establishments and live/work units	S	S	P	S	S			
Multiple-family dwellings	S	S	P	S	S			Any such use shall be subject to the provisions in Section 9.03, subsection

TABLE 21.1: TABLE OF PERMITTED USES

Use	Districts Where Permitted							Comments
	D	D-O	DNO	C	NC	CC	RC	
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Townhouses	S		P	S				Townhouses are not permitted on parcels with frontage on Ashman Circle. Any such use shall be subject to the provisions in Section 9.03, subsection A.
OTHER USES								
Parking structures	P	P	P	P		P	P	
Places of worship	C	C	C	P	P	P	P	
Planned unit developments	S	S	S	S	S	S	S	Subject to the provisions of Article 24.00
Signs	A	A	A	A	A	A	A	Subject to the provisions of Article 8.00
Wireless communication facilities	C/S	C/S	C/S	C/S	C/S	C/S	C/S	Any such use shall be subject to the provisions in Section 3.16

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

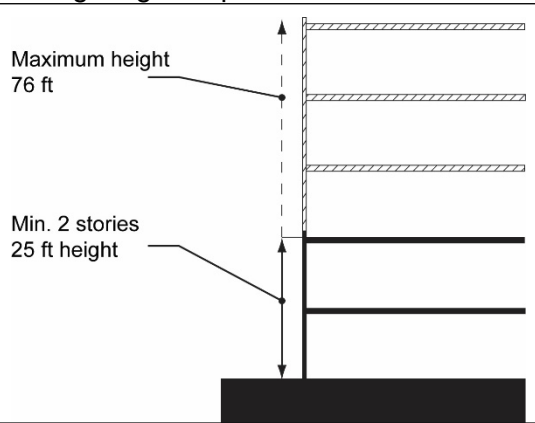
Unless otherwise noted, buildings and uses in the NC (Neighborhood Commercial) and C (Circle) Districts shall comply with the following requirements:

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.

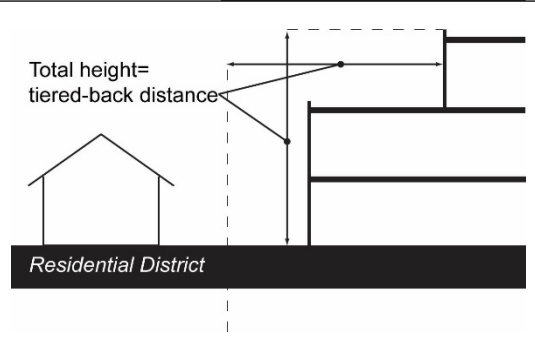
C. DNO Area, Height, Bulk, and Placement Regulations

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.
Maximum Building Height	76-foot maximum building height.

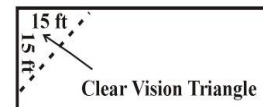
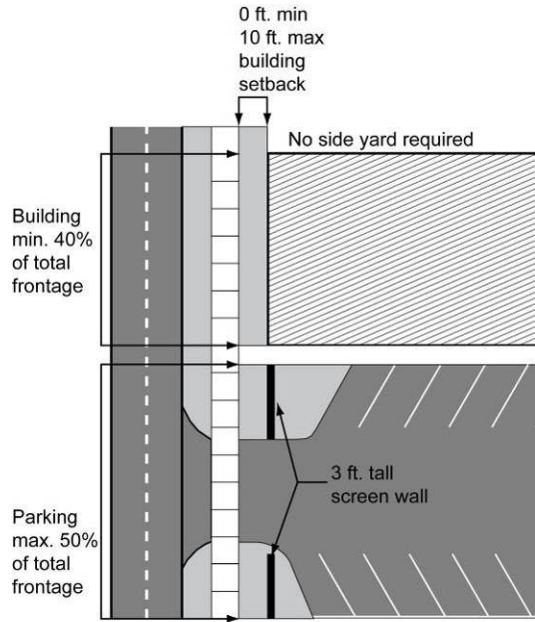


Adjacent Residential District	For buildings with more than 2 stories adjacent to a residential zoning district, the floors above the 2 nd story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
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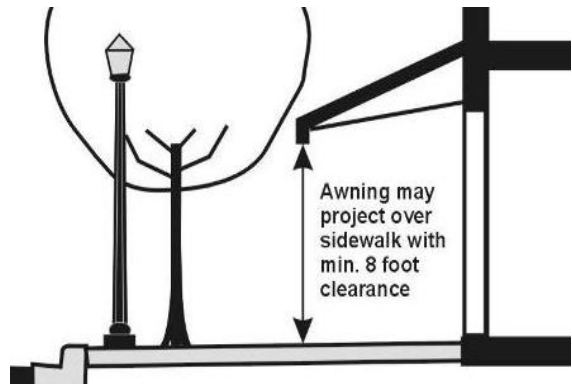
2. Building Placement. All lots and buildings shall meet the following dimensional requirements:

Building Frontage	Building façade shall occupy a minimum of 40% of the total lot frontage length between the min. and max. setback. This may include walls or other architectural features that are an extension of the building façade.
Front Yard	Minimum 0-foot, maximum 10-foot building front yard setback.(1)(2)
Side Yard	A zero side setback may be permitted where a fire barrier is provided along the side lot line.
Rear Yard	Minimum 15-foot rear yard building setback. Corner lots shall have 2 front yards, 2 side yards and no rear yard.
Parking	Off-street parking shall not be allowed between the building and sidewalk for at least 40% of the total lot frontage. Up to 50% of the frontage length to the side of the building may be occupied by off-street parking, provided a 3-foot screen tall wall is located between the sidewalk and parking lot. The remaining 10% may be pedestrian and landscape areas; or the building may occupy more frontage. For corner or through lots, frontage percentages shall be based upon the total cumulative of all street frontages.



(1) At the corner of two intersecting streets, a clear vision triangle shall be maintained with no structures between a height of 3 feet and 8 feet. The minimum triangle dimensions shall measure 15 feet along both road frontages.

(2) Awnings and canopies may project over the sidewalk, provided the awning or canopy is at least 8 feet above the sidewalk and does not project closer than 2 feet from the back of the street curb.



D. Planned Unit Development

Planned unit development may be permitted in the NC, CC, RC, D, D-O, and C Districts as a means to achieve the basic intent of this district, in accordance with Article 24.00.

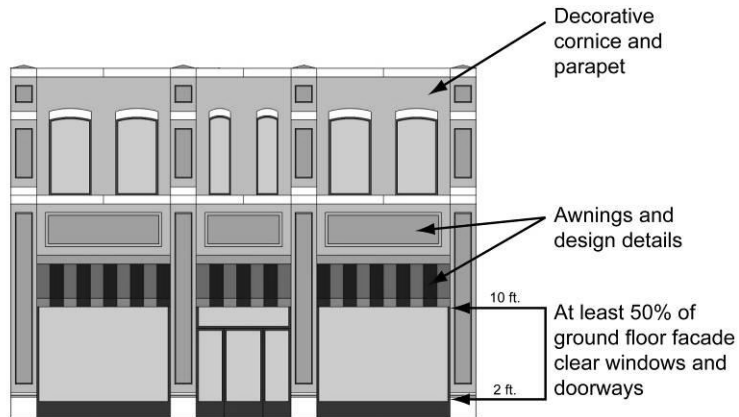
Section 21.04 -- DOWNTOWN NORTHSIDE OVERLAY DISTRICT DEVELOPMENT STANDARDS

A. Building Design Requirements

1. **General Commercial and Mixed-Use Buildings.** All commercial buildings and mixed-use buildings that contain non-residential and residential uses, such as retail on the ground floor, and residential on upper floors and live-work units, shall meet the following requirements.

General Commercial and Mixed-Use Buildings

Front Façade The front façade that faces a street or plaza shall include windows, cornice work, edge detailing and decorative finish materials.

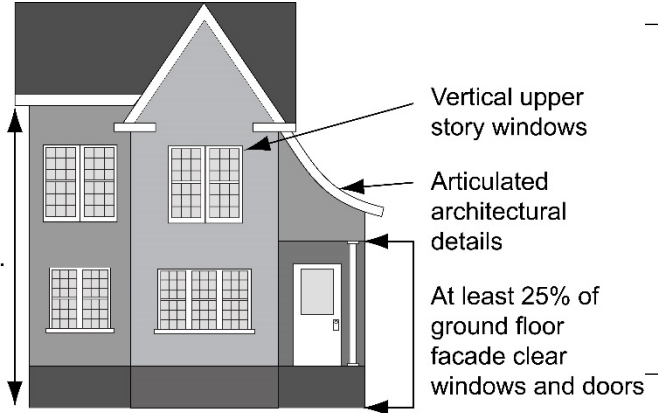


Entrance	There shall be a minimum of one (1) usable pedestrian entrance along the front public sidewalk. Main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
Blank Walls	Blank walls (without windows) longer than 20 feet shall not face a street.
Garage Doors	Garage doors shall not be permitted on a front façade; except opening/doors for access to structured parking or rear yard parking are permitted.
Ground Floor	Between 2 and 10 feet above the sidewalk, at least 50% of the ground floor façade area facing a street shall be clear windows and doorways. This may be reduced to 30% where the first floor is occupied by an office use.
Flat Roof Buildings	Buildings with a flat roof appearance from the street shall have a decorative cornice. Flat roofs shall be enclosed by parapets.
Pitched Roof Buildings	Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is a minimum of 4:12.
Mechanical Equipment Screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height. Mechanical equipment on buildings with a pitched roof shall be on the back half of the building and shall be concealed, such that it is not visible from the ground.

2. **Cottage Shop Building.** Buildings that were originally constructed as single family residences and converted to a non-residential use or constructed to appear as residential conversions shall meet the following requirements.

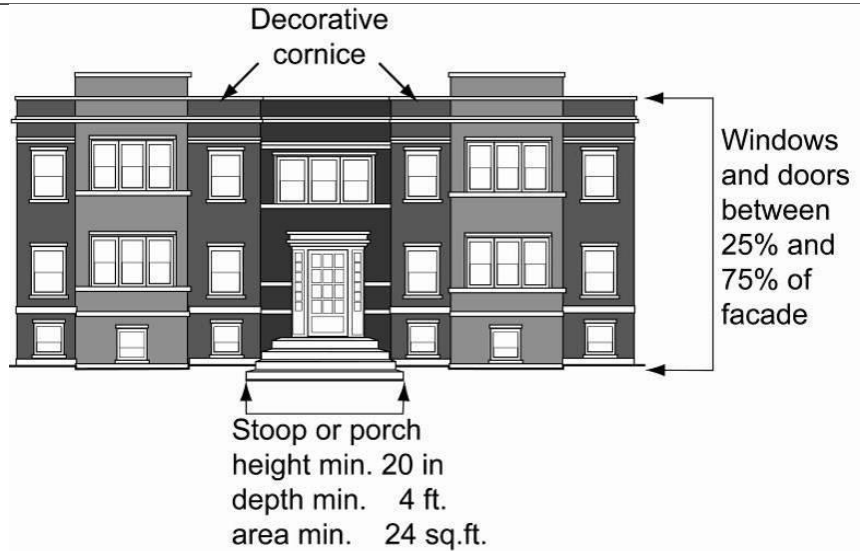
Cottage Shop Building

Front Façade	There shall be a minimum front public sidewalk
Garage Doors	Garage doors shall
Ground Floor Windows and Doors	At least 25% of the windows and doors
Upper Floor Windows	Windows above the ground floor shall be a minimum of 20 feet from the ground
Roof Design	Buildings with a pitched roof shall have a minimum of 4:12 pitch and the eaves shall be a minimum of 20 feet from the ground



- Apartment Buildings.** Apartment buildings that contain only multiple-family dwellings shall meet the following design requirements. Multiple-family dwellings located in mixed-use buildings shall be subject to the general commercial/mixed-use building design requirements in section 21.04.A.1. Apartment buildings are considered buildings with common entrances - where multiple family dwellings have individual entrances, they shall be subject to the townhouse design standards of section 21.04.A.4 below.

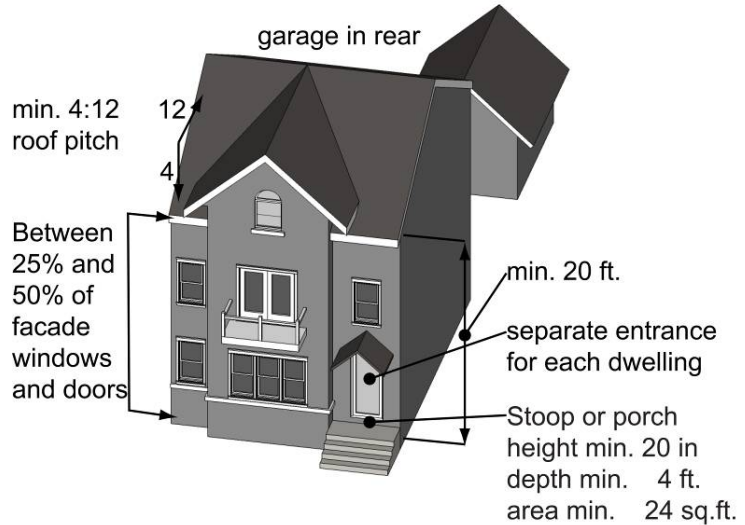
Apartment Buildings



Entrance	There shall be a minimum of one pedestrian entryway facing the street or opening onto a courtyard facing the street.
Front Stoop	A front stoop shall be allowed to project into the front yard. ADA-compliant access ramps that connect to the stoop may also project into the front yard.
Windows and Doors	The front façade of all residential units shall be a minimum of 25% and a maximum of 75% windows and doors.
Roof Design	Buildings with a flat roof appearance from the street shall have a decorative cornice. Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is a minimum of 4:12.
Parking and Carports	Off-street parking lots and carports or garages shall be located in the side or rear yard.

4. **Townhouses.** Attached/townhouse dwellings shall meet the following design requirements. Townhouse dwellings are dwellings where each unit has an individual front entrance - multiple family dwellings with common entrances shall be subject to the apartment building design standards of section 21.04.A.3 above.

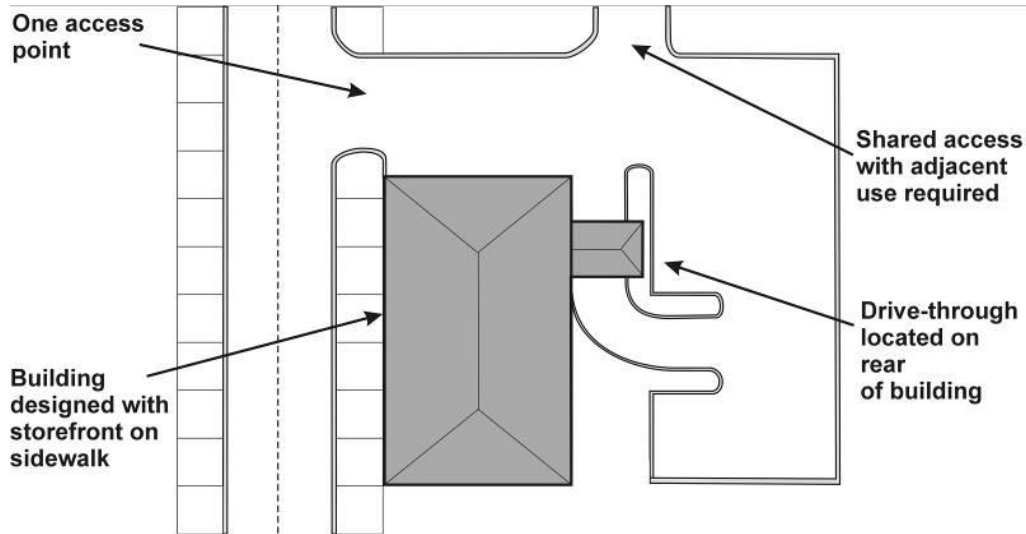
Townhouses



Entrance	Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps.
Front Porch or Stoop	All dwellings shall include a front stoop or porch. The stoop or porch shall have a minimum depth of 4 feet and a minimum area of 24 square feet. Steps and ADA-compliant access ramps that connect to the stoop or porch may project into the front yard.
First Floor Elevation	The stoop or porch shall be elevated a minimum of 20 inches above the sidewalk grade. This may be waived for units designed to be accessible by persons with disabilities.
Windows and Doors	The front façade of all residential units shall be a minimum of 25% and a maximum of 50% windows and doors.
Roof Design	Buildings shall be designed with a pitched roof with eaves at least 20 feet from the ground and a minimum roof pitch of 4:12.
Garages	Attached or detached garages shall be located in the rear yard or on the rear side of the building and shall be accessed by a rear alley or drive.

5. **Accessory Drive-Through Uses.** Drive-through windows that are accessory to banks, retail uses such as pharmacies and service uses such as dry-cleaners shall meet the following design requirements.

Drive-Through Windows



Building	The building shall meet all of the design requirements for a general commercial building contained in section 21.04.A.1.
Drive-through Location	The drive-through shall be attached to the rear of the building. On corner lots, the drive-through shall be attached to the side of the building and setback from the street to at least 50% of the building length.
Number of Lanes	No more than one drive-through window, teller or lane shall be permitted on a building or site.
Access	No more than one (1) driveway shall be provided to a public street. The driveway shall be shared with an adjacent use or easements provided to allow future shared use.

B. Site Design Requirements

1. **Parking.** Each use shall be required to provide off-street parking in accordance with the following requirements:
 - a. Off-street parking shall be required in accordance with Section 5.01, subject to paragraphs b. and c. below. Sites where the underlying zoning is D – Downtown District are not required to provide off-street parking.
 - b. For mixed-use developments or parking shared between multiple uses, the amount of parking provided shall equal the sum of the parking required for each individual use; provided, however, the Planning Commission may authorize a reduction in the total number of required parking spaces where multiple uses can be adequately served by shared use of fewer parking spaces by reason of the characteristics of the land uses and differing time of peak parking demand.
 - c. Uses on separate lots may enter into shared parking agreements. The parking may be provided on an adjacent lot or through an agreement with an off-site location.
 - d. No parking space or maneuvering lane shall be permitted within ten (10) feet of any street property line.
 - e. Off-street parking shall be located in the rear yard to the maximum extent practical. Parking may be permitted in the side yard where it is setback a distance equal to the building and a 3-foot tall screenwall that serves as an extension of the adjacent building is provided between the parking and the sidewalk in accordance with subsection 4.c. below.

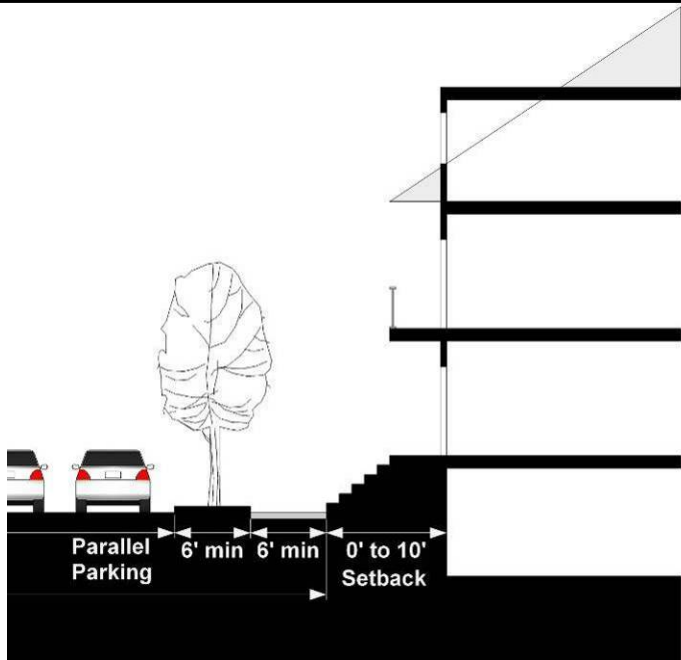
- f. All parking lots shall provide sufficient bike parking based on a minimum of one (1) bike for every ten (10) automobile parking spaces.
2. **Driveway Access.** All driveways shall meet the requirements of Section 3.10. Where the driveway spacing standards cannot be met, driveways shall be located as close as possible to the center of the block, with consideration of alignment with driveways on the opposite side of the street. Shared access may be required with adjacent sites where the driveway spacing standards cannot be met. Easements shall be provided for shared access with adjacent sites or cross circulation between adjacent parking lots.
3. **Loading.** Off-street loading spaces shall be provided as required by Section 5.02. Waivers to loading space requirements may be granted by the Planning Commission for uses such as offices or banks where deliveries by truck will not be necessary. Loading and outdoor storage areas shall be located in the rear yard or within loading bays that are surrounded or enclosed by buildings or accessed from rear yard parking lots. On corner lots, the loading area may be located on the side of the building setback from the street to at least 50% of the building length.
4. **Landscaping and Screening.** Landscaping and screening shall be provided for as follows:
 - a. **Street Trees.** One (1) street canopy tree shall be provided for each 40 feet of street frontage. Street trees shall be minimum 2½ inch caliper canopy trees.
 - b. **Parking Lot Landscaping.** Parking lots shall be landscaped in accordance with Section 6.02.F. Any portion of a parking lot that is setback more than 50 feet from the front lot line shall be exempt from the landscaping requirement. This exemption does not apply to buffer zones from adjacent residential zoning districts.
 - c. **Parking Lot Screening.** Where parking is visible from a street, landscaping shall be required between all parking lots and the street in accordance with Section 6.02.B. A 3-foot tall brick or stone screen wall shall be provided between the parking lot and the sidewalk instead of the earth berm required in Section 6.02. Wrought iron fencing or other similar ornamental fencing may be substituted for the 3-foot tall brick/stone wall, provided its design uses brick or stone piers and it is installed along with a continuous hedge row.
 - c. **Screening from Residential.** Where a parking lot is adjacent to a residential district or use, a 6-foot tall screen wall shall be provided between the parking lot and the residential district or use in accordance with Section 7.02. The screen wall shall be brick, stone, wood or other material compatible with the building and approved by the Planning Commission.
 - d. **Screening Greenbelt.** A 10-foot wide screening greenbelt shall be installed between any non-residential building and any adjacent residential zoning district in accordance with Section 6.02.D and E. No parking or maneuvering lanes shall be located within this greenbelt.
5. **Waste receptacles.** Waste receptacles shall be enclosed by a masonry wall meeting the requirements of Section 3.15. Multiple businesses may share a waste receptacle, provided there is a recorded agreement for shared use and maintenance.

6. **Utilities.** All new or relocated utility lines shall be installed underground. Utility boxes shall be located where they do not create obstruction to sidewalks or intersection clear vision triangles.
7. **Cluster Mailboxes.** Cluster mailboxes for multi-tenant developments shall be located in common lobby areas or, when outdoors, in a rear or side yard.

C. Streetscape Requirements.

1. An applicant shall make all streetscape improvements outside of the street curb along the lot frontage as shown in the following cross sections, including sidewalks, curb-lawn landscaping, street trees and decorative street lights. However, the applicant shall not be required to make any improvements to the vehicular lanes located between the curbs for an existing public street. The following are typical street sections and may vary along their length based upon City engineering standards and available right-of-way.

Streetscape Requirements	
Sidewalk	Minimum 6 foot wide both sides.
Tree Zone	A minimum 6 foot long green strip shall be provided between the street and sidewalk for street trees. This area may be paved as additional sidewalk with tree grates and continuous tree-root trenches under the sidewalk.
Street lights	Decorative street lights based upon specifications provided by the City.
Street trees	Minimum one tree for each 40 feet of street frontage.
Parking	Parallel parking shall be allowed where the City engineer or MDOT determines that there is sufficient roadway width.



2. Sidewalk cafés shall be permitted on or adjacent to sidewalks; provided a minimum 6-foot wide un-obstructed pedestrian pathway is maintained along the sidewalk. Restaurants with outdoor seating shall not have outdoor speakers.

Section 21.05 -- CENTER CITY OVERLAY DISTRICT DEVELOPMENT STANDARDS

A. Applicability

The Center City Overlay District is an overlay district that applies over the existing underlying zoning. The existing underlying zoning of a property remains and legal use at the time of adoption of the overlay district is permitted to continue. These standards shall

apply to all projects otherwise requiring an Administrative Site Plan Review or Site Plan Review as required under Article 27.00, and all projects requiring a Conditional Land Use permit in accordance with Article 28.00. In the event of a conflict between the overlay district and base zoning district regulations, the overlay district regulations shall take precedence. In all other cases, both the overlay district and base zoning district regulations apply.

1. **Center City Overlay-A (CCO-A).** This subdistrict includes the entirety of the Center City Overlay District located north and west of Dartmouth Drive.
2. **Center City Overlay-B (CCO-B).** This subdistrict includes the entirety of the Center City Overlay District located south and east of Dartmouth Drive.

B. Permitted Uses and Structures

Permitted uses in the Center City Overlay District shall be the same as those in the underlying zoning district, with the following modifications:

1. **Additional Uses Permitted**
 - a. Dwelling units on upper floors above business establishments and live-work units
 - b. Multiple-family dwellings
 - c. Townhouses
2. **Conditional Land Uses**
 - a. Drive-through uses (CCO-B only when also permitted by underlying zoning)
 - b. Banks and Credit Unions with drive-through windows (CCO-A only)
 - c. Buildings with a front and/or side street setback exceeding 100 feet (CCO-B only)
3. **Uses Not Permitted**
 - a. Drive-through uses, except for Banks and Credit Unions with drive-through windows (CCO-A only)

C. Site Design Requirements

1. **Area, Height, Bulk, and Setback**
 - a. Minimum front setback: 0 feet
 - b. Maximum front setback
 - i. CCO-A: 10 feet
 - ii. CCO-B: 100 feet (except as approved by Conditional Land Use permit)
 - c. Minimum side street setback: 0 feet
 - d. Maximum side street setback
 - i. CCO-A: 10 feet
 - ii. CCO-B: 100 feet (except as approved by Conditional Land Use permit)
 - e. Minimum side setback: 0 feet
 - f. Minimum rear setback: 0 feet
 - g. Maximum building height: Not regulated
 - h. Building façade shall occupy a minimum of 60% of the lot width within the minimum and maximum front setback
2. **Building Orientation**
 - a. At least one principal entrance shall face the front lot line. On corner lots, the entrance may face the corner. The Planning Commission may approve an alternative to this requirement provide that decorative or architectural enhancements, such as additional window placements or landscaping, are made to create a positive relationship between the façade and the public sidewalk.

- b. Within the CCO-A, the area between the building and the front lot line shall include amenities such as patios, landscaping, or benches for seating.
3. **Building Design**
- a. No blank walls shall be permitted facing the front or side street lot line.
 - b. Between 2 and 10 feet above the sidewalk, at least 30% of the ground floor façade area facing a street shall be clear windows and doorways (CCO-A only).
4. **Access Management**
- a. All driveways shall follow the design guidelines in the Center City Redevelopment Plan and the requirements of Section 3.10 of this Zoning Ordinance.
 - b. Relocation, redesign, or closure of an existing driveway may be required by the Planning Commission to improve spacing from an intersection, to improve alignment or increase offset from a driveway located on the opposite side of the street, or to mitigate against safety issues on the public street.
 - c. Where the driveway spacing standards cannot be met, driveways shall be located as close as possible to the center of the block, with consideration of alignment or sufficient offset from driveways on the opposite side of the street to reduce potential for vehicle conflicts.
 - d. Shared access may be required with adjacent sites by the Planning Commission. Easements shall be provided for shared access with adjacent sites or cross circulation between adjacent parking lots.
5. **Parking Requirements and Design Standards**
- The following parking and design standards pertain to the entirety of the Center City Overlay District unless otherwise noted. For all other parking standards, the required number of off-street parking spaces and construction of such spaces shall comply with Article 5.00 Parking and Loading of this Zoning Ordinance.
- a. Required vehicle parking setbacks
 - i. Front setback
 - a. CCO-A: No parking permitted in front yard
 - b. CCO-B: 5 feet minimum
 - ii. Side street setback
 - a. CCO-A: No parking permitted in side street yard
 - b. CCO-B: 5 feet minimum
 - iii. Side setback: 5 feet
 - iv. Rear setback: 5 feet
 - b. Minimum number of parking spaces
 - i. CCO-A: No parking spaces are required.
 - ii. CCO-B: The minimum parking required for any use shall be one-half (1/2) the parking otherwise required in Article 5.00. The Planning Commission may further reduce the minimum parking requirement upon a showing of good cause.
 - c. Parking lot landscaping
 - i. Parking lots shall be landscaped in accordance with Section 6.02.F.
 - ii. Where parking is visible from a street, landscaping shall be required between all parking lots and the street in accordance with Section 6.02.B.
 - iii. A brick or stone screen wall 3 feet in height shall be provided between the parking lot and the sidewalk instead of the earth berm required in Section 6.02. The Planning Commission may approve the full or partial substitution of ornamental fencing made of aluminum, wrought iron, or

similar material, provided it is installed with brick or stone piers and paired with a continuous hedge row.

- d. Bicycle parking standards
 - i. Bicycle parking shall be provided at a rate of 1 bicycle parking space for each 10 vehicle spaces. No single use shall be required to provide more than 15 bicycle parking spaces.
 - ii. Bicycle parking shall be located to prevent interference with pedestrian pathways.
 - iii. Bicycle parking shall be designed and installed in accordance with *Essentials of Bike Parking*, as promulgated by the American Bicycle and Pedestrian Association.
- e. Drive-through standards
Drive-through uses shall be designed to minimize impact to the public street. Appropriate on-site stacking shall be provided to prevent stacking into the right-of-way.

6. **Pedestrian Standards**

All sites shall provide a direct pedestrian pathway between the public sidewalk and principal entrance(s) of each building.

- a. Pathways shall be a minimum width of 5 feet and, when crossing a vehicular parking lot, shall be constructed of a material which contrasts with the lot's primary surface material.
- b. Maneuvering lanes shall be designed to minimize conflicts with the pedestrian pathway. Where crossings are necessary, signage shall be installed to indicate that the pedestrian has the right-of-way.
- c. Sidewalk cafés shall be permitted on or adjacent to sidewalks, provided a minimum 6 foot wide unobstructed pedestrian pathway is maintained along the sidewalk.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect seven (7) days after publication. (Ordinance ADOPTED. YEAS: Brown Wilhelm, Donker, Soler. NAYS: Arnosky. ABSENT: Wazbinski.)

ZONING PETITION NO. 647

Director of Planning & Community Development Jacob Kain presented information on Zoning Petition No. 647. A public hearing opened at 6:46 p.m. Jared Publinski of 4410 Partridge Lane commented. The hearing closed at 6:47 p.m. The following ordinance was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

ORDINANCE NO. 1875

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE OS OFFICE SERVICE ZONING WHERE NO ZONING DESIGNATION PRESENTLY EXISTS AT 3401 E. WHEELER STREET; TO PROVIDE RC REGIONAL COMMERCIAL ZONING WHERE NO ZONING DESIGNATION PRESENTLY EXISTS AT 5101 WALDO AVENUE; TO PROVIDE RB MULTIPLE FAMILY RESIDENTIAL

ZONING WHERE NO ZONING DESIGNATION PRESENTLY EXISTS AT 5301 AND 5401 WALDO AVENUE; AND TO PROVIDE COM COMMUNITY ZONING WHERE NO ZONING DESIGNATION PRESENTLY EXISTS AT 5901 WALDO AVENUE.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

W 1/2 OF SW 1/4. EXC COM AT SW SEC COR, TH E 553.31 FT, N 37D 23M W 795.48 FT TO W SEC LN, S 707.6 FT. EXC HWY ROW, SEC 01 T14N R2E.

CONTAINING 32.14 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

SEC 02 T14N R2E COM 660 FT S OF E 1/4 COR, TH W 1270 FT, SE TO A PT ON S 1/8 LN 650 FT W OF E SEC LN, E 20.64 FT, SE TO A PT 730 FT N & 100 FT W OF SE SEC COR, N 350 FT, E 100 FT, N 900 FT.

CONTAINING 17.95 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

COM 330 FT S OF E 1/4 COR, TH S 198 FT, W 330 FT, S 132 FT, W 940 FT, NW TO A PT 1566.5 FT W OF POB, E TO POB, 9.75 AC, SEC 02, T14N-R2E.

CONTAINING 9.56 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

COM AT E 1/4 COR, TH S 330 FT, W 1566.5 FT, NWLY TO E&W 1/4 LN, E 1863 FT, 12.98 AC, SEC 02, T14N-R2E.

CONTAINING 12.93 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

COM 150 FT N OF E 1/4, TH W 435 FT, S 150 FT, W 1448.37 FT, N 24D 3M W 644.25 FT, E 2180.2 FT, S 430.1 FT, SEC 02, T14N-R2E.

CONTAINING 25.62 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. ABSENT: Wazbinski.)

ZONING PETITION NO. 648

Director of Planning & Community Development Jacob Kain presented information on Zoning Petition No. 648. A public hearing opened at 6:56 p.m., hearing no public comment, the hearing closed at 6:57p.m. The following ordinance was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

ORDINANCE NO. 1876

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT

THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RB MULTIPLE FAMILY RESIDENTIAL ZONING WHERE C CIRCLE AND CENTER CITY OVERLAY ZONING PRESENTLY EXISTS AT 214/216 AND 300/302 E. ASHMAN; 203/205 AND 209 CAMBRIDGE STREET; AND 116, 120, AND 126 MERTZ STREET; AND TO PROVIDE C CIRCLE AND CENTER CITY OVERLAY ZONING WHERE RA-1 SINGLE FAMILY RESIDENTIAL AND CENTER CITY OVERLAY ZONING PRESENTLY EXISTS AT 2923/2927 MANOR DRIVE.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

LOT 2 AND THE W 1/2 OF LOT 3 STREUERS CITY PLAN ADD NO 3.

CONTAINING 0.25 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

LOT 4 AND THE E 1/2 OF LOT 3 OF STREUERS CITY PLAN ADD NO 3.

CONTAINING 0.30 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

LOTS 22 AMENDED PLAT OF LOTS 1 AND 22 OF STREUERS CITY PLAN ADDN NO 3 AND LOT 12, 54 AND PARK LOT IN BLK 2 OF STREUERS CITY PLAN ADDN NO 1, ALSO LOT 23 STREUERS CITY ADD NO. 3.

CONTAINING 0.33 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

LOT 24 STREUERS CITY PLAN ADD NO 3.

CONTAINING 0.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

SE 34 FT OF LOT 23, ALL OF LOT 24 & 6 FT OF ALLEY ALG SE SIDE OF LOT 24 & 1 FT OF ALLEY IN REAR OF ABOVE DECS LAND HUBBARD ADD.

CONTAINING 0.30 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

SE 12 1/2 FT OF LOT 21, ALL OF LOT 22 & NW 26 FT OF LOT 23 & 1 FT OF ALLEY IN REAR OF SAME HUBBARD ADD.

CONTAINING 0.25 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

SE 40 FT OF LOT 20, NW 32 1/2 FT OF LOT 21 & 1 FT OF ALLEY IN REAR OF SAME HUBBARD ADD.

CONTAINING 0.22 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RB Multiple Family Residential zoning.

AND

BEG 495.25 FT N & 280.2 FT E OF E 1/8 POST ON S LN SEC 9, NE 230.88 FT TO BEG, SE 120 FT, NE 150 FT NWLY 120.27 FT SWLY 166 FT TO POB.

CONTAINING 0.41 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to C Circle and Center City Overlay zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. ABSENT: Wazbinski)

Being no further business the meeting adjourned at 6:57 p.m., January 23, 2023.

Lacey Todd, City Clerk