



Chelsea

ZONING ORDINANCE 2021

CITY OF CHELSEA
WASHTENAW COUNTY, MICHIGAN

Adopted by the Chelsea City Council on
May 17, 2021

ZONING ORDINANCE 2021

City of Chelsea, Michigan

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ARTICLE 1.

TITLE AND PURPOSE

SECTION 1.01

Legal Basis

This Ordinance is enacted under the authority of, and in accordance with, the provisions of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, and the Public Acts of 2008, the Michigan Planning Enabling Act.

SECTION 1.02

Title

This Ordinance shall be known as "The Zoning Ordinance of the City of Chelsea" and may be referred to as the "Zoning Ordinance." The Zoning Map referred to herein is entitled "Zoning Map, City of Chelsea" and may be referred to as the "Zoning Map."

SECTION 1.03

Purpose

The intent and purpose of this Ordinance is to promote and protect the public health, safety, and general welfare by incorporating provisions aimed at achieving the following:

- A.** Protecting the character and stability of recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B.** Preventing overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- C.** Lessening and avoiding congestion on public highways and streets;

- D.** Providing for the needs of recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission;
- E.** Encouraging the most appropriate use of land in accordance with its character and adaptability, and prohibiting uses that are incompatible with the character of development permitted within a specified zoning district;
- F.** Providing for a variety of housing types to meet the diverse needs of Chelsea residents;
- G.** Promoting social and economic stability, and the taxable value of land;
- H.** Conserving expenditures of funds for public improvements and services;
- I.** Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, noise, vibration, radioactivity, and other nuisances and hazards; and
- J.** Providing for maintenance, restoration, reconstruction, or substitution of nonconforming uses.

SECTION 1.04

Conflict with Other Laws

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other City Ordinance then the provisions of this Ordinance shall govern. Whenever the provisions of any other regulation or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 1.05

Validity and Severability Clause

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance subject to such ruling. If any court of competent jurisdiction shall declare invalid that application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provisions to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

SECTION 1.06

Effective Date

- A. Repeal.** The City of Chelsea Zoning Ordinance adopted on May 11, 2010 and all amendments to that Ordinance shall be repealed upon the Effective Date of this Ordinance.
- B. Adoption and Effective Date.** This Ordinance, which specifically includes the Zoning District Map, was adopted on May 17, 2021 by the Chelsea City Council and shall take effect 21 days after the date of adoption.

SECTION 1.07

Completion of Construction

- A. Pending Applications.** Nothing in this Ordinance shall require any change in plan, construction, size, or designated use of a building for which a Zoning Compliance Permit and building permit have been granted before the Effective Date of this Ordinance provided construction shall have been started within six (6) months of such date.
- B.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the Effective Date of adoption or amendment of this Ordinance, provided that construction shall be completed within 365 days of such Effective Date and be subject thereafter to the provisions of [ARTICLE 12](#).
- C.** Adoption of this Ordinance shall not limit the construction of any building or structure for which a Zoning Compliance Permit had been obtained prior to the Effective Date of adoption or amendment of this Ordinance even though said building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within 30 days of obtaining such permit and be subject thereafter to the provisions of [ARTICLE 10](#) of this Ordinance.

ARTICLE 2. DEFINITIONS

SECTION 2.01

Interpretation

For the purpose of this ordinance, certain terms or words shall be interpreted as follows.

- A.** The word "person" includes a firm, association, organization, partnership, trust, corporation, company, or individual.
- B.** The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- C.** The word "shall" is mandatory, the words "may" and "should" are permissive. The words "used" or "occupied" include "intended", "designed", or "arranged to be used or occupied."
- D.** The word "lot" includes the words "plot" or "parcel."
- E.** Any word or term not defined herein shall have the meaning of common or standard use that is reasonable for the context in which used herein.

SECTION 2.02

Definitions

ACCESSORY BUILDING OR USE THEREOF. A building that is subordinate in area, function, or purpose to the principal use and building on the parcel and is customarily used in conjunction with a permitted accessory use.

ACCESSORY DWELLING UNIT (ADU). A dwelling unit that is included in a detached accessory building that is incidental and accessory to a primary single-family dwelling on the same lot.

ACCESSORY STRUCTURE. An attached or detached subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.

ACCESSORY USE. A subordinate use, clearly incidental and related to the principal structure, building or use of land, and located on the same lot as that of the principal structure building or use.

ADULT BUSINESS. Establishments which are distinguished or characterized by entertainment, devices, or services which are sexually explicit in nature.

AGRICULTURAL USE. The use of land for tilling of the soil, the raising of tree and field crops, or animal husbandry as a source of income, including any uses established in accordance with the Michigan Right to Farm Act, Public Act 93 of 1981. Agriculture uses may include, but are not limited to: growing of field crops, fruits, and vegetables; raising or keeping of slaughter and feeder cattle, llamas, dairy cattle, horses, sheep, goats, laying chickens, broilers, turkeys, game birds, and rabbits; growing of sod; and cultivation of field-grown, container, and greenhouse herbaceous and woody nursery stock.

AGRITOURISM. The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

ALLEY. A public or private right-of-way which is not designed for general travel and affords only a secondary means of access to abutting property, and which is not more than 33 feet wide.

ALTERATION. Any structural change in the supporting or load-bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

ARTISAN/MAKER SPACE. Non-residential space designed to be used for personal-scale, low-impact artisan production of wholesale goods.

AVERAGE GRADE. Average grade is the average elevation of the ground level of the parcel surface as measured at the front and rear building line.

AWNING. An architectural projection that provides weather protection, identity, or decoration that is wholly supported by the structure to which it is attached and is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

BAR. A bar 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 is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

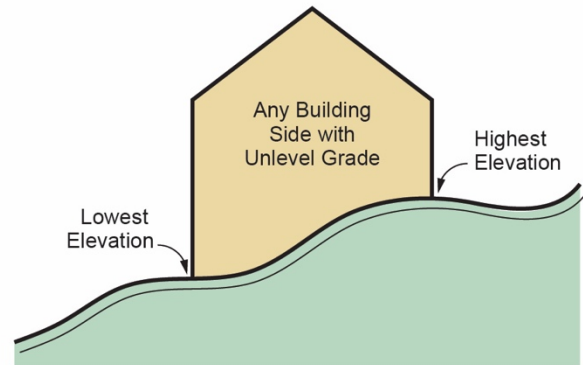
BASEMENT. Any level below the first story of a building. A basement may have part, but no more than one-half (.5) of its height above finished grade.

BAY WIDTH. The width of a building between vertical lines or planes, typically architectural elements such as columns, pilasters, recesses, or openings.

BED AND BREAKFAST. A use that is subordinate to the principal use of a structure as a single family detached dwelling unit, in which transient guests are provided with sleeping rooms and limited breakfast meals on a short-term basis in return for payments.

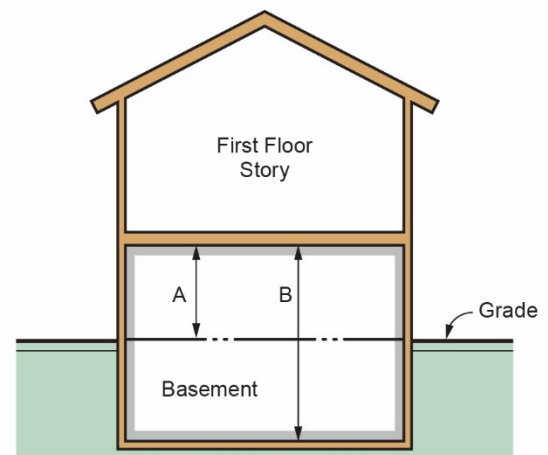
BLANK WALL LENGTH. The portion of a façade that does not include fenestration or surface relief through the use of columns, cornices, moldings, piers, pilasters, sills, sign bands, other equivalent architectural features that either recess or project from the plane of the façade.

BODY OF WATER. Any waterway or any body of water having well defined banks, including rivers, streams, creeks, and brooks, whether continuing or intermittently flowing, and lakes and ponds. The boundary of a body of water shall be determined by a reference to the ordinary high-water mark of the body of water established by reference to United States Geodesic Datum, Washtenaw County Water Resource Commissioner's Records, natural vegetation, and any other historical reference.



$$\text{Average Grade} = \frac{\text{Highest} + \text{Lowest}}{2}$$

Employ Average Grade for any building side with unlevel grade, computed individually



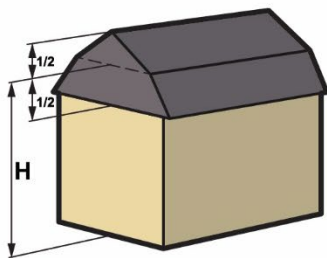
Basement

If "A" is less than 1/2 of "B," then "B" is a basement.

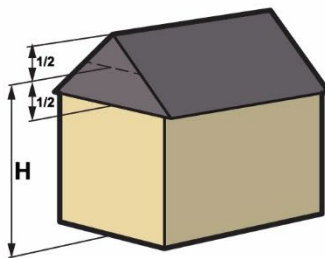
BREW PUB. An eating and drinking establishment that includes the brewing of beer (including ale) as an accessory use for sale on the same premises of not more than 18,000 barrels per year. (A barrel is equivalent to 31 U.S. gallons).

BUILDABLE AREA. The open space on a lot, exclusive of the required yards (setbacks), on which a building may be constructed.

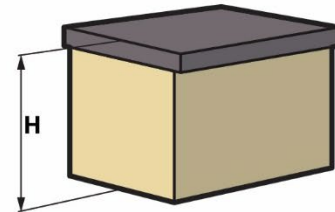
BUILDING HEIGHT. The vertical distance measured from the average grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall. The drawings below are illustrative of this definition and are part thereof.



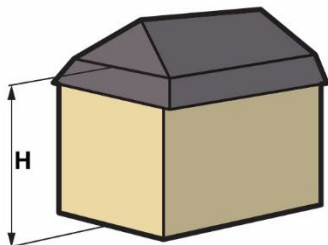
Gambrel Roof



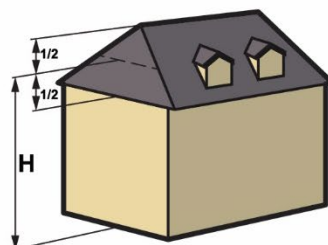
Gable Roof



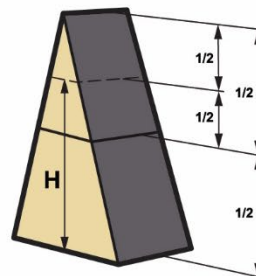
Flat Roof



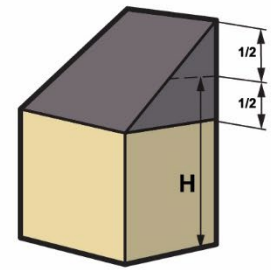
Mansard Roof



Hip Roof



"A" Frame



Studio / Shed Roof

Building Height

H = Height of Building

BUILDING, PRINCIPAL. A building which houses the main use or uses of the lot on which said building is located.

BUILDING. An enclosed structure having a roof supported by columns, walls, or other devices and used for housing, shelter, or enclosure of people, animals, or possessions.

BUILD-TO LINE. The line on which a defined percentage a building's front façade must be constructed. It serves to determine how far a building must be setback from the curb edge or travel lane edge, whichever is closest to the property line. Should the curb and the travel lane edge not overlap, the applicant should use the line closest to the property line. Build-to lines apply to any property edge that fronts onto public street and properties may have more than one (1) build-to line.

CANOPY STRUCTURE. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

CEMETERY. Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums, but exclude crematories.

CLINIC. An establishment where human patients are examined and treated by one (1) or more physicians, dentists, or similar professions. A clinic shall not include overnight room or boarding facilities.

COMMERCIAL TRAILER. A trailer or vehicle without motive power designed to be drawn by a motor vehicle or commercial vehicle, and constructed or used for transportation of goods, materials, or merchandise.

COMMERCIAL VEHICLE. Any motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, materials or merchandise, or which is designed and used for towing other trailers or vehicles.

CRAFT DISTILLERY. An establishment that manufactures not more than 60,000 gallons of spirits annually.

CONDOMINIUM.

CONDOMINIUM ACT. Act 59, Public Acts of 1978, as amended.

CONDOMINIUM DOCUMENTS. The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

CONDOMINIUM LOT. The land in a condominium unit, together with the land in the adjacent and appurtenant limited common elements, if there is such a limited common element.

CONDOMINIUM SUBDIVISION PLAN. The drawings and information prepared in accordance with Section 66 of the Condominium Act.

CONDOMINIUM UNIT. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

CONSOLIDATING MASTER DEED. The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.

CONVERSION CONDOMINIUM. A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.

EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

NOTICE OF PROPOSED ACTION. The notice required by Section 71 of the Condominium Act, to be filed with City of Chelsea and other agencies.

SITE CONDOMINIUM. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

DECK. Any patio, balcony, terrace, gallery, veranda, piazza, or similar, uncovered projection from an outer wall of a building.

DWELLING UNIT. One (1) or more rooms connected together designed as a self-contained, separate unit for occupancy. A dwelling unit shall contain independent living, cooking, sleeping, and sanitation facilities.

DWELLING, SINGLE-FAMILY. A detached principal building designed and used exclusively as the home, residence, or sleeping place of one (1) family.

DWELLING, TWO-FAMILY. A building containing two (2) separate dwelling units designed for residential use. This shall not include a single-family dwelling with an accessory dwelling unit.

DWELLING, MULTIPLE-FAMILY. A building or group of buildings (e.g., apartment building(s), townhomes), designed for or occupied as three (3) or more dwelling units.

EASEMENT. Interest in land owned by another that entitles its holder to a specific limited use or access.

ECONOMY EFFICIENT DWELLING (EED). A primary dwelling unit that is between 250 square feet and 700 square feet in size, built on an approved foundation, meeting the State of Michigan's building and sanitary codes, and qualifying for a Certificate of Occupancy.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs, and fire hydrants, and other similar equipment and accessories in connection therewith.

FAMILY. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit, or a group of persons whose right to live in a single dwelling unit is protected by the federal Fair Housing Act Amendments of 1988.

FENCE. A structural barrier composed of posts carrying boards, rails, pickets, or wire or iron structures consisting of vertical bars, horizontal bars, or open work.

FINISHED GRADE. the final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

FINISHED FLOOR ELEVATION. The height of a building as measured from the average grade of the ground to the top surface of the ground floor of the building.

FLOOR AREA. The area of any floor of a building measured from the outside face of exterior walls.

GOVERNMENT BUILDINGS. A building or buildings which shall serve as essential services and safety of the community, but shall not serve as a residential facility.

GROUND FLOOR AREA. The area of the floor located at ground level, or closest floor above grade.

HOME OCCUPATION. An accessory use of a dwelling unit for gainful employment involving the provision of professional or personal services.

HOTEL/MOTEL. A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.

IMPERVIOUS AREA COVERAGE. The impervious area on a lot divided by the lot area.

IMPERVIOUS AREA. The sum of all paved or hard surfaced areas, such as areas covered by roads and drives, parking lots, loading areas, formed curbs and gutters, sidewalks, bike paths, patios; any areas of concrete, asphalt, brick, or other non-absorbent material; and buildings.

INDOOR COMMERCIAL AMUSEMENTS. An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to: bowling alleys, ice- or roller-skating rinks, and arcades.

JUNKYARD. A structure or parcel of land where junk, waste, discarded, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged

LIGHTING. All lighting definitions can be found in [Section 6.07C](#).

LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

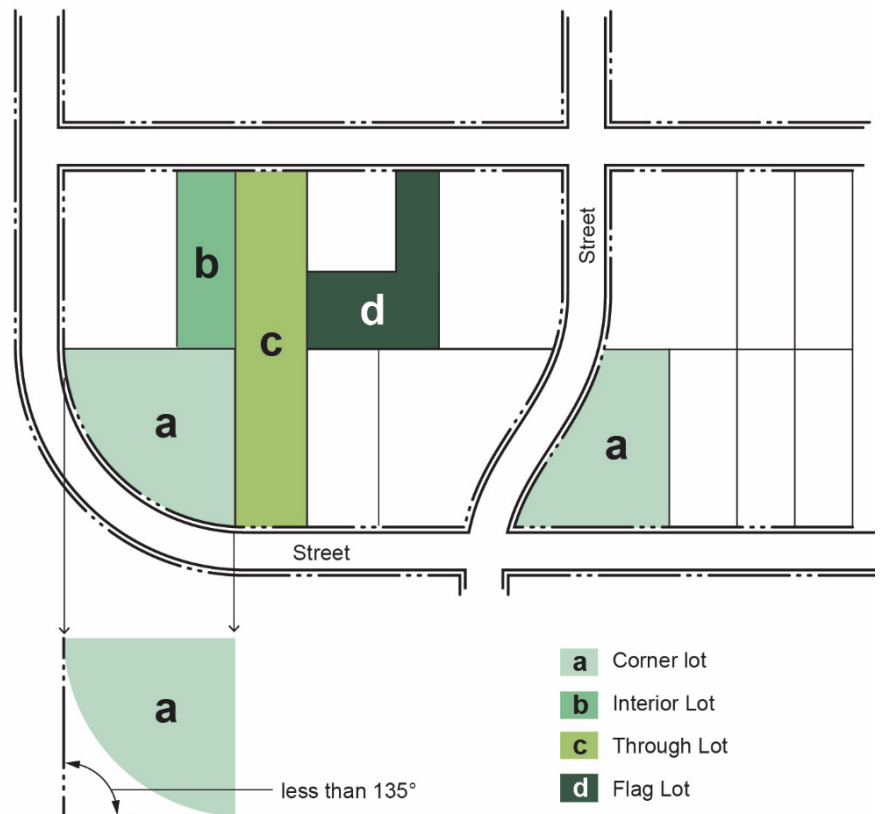
LOT, CONTIGUOUS. Lots adjoining each other.

LOT, CORNER. A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

LOT, FLAG. A lot whose access to a street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage standards of the district in which it is located.

LOT, THROUGH. An interior lot having frontage on two parallel or approximately parallel streets.

LOT OF RECORD. A lot which is part of a subdivision and is shown on a map which has been recorded in the Office of the Register of Deeds of Washtenaw County, or a lot described by metes and bounds, the deed to which has been recorded in said office.



Corner, Interior, and Through Lots

LOT AREA. The area within the lines of a lot as defined preceding. A lot area shall not include any portion of land in a road or street right-of-way.

LOT COVERAGE. The ground floor area of all buildings and covered and/or enclosed structures on the lot divided by the lot area.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT WIDTH. The horizontal distance between the side lot lines, measured in a straight line perpendicular to the side lot lines.

MANUFACTURED HOME. A building or portion of a building designed for long-term residential use and characterized by all of the following:

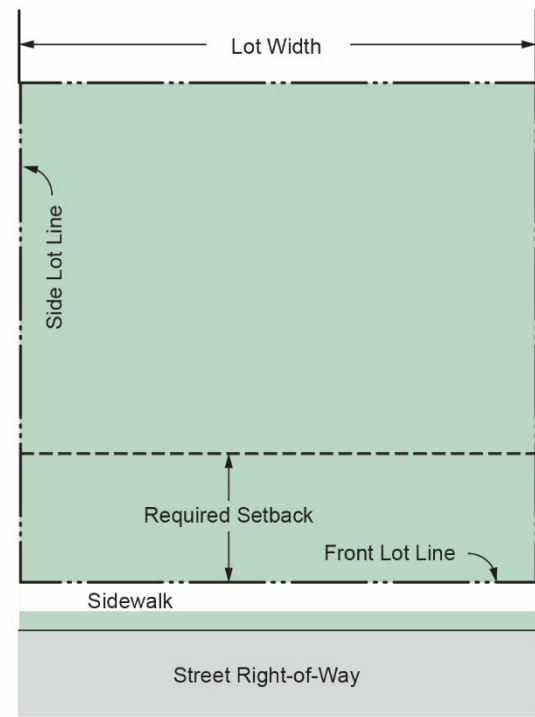
- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

MANUFACTURED HOUSING PARK. A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home.

MANUFACTURED HOME SITE. The entire area in a manufactured housing park that is designed for use by a specific manufacture home.

MICROBREWERY. A brewery that produces less than 30,000 barrels of beer or ale per year, as allowed by state law (a barrel is equivalent to 31 US gallons). A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.

MINI-WAREHOUSING (SELF-STORAGE). A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.



Lot Width

Frontage

OFFICE, MEDICAL. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

OFFICE, PROFESSIONAL. A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

OUTDOOR CAFÉ. Any food establishment where food and other refreshments are served or consumed within the public right-of-way, i.e., the sidewalks immediately in front of any food establishment, cafe, or place of business where food and/or other refreshments are served, or where permitted on private property.

OUTDOOR RECREATION. A recreational facility conducted for commercial purposes and outside of a building. Including such uses such as athletic fields, miniature golf, outdoor skateboard park; swimming, bathing, wading, and other therapeutic facilities; children's tennis, handball, basketball courts, and batting cages.

PEDESTRIAN PASS-THROUGH. A walkway that extends from the public right-of-way at the front of a building or site to the rear of a building to connect the public sidewalk to parking areas or alleys.

PERSONAL SERVICES. Establishments providing services, as opposed to products, to the general public, including: financial services, insurance, real estate, dry cleaning, tailors, salons, spas, wellness, and similar uses. Personal services shall not include auto-related uses.

PET GROOMING. An establishment providing grooming services to domestic pet animals including, but not limited to: clipping, bathing, and related services. Pet grooming establishments shall not include kennel, boarding, or training facilities for pets. Pet grooming establishments may be a separate, principal use or accessory to a retail pet supply store.

PET KENNEL. Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

PRIMARY ENTRANCE. A main point of access for pedestrians into a building, upper story use, or ground floor tenant space.

PUBLIC INSTITUTION. Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, post offices, libraries, museums, and community centers.

RECREATIONAL VEHICLE. A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by a vehicle. Such unit shall not exceed eight (8) feet in width and shall not be designed or intended for full-time residential occupancy. The term recreational vehicle shall include among others, such commonly named vehicles as travel trailer, travel camper, pick-up camper, tent camper and motor home.

RESTAURANT.

RESTAURANT, FULL-SERVICE. A structure or portion of a structure which is maintained, operated, and advertised or held out to the public as a place where food, confections, frozen dessert and beverages are served and consumed at chairs and tables primarily within the structure.

RESTAURANT, LIMITED-SERVICE. Establishments whose patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' locations.

RETAIL SALES ESTABLISHMENT. An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

ROOF PITCH. The angle of the roof as calculated by the number of inches the roof rises vertically for every 12 inches it extends horizontally.

SCHOOL, PRIMARY. A school for the first four to six grades, and usually including kindergarten.

SCHOOL, SECONDARY. A school intermediate between elementary school and college and usually offering general, technical, vocational, or college-preparatory courses.

SENIOR HOUSING, ASSISTED. Residences for the elderly that provide 24-hour supervision and are designed and operated for seniors who require some level of support for daily living. Such support shall include meals, security, and housekeeping, and may include daily personal care, transportation and other support services, where needed. Individual dwellings may contain kitchen facilities.

SENIOR HOUSING, INDEPENDENT. An unlicensed residential living setting for older persons that may or may not provide hospitality or supportive services. Under this living arrangement, the resident leads an independent lifestyle that requires minimal or no extra assistance.

SETBACK (REQUIRED YARD). The minimum required distance between a structure, improvement, or use and lot lines, access easements, other structures, natural features, and uses. This distance is measured horizontally from the nearest point of the structure, unless otherwise noted. The following words, terms, and phrases related to setbacks shall have the following meanings:

FRONT YARD SETBACK. The minimum required distance between a structure and the front lot line or edge of access easement, extending the full width of the lot. depth of the required front shall be measured at right angles to the street line, in the case of a straight-line street, and radial to the street line, in the case of a curved street line.

REAR YARD SETBACK. The minimum required distance between the structure and the rear lot line, extending the full width of the lot. The minimum required yard extending the full width of the lot and situated between a rear property line and the rear building line, parallel to the rear property line. The depth of the required rear yard shall be measured at right angles to the rear property line.

SIDE YARD SETBACK. The minimum distance between a structure and the side lot line, extending from the front setback to the rear setback.

NATURAL FEATURES SETBACK. The minimum required distance between a structure and the mean high-water line of a natural pond, stream, wetland, or other body of water.

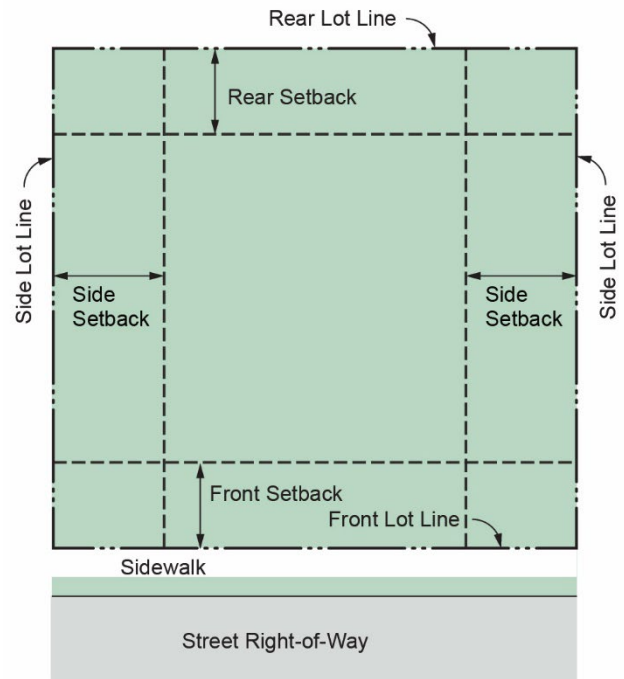
SIGNS. All sign definitions can be found in [Section 9.02](#).

SMALL ANIMAL CLINIC. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A small animal clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.

SMALL WINEMAKER. A facility that manufactures, sells, and/or distributes no more than 50,000 gallons of wine or related products, including mead or cider, per year. A small wine maker may also include retail sales, and/or a restaurant, bar, or tasting room, with required State licenses.

SOLAR ENERGY SYSTEMS. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

SPECIAL USE. A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design and location or relation to the adjacent properties and to the neighborhood.



Setback

STATE LICENSED DAY CARE CENTER. A facility, other than a private residence, licensed by the State of Michigan, in which one (1) or more preschool or school age children or adults are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, drop-in center, or adult day care center. Adult or Child Day Care Centers does not include those operated in a private residence, Sunday school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

STATE LICENSED DAY CARE HOME.

DAY CARE HOME, FAMILY. A private home in which the operator permanently resides as a member of the household in which at least one (1) but less than six (6) minor children or adults requiring care are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children or adults requiring care related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child or adult requiring care for more than four (4) weeks during a calendar year.

DAY CARE HOME, GROUP. A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children or adults requiring care are given care and supervision for periods of less than 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 more than six (6) unrelated minor children or adults requiring care for more than four (4) weeks during a calendar year.

STATE LICENSED RESIDENTIAL FACILITY. A residential care facility licensed by the State of Michigan under PA 287 of 1972 as amended, or PA 116 of 1973, as amended, which provides resident care services under 24-hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

STATE LICENSED RESIDENTIAL FACILITY, FAMILY. A state licensed residential facility providing resident services to six (6) or fewer persons.

STATE LICENSED RESIDENTIAL FACILITY, GROUP. A state licensed residential facility providing resident services more than six (6) persons.

ADULT FOSTER CARE FACILITY. A residential structure that is licensed to provide adult foster care, but not continuous nursing care, for unrelated adults over the age of 17. An Adult Foster Care Facility does not include any of the following: a licensed child caring institution, children's camp, foster Family Home, or foster Group Home; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a hotel or rooming house that does not provide or offer to provide foster care; or a veterans' facility.

STEPBACK. A horizontal recess of a building above the ground story.

STOOP. An unroofed landing, leading to an entrance of a building.

STOREFRONT. An at-grade portion of the front facade consisting of a principal entrance and substantial windows for the display of goods, services, and signs.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above.

STORY, GROUND FLOOR. The lowest story of a building with a finished floor at or above the established grade at the center of the front of the building.

STORY, UPPER FLOOR. Any story above the ground story of a building.

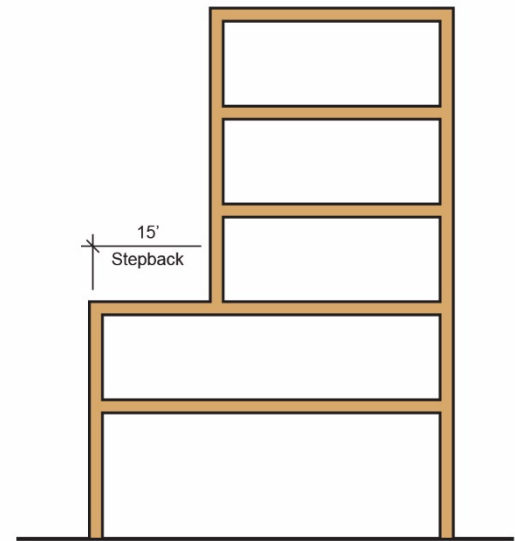
STREET, PRIVATE. Any road which is to be privately maintained and has not been accepted for maintenance by, the City of Chelsea, the Washtenaw County Road Commission, the State of Michigan or the federal government, but which is subject to approval by the City.

STREET, PUBLIC. A public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than 66 feet wide.

STRUCTURE. A combination of materials constructed or erected on or under the ground, or attached to something having a permanent foundation on or under the ground.

TERMINATING VERTICAL BREAK. A projecting element that defines the building cap, such as a parapet, cornice, or overhanging eave.

TOTAL FLOOR AREA. The sum of the areas of all floors of all buildings on a lot. Basements, attic storage areas, balconies, porches and uncovered decks shall be excluded. All measurements shall be from the outside face of exterior walls.



Upper Story Stepback

VARIANCE. A variance is a relaxation of regulations of the zoning ordinance with respect to a specific lot where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary hardship or practical difficulty.

VEHICLE SERVICE STATION. Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, and the sale of food and/or groceries, but not including bumping, painting, or refinishing thereof.

YARD. An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance. The following words, terms, and phrases related to yards shall have the following meanings:

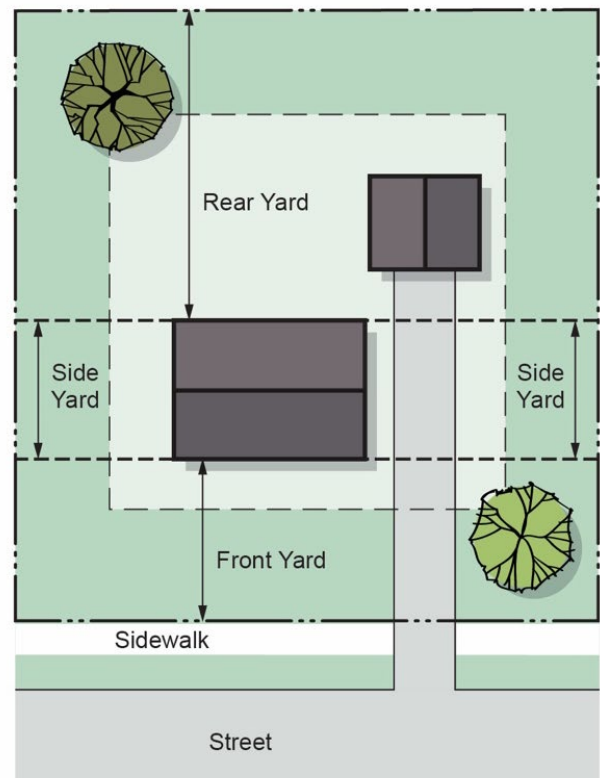
YARD, FRONT. A yard extending across the full width of the lot and lying between the front line of the lot or a side yard with road frontage, and the nearest line of the building.

YARD, REAR. An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building on the lot.

YARD, SIDE. An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required.

YARD, REQUIRED (ALSO SEE: SETBACK). The open space between the lot line and the required setback. The required yard corresponds to the required setbacks for the district.

Interior Lot



 Required Yard

Yards

WIRELESS COMMUNICATIONS FACILITIES. All definitions related to Wireless Communications Facilities can be found in [Section 4.27](#).

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support and that, under normal circumstances, supports wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

ARTICLE 3. ZONING DISTRICTS AND MAP

SECTION 3.01

Establishment of Zoning Districts

The City of Chelsea is hereby divided into the following zoning districts:

R-1, Single-Family Residential
R-2, Two-Family Residential
R-3, Multi-Family Residential
MH-1, Manufactured Housing
PF, Public Facilities
DT, Downtown Mixed-Use
T-1, Transition Mixed-Use
T-2, Transition Mixed-Use
O-1, Office
GI, General Industrial
LI, Light Industrial
MI, Medical Institutional
RC, Recreation-Conservation
PED, Planned Events District
PUD, Planned Unit Development
M-52 Corridor Protection and Promotion Overlay

SECTION 3.02

Zoning Map and District Boundaries

- A.** The boundaries of the zoning districts of the City of Chelsea are hereby established as shown on the Zoning Map which accompanies this Ordinance. The Zoning Map and all annotations, references, and other information shown thereon shall be part of this Ordinance as fully described herein.
- B.** Where, due to scale, lack of detail, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning and Zoning Administrator shall interpret the map upon request of any person. Any person aggrieved by such interpretation may appeal it to the Zoning Board of Appeals. The Planning and Zoning Administrator and the Zoning Board of Appeals, in interpreting the Zoning Map or deciding an appeal, shall apply the following standards.
- (1) Zoning district boundary lines are intended to follow lot lines, or to be parallel or perpendicular thereto, or to follow the centerlines of streets, alleys, easements, railroad rights of way, watercourse or bodies of water, and shall be so interpreted, unless such boundary lines are fixed by dimensions shown on the Zoning Map.
 - (2) A zoning district boundary line indicated as following a municipal boundary line shall be so interpreted.
 - (3) A zoning district boundary line indicated as being an extension of a line or feature in Subsections (1) and (2) preceding, unless the location of such boundary line is indicated by dimension on the official zoning map, shall be so interpreted.
 - (4) A zoning district boundary line indicated as following a shore line shall be construed as following such shore line, and if the location of the shore line is changed, shall be construed as following the shore line existing at the time the interpretation is made.
 - (5) A zoning district boundary line that divides a lot shall be located by use of the scale of the Official Zoning Map, unless the location of same is indicated by dimensions on the Zoning Map.
 - (6) If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the City of Chelsea as well as other relevant facts.

SECTION 3.03

Compliance with District Regulations

- A.** No structure shall be constructed, erected, placed, or maintained, and no use shall be commenced or continued within Chelsea except as specifically or by necessary implication authorized by this Ordinance. Uses for enterprises or purposes that are contrary to Federal, State, or local laws or ordinances are prohibited.
- B.** No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or lot be used, except for a purpose permitted in a district in which the building or land is located.
- C.** No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established for the district in which the building is located.
- D.** No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.
- E.** No building shall be erected or structurally altered to the extent specifically provided herein after except in conformity with the off-street parking and loading regulations of the district in which such building is located, except for as otherwise allowed in [ARTICLE 8](#).
- F.** No building or structure shall be enlarged or altered and no use of a premises shall be changed in any way which increases its nonconformity, except for as otherwise allowed in [ARTICLE 13](#).
- G.** No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the Effective Date of this Ordinance shall meet the minimum requirements established by this Ordinance.
- H.** Whenever any street, alley, or other public way is vacated by official action of the City Council or by the courts, the zoning district adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

SECTION 3.04

District Statements of Purpose

- A. (R-1) Single-Family Residential District.** The R-1 Single-Family Residential District is intended to provide for areas of primarily single-family detached residential properties of a semi-suburban to suburban, low-density character.
- B. (R-2) Two-Family Residential District.** The R-2 Two-Family Residential District is designed to encourage an environment of single- and two-family dwellings, together with other residentially-related facilities and activities to serve the residents of the area. Densities in this district are intended be higher than in the R-1, while maintaining a single-family neighborhood character within the older areas of the City. Additional small infill housing is permitted to increase housing choice close to the downtown area.
- C. (R-3) Multi-Family Residential District.** The R-3 Multi-Family Residential District is designed to permit the greatest density of residential uses allowed within the City, together with other residentially-related facilities and green space designed to serve the residents of the area. The R-3 District is intended to provide a wide range of housing types to increase housing choice within the City.
- D. (MH-1) Manufactured Housing District.** The purpose of the MH-1 Manufactured Housing District is to provide for the development of manufacturing housing parks and to promote manufactured housing development consistent with the character of residential neighborhoods. It is the intent of this ordinance that manufactured housing parks be located in areas of the City that are served adequately by public facilities and services such as access streets, police and fire protection, and public water, sanitary sewer, and storm drainage facilities, and public recreation areas. All manufactured housing parks shall comply with the applicable local, County, and State regulations.
- E. (DT) Downtown Mixed-Use District.** The DT Downtown Mixed-Use District is established to encourage new mixed-use and commercial development and redevelopment in Downtown Chelsea. The district regulations are designed to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented setting, with common parking.
- F. (T-1) Transition Mixed-Use District.** The T-1 Transition Mixed-Use District is established to encourage the development, redevelopment, and use of commercial properties along M-52 and US-12 in a manner compatible with the character of the downtown area and consistent with the protection and enhancement of property values. Commercial uses in this district are meant to be less intensive, and less auto-oriented, than those that may be permitted in the T-2 District.
- G. (T-2) Transition Mixed-Use District.** The T-2 Transition Mixed-Use District is established to accommodate those retail and business service activities that serve the whole community and surrounding region, while encouraging new mixed-use and commercial development more consistent with the character of the downtown area. Clustering of a mix of commercial and residential uses and sharing of access drives is encouraged to improve traffic safety for all users. Commercial uses in this district may be more intensive, and more auto-oriented, than those permitted in the T-1 District.

- H. (O-1) Office District.** The O-1 Office District is established to provide for standalone professional and medical office development outside of the City's mixed-use districts. This district may include a mixture of traditional office buildings and converted residential or industrial buildings.
- I. (LI) Light Industrial District.** The LI Light Industrial District is designed for manufacturing, assembling, fabricating businesses, and limited commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located. Lots or parcels in this district should be supported by certain infrastructure features, as necessary for the use in question.
- J. (GI) General Industrial District.** The GI General Industrial District is intended to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services. Such uses may generate noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, explosive or radioactive hazards, or other nuisance characteristics that require buffering and other standards to protect the public interest and surrounding properties. Lots or parcels in this district should be supported by certain infrastructure features, as necessary for the use in question.
- K. (MI) Medical Institution District.** The MI Medical Institution District is intended to permit a compatible mix of hospital, medically-related uses, and senior housing facilities. Additional district standards encourage clustering of related medical facilities for the health and convenience of patients, visitors, and employees, and to encourage flexibility and efficiency in the use of the land.
- L. (PF) Public Facilities District.** The PF Public Facilities District is intended to permit uses within the City of Chelsea for the construction, installation, operation and maintenance of water, electricity, sewer, communication, gas, or other utility service owned or operated by the City of Chelsea.
- M. (RC) Recreation-Conservation District.** The RC Recreation Conservation District is intended to create, preserve, and maintain passive and active open space, natural features, and environmentally sensitive areas as development expands within and outside of the City boundaries. Complementary civic uses may also be permitted in this district to encourage concentration of public amenities.
- N. (PED) Planned Events District.** The PED Planned Events District is intended to allow for the continued operation of the Chelsea Community Fair, which may include seasonal or year-round events and displays including shows, markets, carnivals, and community recreation facilities. Permitted uses in this district shall comply with any other applicable ordinance standards, such as requirements for special events, seasonal sales, and outdoor displays.

SECTION 3.05

Schedule of Permitted Uses

A. Provisions for the MH-1 Manufactured Housing district can be found in [Section 3.10](#).

B. Schedule of Permitted Uses.

P = Permitted Use; S = Special use; A = Permitted Accessory Use														
Use	R-1	R-2	R-3	PF	DT	T-1	T-2	O-1	PE D	LI	GI	MI	RC	Use Standards
Residential Uses														
Accessory Dwelling Unit (ADU)	A	A	A											Section 4.01
Agricultural Uses	P													
Economy Efficient Dwelling (EED)			P									S		Section 4.07
Home Occupation	P	P												Section 4.09
Multi-Family Dwelling			P		P	P	P							Section 4.13
Senior Housing, Assisted Living	S	S	S		P	P	P					P		Section 4.17
Senior Housing, Independent	S	S	S		P	P	P					P		
Single-Family Dwelling	P	P	P											
State Licensed Day Care Center	S	S	S	S	S	S	S					S		Section 4.18
State Licensed Day Care Home	P	P	P											Section 4.19
State Licensed Residential Facility	P	P	P									S		Section 4.20
Two-Family Dwelling (Duplex)		P	P											
Public/Institutional/Recreational														
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Golf Course/Country Club	S												S	
Government building	S	S	S	P	P	S	S		P			P	P	
Hospital						S	S					P		
Outdoor Recreation, Private	S	S	S						P			P	P	
Outdoor Recreation, Public	S	S			P	P	P		P				P	
Public Institution				P	P	P	P						P	
Schools, Primary	S	S	S		P	P	P						S	
Schools, Secondary	S	S	S									S	S	
Religious Institutions			S		S	S	S					S		

P = Permitted Use; S = Special use; A = Permitted Accessory Use

Use	R-1	R-2	R-3	PF	DT	T-1	T-2	O-1	PE D	LI	GI	MI	RC	Use Standards
Commercial Uses														
Agritourism									P					
Arena/Theater					P	P	P							
Artisan/Maker Space <5,000 sq. ft.					S	P	P	P		P				
Banks and Financial Institutions					P	P	P	P						
Banquet Hall					S	P	P							
Bars					P	P	P							
Bed and Breakfast	S	S	S		S									
Clubs and Lodges					P	P	P							
Craft Distilleries					P	P	P							Section 4.04
Drive-thrus						S	P			P	P			Section 4.06
Funeral Homes and Mortuaries					S	P	P	P						
Gas Station						S	P			P	P			
Gyms and Fitness Centers					P	P	P			S	S	P		
Hotel					P	P	P							
Indoor Commercial Amusements					S	P	P			S	S			
Microbreweries and Brewpubs					P	P	P				P			Section 4.04
Mini-Warehousing						S	P			S	P			
Office, Medical					S	P	P	P				P		
Office, Professional					P	P	P	P		P	P			
Outdoor Dining					A	A	A							Section 4.14
Outdoor Events					A	A	A		P					
Outdoor Display & Sales					A	A	A		P					Section 4.15
Personal Services					P	P	P	P						
Pet Grooming					S	P	P			P	P			
Pet Kennels / Day Boarding						S	S			S	S			Section 4.16
Printing Establishments					S	P	P			P	P			
Restaurant, Full-Service					P	P	P							
Restaurant, Limited-Service					P	P	P							
Retail Sales Establishment					P	P	P							

P = Permitted Use; S = Special use; A = Permitted Accessory Use														
Use	R-1	R-2	R-3	PF	DT	T-1	T-2	O-1	PE D	LI	GI	MI	RC	Use Standards
Small Animal Clinics					S	S	S	P						
Small Winemakers					P	P	P				P			Section 4.04
Studio (Dance, Art, Photography, etc.)					P	P	P	P		S	S			
Theaters					P	P	P							
Vehicle Repair						S	P			P				
Vehicle Sales						S	P			P	P			Section 4.25
Vehicle Wash						S	P							Section 4.26
Wireless Communications Facilities				S		S	S		S	S	S			Section 4.27
Industrial Uses														
Artisan/Maker Space > 5,000 sq. ft.						P	P			P	P			
Assembly											P			
General Industrial Uses											P			
Lumber Yards							P			S	P			
Manufacturing					S					S	P			
Packaging										S	P			
Research and Development										P	P			
Solar Energy Systems				P										
Testing/Experimental/Research Facilities										P	P			
Transportation and Logistics					P	S	S			P	P			
Warehousing					S					P	P			
Wholesale										P	P			

- C. Uses Not Specifically Mentioned.** The Planning and Zoning Administrator or their designee may determine that a use which is not specifically mentioned in this Ordinance is comparable to a permitted or prohibited use in any district. The Planning and Zoning Administrator may refer a use interpretation to the Zoning Board of Appeals.

SECTION 3.06

Schedule of Regulations

A. Schedule of Regulations Table.

Side Yards									
District	Lot Area (ft ²)	Min. Lot Width (ft)	Front Yard (ft)	Min. One (ft)	Min. Total (ft)	Rear Yard (ft)	Max. Height (ft)	Lot Coverage (%)	Impervious Coverage (%)
R-1	7,500	60	20	5	15	20	40	35%	60%
R-2	7,500	60	20	5	15	20	40	35%	60%
R-3	10,000	80	25	15	30	25	40	45%	75%
PF	20,000	100	25	10	20	25	40	45%	60%
DT	--	--	Section 5.05	0	0	0	40	100%	100%
T-1	10,000	75	Section 5.05	10	20	30	40	60%	80%
T-2	15,000	100	Section 5.05	20	40	35	40	45%	75%
O-1	10,000	80	30	10	20	30	40	20%	55%
PED	50 acres	600	60	30	60	60	40	10%	--
LI	10,000	100	25	10	20	25	40	60%	80%
GI	1 acre	150	35	25	50	35	40	60%	80%
MI	None		30	20	40	20	40	25%	--
RC	7,500	60	20	5	15	20	40	20%	35%
PUD	Section 10.01								

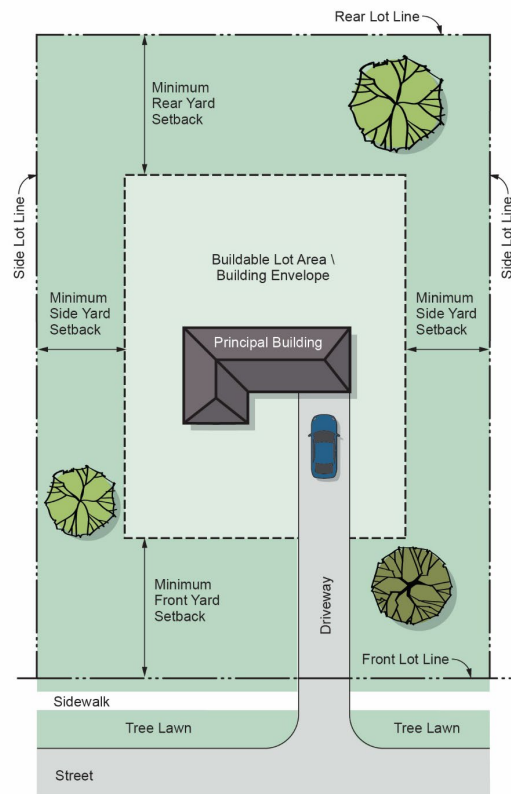
B. Schedule of Regulations Notes.

- (1) In the GI and LI Districts, only buildings and structures, not other permitted uses, must meet required side and rear yard setbacks. Required buffers shall still apply to such uses.
- (2) In the DT, T-1, and T-2 Districts, front setbacks shall also conform to one of the approved frontage type standards in [Section 5.05](#).
- (3) In the R-1, R-2, and R-3 Districts, all driveways, drive aisles, and parking areas shall not be located closer than five (5) feet to any side or rear property line.

SECTION 3.07

Lot Requirements

- A. Lot Shape.** All newly created lots shall be rectangular, with lot lines meeting at right angles, unless rectangular lots are rendered impossible by topography, preserved natural features, approved road layouts, or legal obstacles.
- B. Lot Width.** Lot width shall be measured as follows:
- (1) *Parcels with Parallel Side Lot Lines.* Lot width shall be measured as 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.
 - (2) *Parcels with Non-Parallel Side Lot Lines.* The minimum lot width on a cul-de-sac or other irregularly shaped lot shall be measured in a straight line at the front yard setback line and shall not be diminished throughout the rest of the lot.
 - a) For all lots not located on a turning circle of a cul-de-sac street, the lot width shall not be less than eighty percent (80%) of the required lot width.
 - b) For lots located on a turning circle of a cul-de-sac street the lot width shall be at least 20 feet.
- C. Buildable Lots.** No Zoning Compliance Permit shall be issued for any lot in any zoning district unless it is a buildable lot, which for the purposes of this Ordinance shall be a lot with sufficient buildable area to make the lot usable. Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable lot area, but may be included in the lot area calculations. Segments of right-of-way shall not be used as buildable areas.



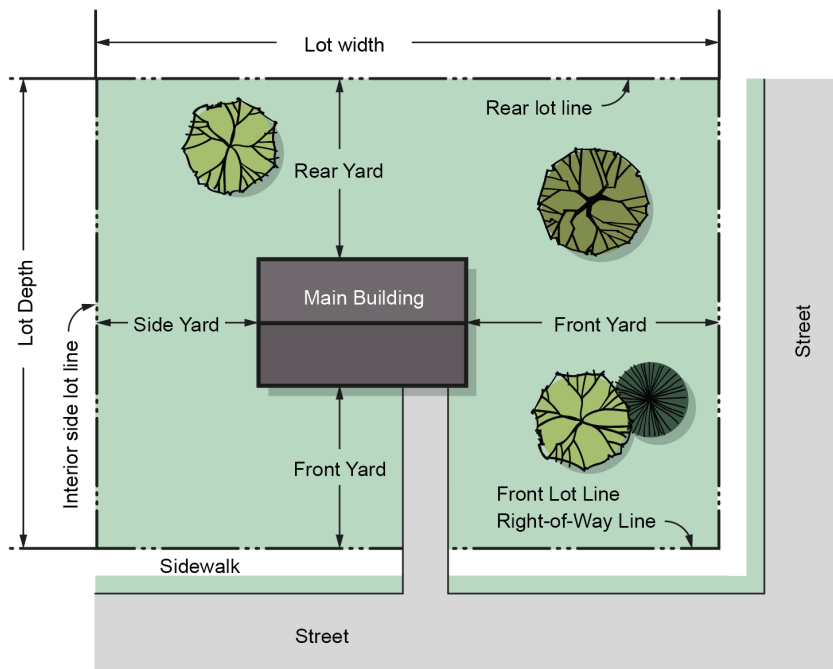
Buildable Lot Area

--- Building Envelope

SECTION 3.08

Yard Regulations

- A. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding permitted encroachments or projections allowed by this ordinance.
- B. Setback requirements from streets shall be measured from the right-of-way line of a public street or alley or the easement line of a private road.
- C. **Through-Lots.** On through lots, the front yard requirements shall apply on both street frontages. The two (2) remaining yards are side yards and there is no rear yard.
- D. **Corner Lots.** A corner lot shall maintain front yard requirements for each street frontage. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one (1) rear yard. In determining the location of a rear yard on a corner lot, the Planning and Zoning Administrator may consider the orientation of the building and street address.
- E. Where a lot or parcel adjoins a lot or parcel in a more restrictive zone, any adjoining front, side or rear yard of such lot shall have a minimum width equal to the required yard in the more restrictive zone.



Corner Lot Terms

SECTION 3.09

Natural Feature Setback

A 25-foot natural feature setback shall be maintained from the high-water line of a natural pond, stream, wetland, or other body of water.

SECTION 3.10

Manufactured Housing District

A. Permitted Uses.

Residential Uses	
Use	MH-1
Manufactured Home	P
Park-owned facilities, such as community buildings, offices, maintenance, and storage facilities	P
State Licensed Day Care Home	S
State Licensed Residential Facility	S
Public/Institutional/Recreational	
Use	MH-1
Essential services	P
Fitness Center/Health Club	S
Government building	S
Outdoor Recreation, Private	S
Outdoor Recreation, Public	S
Religious institutions	S

B. Prohibited Uses. The business of selling new or used manufactured homes as a commercial operation in connection with the operation of a manufactured housing park shall be prohibited.

C. Regulations and Standards.

Regulations and Standards	
Minimum Lot Area	Standard
Manufactured Housing Park	5 acres
Individual Home Site	5,500 ft ² ^(a)
Maximum Building Height	
Primary building or structure	2 ½ Stories / 40 feet
Accessory building or structure	15 feet
Storage building on manufactured home site	12 feet or height of home
Minimum Distances from Manufactured Home ^(b)	
Another manufactured home, or any structure attached thereto	20 feet
Park-owned structures (community buildings, offices, etc.)	50 feet
On-site parking	10 feet
Off-site parking bay	7 ½ feet
Edge of internal street	10 feet
Right-of-way of a public street	20 feet
Common sidewalk	7 feet

^(a) The minimum lot area for any individual home site may be reduced by up to 20 percent (20%), provided that for each square foot of land area gained through the reduction of a site below 5,500 square feet, at least an equal area of land shall be designated as open space.

D. Parking Requirements. Parking shall be provided in accordance with [ARTICLE 8](#).

E. Streets.

- (1) *Park Access.* Vehicular access to a manufactured housing park shall be provided by at least one (1) hard surfaced public street.
- (2) *Home Site Access.* Only streets within the manufactured housing park shall provide access to individual manufactured home sites in the park.

(3) *Minimum Street Width.*

Permitted Street Parking	Street Direction	Minimum Street Width
No on-street parking	One-way	13 feet
	Two-way	21 feet
Parallel on one side	One-way	23 feet
	Two-way	31 feet
Parallel both sides	One-way	33 feet
	Two-way	41 feet

(4) *Street Surface.* All streets within the manufactured housing park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications and provided with proper curbing.

(5) *Dead Ends.* An internal dead-end street shall terminate with a turnaround having a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area.

F. Open Space. The manufactured housing park shall contain one (1) or more open space areas intended primarily for the use of park residents at a minimum ratio of 250 square feet of open space for every manufactured home lot. Buffer areas and wetlands shall not be counted towards required open space.

G. Site Lighting. All street intersections and designated pedestrian crosswalks shall be illuminated by not less than 0.25 foot-candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than 0.5 foot-candles. All on-site lighting shall be located and designed to prevent light from spilling onto adjacent properties.

H. Housing Design Standards.

- (1) A single-family dwelling shall have a minimum first floor area of 450 square feet, with a core area of living space of not less than 250 square feet, having a minimum width of twenty feet on the shortest side and a minimum internal height of seven and one-half (7.5) feet.
- (2) Each manufactured home lot shall be limited to one (1) detached storage building, not including a garage or carport.
- (3) Construction of manufactured houses without mobile chassis shall be in compliance with the latest adopted State Construction Code. Manufactured houses with mobile chassis shall meet the requirements of the HUD Code. The dwelling shall be attached to a permanent foundation, and supported and anchored as required by the State Construction Code or Michigan Manufactured Housing Commission rules.

- (4) When setting on a permanent foundation, wheels shall be removed and all areas between the manufactured home and ground shall be enclosed by a fire-resistant skirting. Such screening shall be installed in a manner so as to resist damage under normal weather conditions, shall be vented and shall have an access panel provided for in accordance with the Michigan Manufactured Housing Commission rules.
- (5) The dwelling shall be connected to a water line and a sanitary sewer system of the City of Chelsea, in accordance with Chelsea City Ordinances.

I. Site Plan Review. Construction of a manufactured housing park shall require prior approval of a site plan by the Planning Commission. For purposes of this section only, a site plan shall contain the following information:

- (1) *General Information.* Scale, north arrow, name and date, including date of revisions.
- (2) *Scale.* The site plan shall be of a scale not greater than 1" = 20' and of such accuracy that the Planning Commission can readily interpret the plan.
- (3) *Applicant Information.* Name and address of property owner and applicant; interest of applicant in the property; and name and address of developer.
- (4) *Professional Information.* A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan. Name and address of preparer shall be on the plan.
- (5) *Vicinity Map.* A vicinity map; legal description of the property; lot line dimensions and bearings; area. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
- (6) *Natural Features.* Existing topography, existing natural features such as trees, wooded areas, streams, and wetlands; natural features to be retained or removed; 100-year flood hazard area.
- (7) *Existing Improvements.* Existing buildings, structures, and other improvements, including driveways, utilities, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to be retained or removed; deed restrictions, if any.
- (8) *Surrounding Property Information.* Name and address of owners of adjacent properties; existing use and zoning of adjacent properties; location and outline of buildings, driveways, parking lots, and other improvements on adjacent properties.
- (9) *Streets and Rights-of-Way.* Names and rights of way of existing street on or adjacent to the property; surface type and width; spot elevations of street surfaces at intersections with proposed streets in the proposed manufactured housing park.
- (10) *Zoning.* Zoning of the subject property; location of required yards; total property area and dwelling unit density.

- (11) *Proposed Site Layout.* Location and dimensions of proposed home sites and all buildings. If development will be phased, show phase lines and development data by phase.
- (12) *Parking.* Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; typical section of parking lot surfaces.
- (13) *Pedestrian Paths.* Location, width, and surface of proposed sidewalks and pedestrian paths.
- (14) *Open Space.* Location, use, size, and proposed improvements of open space and recreation areas.
- (15) *Fencing and Screening.* Location and type of proposed screens and fences; height, typical elevations, and vertical sections, showing materials and dimensions.
- (16) *Landscaping.* Landscape plan showing type, location, and size of plant materials.

J. Occupancy. A manufactured home may not be occupied until a Certificate of Occupancy has been issued in accordance with [Section 14.04](#) herein. A Certificate of Occupancy may not be issued until all required approvals have been obtained from county and state agencies.

SECTION 3.11

Planned Events District

A. Major and Minor Events. Any event in the list of permitted uses that the property owner can reasonably expect to have a daily attendance of 500 or more people shall be considered a major event. All other permitted uses shall be minor events.

B. Schedule of Major Events

- (1) *Schedule Required.* The property owner shall submit an annual schedule of proposed major events to the City Council for approval at least 60 days prior to the first scheduled event. The Council shall publicly notice consideration of the schedule two weeks prior to the meeting at which it will take action thereon.
- (2) *Amendments.* The annual schedule may be amended by application to and approval by the Council. A request for amendment shall be made at least 30 days prior to the proposed event. No major event may be permitted unless it is included on the approved annual schedule.

C. General Regulations. The following shall apply to all major and minor events within the PED District. The City Manager or their appointed designee shall administer the provisions of this Section.

- (1) Uses shall be permitted only in the locations shown on the approved Final Site Plan. Permitted accessory uses are limited to parking and overnight camping.
- (2) Parking shall be permitted only in designated areas on the site, in accordance with parking areas identified on the approved Final Site Plan.

- (3) Parking lot surfaces shall be compacted crushed gravel or limestone and shall be maintained in a dust free condition. Overflow parking may be permitted on grass areas, provided such areas are regularly maintained to preserve turf integrity and to prevent soil erosion.
- (4) For each major event, the property owner shall submit a plan for the orderly flow of vehicular traffic to and from the site and a parking plan to the Chelsea Police for approval at least 30 days prior to the beginning of the event. The parking plan shall comply with all applicable provisions of the zoning ordinance. The property owner shall reimburse the City for additional expenses incurred by the Police Department in providing traffic control services for the event.
- (5) For each major event, the property owner shall work out a fire protection plan with the Chelsea Fire Chief at least 30 days prior to the beginning of the event. The property owner shall reimburse the City for additional expenses incurred by the fire department in providing services for the event.
- (6) For each major event, a plan for ambulance service with an emergency communications system, and adequate access to and within the site for emergency vehicles shall be submitted to the Chelsea Fire Chief for approval.
- (7) For each major event, the property owner shall submit a plan to provide adequate security protection of people and property on the site and nearby area to the Chelsea Police Chief for approval at least 30 days prior to the event.
- (8) Portable toilets may be used but only if provided by a licensed contractor. The toilets shall meet the standards of the County Health Department. The property owner shall file with the City Clerk copies of permits, licenses, or other certifications by the County Health Department authorizing and approving such facilities. Portable toilets may remain on the site only during the time of the event they are intended to serve, and not more than three additional days before and three additional days after the event. The property owner shall be responsible for portable toilets.
- (9) Food services shall be limited to the food service building and to vendors licensed by the County Health Department. Food services shall comply with all regulations of the County Health Department.
- (10) Garbage and trash shall be stored in approved, covered, insect tight containers, at the rate of one (1) 30-gallon container per 50 people. Garbage and trash shall be removed at least once each day for major events.
- (11) Animal waste and water used for washing of animals shall be collected and removed at least once each day.
- (12) Telephone service shall be provided for general use at the rate of one (1) unit for at least each 1,000 people in attendance or fraction thereof.
- (13) Sound producing equipment such as, but not limited to, public address systems and radios, which causes a median sound level of 67 weighted decibels or 85 weighted decibels for a duration of 10 seconds or more at any boundary of the district may not be operated within the district.

- (14) The property owner shall be responsible for clearing trash and litter resulting from an event from the site, adjoining properties (with the owners' approval), public streets, and parking areas. Such clearing shall be made at least once each day during an event and immediately after the event.
- (15) The City Council may revoke the right to hold an event for failure, neglect, or refusal to comply with any provision of this article or with any plan approved under this article, upon due notice, written charges, and public hearing thereon.
- (16) All applicable City ordinances shall be enforced on the property during each event. The property owner shall sign an agreement with the City providing that the property is open to the public before the City Council approves the Final Site Plan.

SECTION 3.12

M-52 Corridor Protection and Promotion District

A. Intent and Purpose. It is the intent of this section to recognize that the M-52 Corridor District as established in this section as an overlay district is a unique focal point for the City of Chelsea, including (without limitation):

- (1) Exceptional and irreplaceable buildings, structures and historic resources that are sensitive to adverse impact and require protection;
- (2) Pedestrian ways that are heavily utilized by school children, senior citizens and others;
- (3) Destination places which serve as centers for culture, arts, farm market, shopping, restaurants, and other uses, all being the basis for current and potential future quality of life, economic development, and placemaking;
- (4) A major thoroughfare with only two lanes that serves as the major corridor for the provision of public safety service for Chelsea and the surrounding area, and is utilized for school bus transportation and high-volume traffic that is subject to congestion, including automobile, truck, motorcycle, and bicycle traffic;
- (5) Numerous streets, drives, pedestrian ways, and rail intersections, all situated on or impacted by sloping topography that exacerbates traffic safety issues; and
- (6) A primary basis for the City's character as a vibrant and quaint historic village which includes 61 properties in the Downtown Business District listed on the U.S. Interior Department's National Register of Historic Places.

Consequently, it is the further intent of this Section to protect and promote the M-52 Corridor district, and to require careful scrutiny of the types of activities regulated in order to assure the needed protection of people, places, and resources as identified above.

B. District Creation

- (1) *Creation of District.* The “M-52 Corridor” District is hereby created as an overlay district within the City of Chelsea. The boundaries and inclusions of the district are as defined [Section 3.12D](#).
- (2) *Authority.* The provisions of this Section shall be deemed to have been adopted under the authority for zoning ordinances granted in the Michigan Zoning Enabling Act, MCL 125.3201, et seq., as well as the authority for regulatory ordinances granted in the City Charter.

C. Application of Section. This section shall apply, and require application, review and approval, when any of the following are proposed

- (1) *Required Approval for Extraction Vehicle Operation within the M-52 Corridor District.* This regulation is not an attempt to deny M-52 access to particular vehicles, but to provide standards and process for the review of a haul route proposed as part of an application seeking approval for a natural resource extraction operation on land situated outside the City of Chelsea consistent with MCL 125.3205(3), et seq. Regulation of Extractive Vehicle Operations is deemed to be an integral part of the review of the proposed extractive operation land use, and a special program to achieve the specific land management, problem solving objective of protecting and promoting the M-52 Corridor district including, among other things, the land uses, persons, structures, resources, schools, economic development, property values, traffic and pedestrian safety, and public interest within the M-52 Corridor district. The authority for regulation under this subsection includes, but is not limited to, the Michigan Constitution, Art. 7, §29, and applicable law including MCL 125.3201(3), and MCL 125.3205.
 - a) *Required Approval for Excessive Oversize-Load Vehicle Use within the M-52 Corridor District.* This regulation is intended to recognize the need to maintain a functional level of service for traffic within the M-52 Corridor District in order to, among other reason, promote and maintain use and reasonable access for schools, economic development, property values, traffic and pedestrian safety and other purposes.
 - b) *(Reserved for Other Uses.)*

D. Definitions

- (1) **M-52.** State Highway M-52 within the City of Chelsea.
- (2) **M-52 CORRIDOR DISTRICT.** An overlay district consisting of the area of land within M-52, the properties fronting on M-52, and the streets, roads, pedestrian ways, drives, and rail intersections adjoining and accessing M-52, from the northerly border of the City to the southerly border of the City.
- (3) **HEAVY MOTOR VEHICLE.** A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers, that have a total combined weight of at least 80,000 pounds fully loaded.

- (4) **OVERSIZE-LOAD VEHICLE.** A vehicle carrying a load that exceeds design limits for a transport vehicle, legal rights-of-way or public roadway, including, without limitation, a load consisting of construction vehicles (cranes, front loaders, backhoes), logging materials, pre-built homes, bridge beams, generators, windmill propellers, industrial equipment, or other loads having similar characteristics in terms of impact.
- (5) **EXCESSIVE OVERSIZE-LOAD VEHICLE USE.** The use of an Oversize-Load Vehicle by a single user (including all employees and agents of one (1) company) within the M-52 Corridor District that is either (1) planned to occur more than six times during any day, or (2) planned to occur more than three times on any day each week during any three consecutive weeks. This definition shall not include the use of an Oversize-Load Vehicle making a bona fide delivery to a destination within the City.
- (6) **EXTRACTION VEHICLE OPERATION.** A business operation that includes twelve (12) or more Heavy Motor Vehicle trips per normal business day loaded with natural resources through the M-52 Corridor District associated with a new or expanded natural resource extraction activity proposed on land situated outside of the City.
- (7) **HISTORIC RESOURCE.** A structure, object, or feature that is significant in the history, architecture, or culture of the City of Chelsea, State of Michigan, or of the United States.

E. Application Requirements

- (1) *Extraction Vehicle Operation Application.* An application for the proposed natural resource operation and to utilize the M-52 Corridor District for a proposed Extraction Vehicle Operation associated with the proposed extractive operation shall be submitted concurrent with an application seeking approval for a natural resource extraction operation on land filed with a municipality outside the City of Chelsea, and shall include the following; provided, if this Section was not effective on the date of the filing with a municipality outside the City of Chelsea, the City Clerk shall provide notice to the applicant of the requirement to file an application under this Section at the earliest feasible date:
 - a) The name, address, and phone number of the owner of the property on which the development or activity is proposed.
 - b) The name, address, and phone number of the applicant, and the applicant's interest in the property (with all relevant signed documents demonstrating such interest, with dollar amounts redacted if desired).
 - c) A description of the property situated outside the City on which the natural resource extraction operation is proposed.
 - d) A plan drawn to scale detailing the proposed natural resource extraction operation outside the City.
 - e) Reports prepared by qualified experts in respective fields detailing the reasonably anticipated relationship of the proposed Heavy Motor Vehicle activity with the following within the M-52 Corridor, taking into consideration the volume and type of traffic and vehicles proposed, the

- maneuverability such vehicles in confined spaces along M-52, and the effects produced by the Heavy Motor Vehicles such as odors, dust, fumes, noise, vibration, aggregate releases, and the like to:
- (i) The existing land uses within the M-52 Corridor district, including compatibility with such uses, the impact on the quality of life, schools, historic resources, tourism-generating uses, and economic development and viability within the M-52 Corridor District.
 - (ii) The structural and other physical integrity of the buildings within the M-52 Corridor District, including the older buildings in the Chelsea downtown area.
 - (iii) Property values within the M-52 Corridor District.
 - (iv) Pedestrian and traffic safety within the M-52 Corridor District.
 - (v) The overall public interest in the extraction of the specific natural resources proposed on the property (outside the City) in relation to the public interest that will be harmed by the activities associated with the extraction within the M-52 Corridor district.
 - (vi) The need for the natural resources by the applicant or in the market served by the applicant.
- f) All of the types of Heavy Motor Vehicles that would travel through the M-52 Corridor District, both loaded and unloaded, from and to the natural resource extraction site proposed on the property outside the City, and with respect to each type of vehicle:
- (i) The average number of trips per business day through the M-52 Corridor proposed (during the season of operation, if applicable), with a separate specification of the number of loaded and unloaded vehicles.
 - (ii) The maximum number of trips per business day through the M-52 Corridor District proposed (during the season of operation, if applicable), with a separate specification of the number of loaded and unloaded vehicles.
 - (iii) The number of days per business week such trips will be made, and the particular days.
 - (iv) The weight of the vehicle, both unloaded and fully loaded.
 - (v) The number and spacing of axles on the vehicle.
 - (vi) A general description of the vehicle, including the number, length, and width of trailers.
 - (vii) The expected destination(s) of the vehicle after leaving the City of Chelsea.
 - (viii) The noise generated by the vehicle operating fully loaded, measured with an a-weighted scale in dba, as measured fifteen feet from the vehicle under each of the following scenarios: traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.

- (ix) The ground vibration generated by the vehicle operating fully loaded, measured by reliable device used in the industry with the vehicle idling, and traveling at 25, 35, and 45 miles per hour.
 - (x) Measurable extent of vehicle fume emissions with the vehicle operating under each of the following scenarios: idling; traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.
 - (xi) The stopping distance of the vehicle operating fully loaded and traveling at 25, 35, and 45 miles per hour.
 - (xii) Considering the type of load expected to be carried from the proposed extractive operation, the amount of dust and other related types of emissions from each truck as it: starts and stops (including picking up speed) at traffic control devices or in normal and congested traffic; and passes over bumps in the road.
- (2) *Excessive Oversize Load Vehicle Use Application*. An application for Excessive Oversize Load Vehicle Use shall include the following:
- a) The name, address, and phone number of the owner of the property on which the development or activity is proposed.
 - b) The name, address, and phone number of the applicant.
 - c) A description of the locations that are the source and destination of the trips planned.
 - d) Reports prepared by qualified experts detailing the following:
 - (i) The reasonably anticipated relationship of the proposed Excessive Oversized-Load Vehicle Use with the following within the M-52 Corridor, taking into consideration the volume and type of traffic and vehicles proposed, the maneuverability such vehicles in confined spaces along M-52, and the effects produced by the Excessive Oversized-Load Vehicle Uses such as odors, dust, fumes, noise, vibration, aggregate releases, and the like.
 - (ii) The existing land uses within the M-52 Corridor District, including compatibility with such uses, the impact on the quality of life, schools, historic resources, tourism-generating uses, and economic development and viability within the M-52 Corridor District.
 - (iii) The structural and other physical integrity of the buildings within the M-52 Corridor District, including the older buildings in the Chelsea downtown area.
 - (iv) Property values within the M-52 Corridor District.
 - (v) Pedestrian and traffic safety within the M-52 Corridor District.
 - e) The overall public interest in the load proposed to be delivered in relation to the public interest that will be harmed by the activities associated with the activity within the M-52 Corridor District.

- f) The need for the loads proposed to be delivered.
- g) All of the types of Excessive Oversized-Load Vehicle Uses proposed to travel through the M-52 Corridor District, and with respect to each type of vehicle:
 - (i) The average number of trips per business day through the M-52 Corridor District proposed (during the season of operation, if applicable).
 - (ii) The maximum number of trips per business day through the M-52 Corridor District proposed (during the season of operation, if applicable).
 - (iii) The number of days per business week such trips will be made, and the particular days.
 - (iv) The weight of the vehicle, both unloaded and fully loaded.
 - (v) The number and spacing of axles on the vehicles.
 - (vi) A general description of the vehicle.
 - (vii) The expected destination(s) of the vehicle after leaving the City of Chelsea.
 - (viii) The noise generated by the vehicle operating fully loaded, measured with an a-weighted scale in dba, as measured fifteen feet from the vehicle under each of the following scenarios: traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.
 - (ix) The ground vibration generated by the vehicle operating fully loaded, measured by reliable device used in the industry with the vehicle idling, and traveling at 25, 35, and 45 miles per hour.
 - (x) Measurable extend of vehicle fume emissions with the vehicle operating under each of the following scenarios: idling; traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.
 - (xi) The stopping distance of the vehicle operating fully loaded and traveling at 25 miles per hour.
- (3) *(Reserved for Other Uses.)*

F. Standard of Review.

- (1) *Extraction Vehicle Operation.* For approval of an Extraction Vehicle Operation, the applicant shall have the burden of proof to show that:
 - a) There are valuable natural resources located on the relevant property situated outside the City. Natural resources shall be considered valuable for purposes of this sub-section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit. If the applicant fails to satisfy its burden of proof under this paragraph: (1) to the extend the

- proposed natural resource extraction operation relies upon the M-52 Corridor District associated with the operation, the application to conduct the natural resource extraction operation at issue outside the City shall be denied as land use; and (2) the application to utilize the M-52 Corridor District for an Extraction Vehicle Operation shall be denied.
- b) There is a “need” for the natural resources by the applicant or in the market served by the applicant. In the analysis of such “need,” it is recognized that MCL 125.3205(3), et seq., provides special treatment for the review and approval of a proposed natural resource extraction operation by removing the customary constitutional burden from the applicant and providing a burden that is less demanding on the applicant. In other words, MCL 125.3205(3), et seq. compromises the generally applicable recognition of the importance and integrity of local planning and zoning, and the interests of surrounding property and the community at large, in favor of allowing the extraction and transportation of natural resources where it can be demonstrated that the particular resources are needed. Accordingly, analyzing “need” must take into consideration such compromise of the interests of planning and zoning, and the interests of the community, and thus the level of “need” must be sufficiently high to permit the compromise of community interests and provide an exception to the generally applicable protections for the deference and strength of local planning and zoning. If the applicant fails to satisfy its burden of proof under this paragraph: (1) to the extent the proposed natural resource extraction operation relies upon the M-52 Corridor District associated with the operation, the application to conduct the natural resource extraction operation at issue outside the City shall be denied as land use; and (2) the application to utilize the M-52 Corridor District for an Extraction Vehicle Operation shall be denied.

- c) No very serious consequences would result to the M-52 Corridor District, and to any impacted schools, playgrounds, parks, or hospital, including among other things, to the land uses, person, structures, historic and other resources, economic development, property values, traffic and pedestrian safety, and public interest, from the proposed Extraction Vehicle Operation. In determining whether the applicant has demonstrated that there would be no very serious consequences from the proposed Extraction Vehicle Operation to the M-52 Corridor District, the standards set forth MCL 125.320(5) shall be applied to all relevant facts and evidence. The review under this standard shall recognize that local planning and zoning is presumed reasonable, as dictated by *Silva v Ada Township, 416 Mich 153 (1982)*, and shall take into consideration that zoning regulations seek to serve the interests of the community as a whole, as recognized in *Silva*, and that the applicant has the burden of overcoming the presumption of validity of all local zoning regulations sought to be infringed. If the applicant fails to satisfy its burden of proof under this paragraph, it would be clear that access to and through the M-52 Corridor District as proposed would not be reasonable, and may not be safe depending on the findings leading to the failure of the applicant to meet such burden of proof, and: (1) to the extent the proposed natural resource extraction operation relies upon the M-52 Corridor District associated with the operation, the application to conduct the natural resource extraction operation at issue outside the City shall be denied as land use; and (2) the application to utilize the M-52 Corridor District Extraction Vehicle Operation shall be denied. Application of the standards set forth in *Silva v Ada Township, 416 Mich 153 (1982)* are directed by MCL 125.3205(5), and are thus specified in this section of the zoning ordinance, however, the City reserves the right to challenge the constitutionality of the statutory standard so directed by such statute.
- (2) **Excessive Oversize Load Vehicle Use.** In arriving at a determination whether to approve a proposed Excessive Oversize Load Vehicle Use, the Planning Commission shall take into consideration at least the following standards and criteria:
- a) A permit shall be issued only if the proposed project or activity is clearly in the public interest, and is otherwise lawful in all respects.
- b) In determining whether the activity is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, including the extent to which an unacceptable level of service found by the application of accepted traffic principles is likely to be created, taking in consideration the following general criteria in undertaking this balancing test:
- (i) The relative extent of the public and private need for the proposed activity;
- (ii) The availability of feasible and prudent alternative routes available to accomplish the expected benefits from the activity;
- (iii) The probable impact of the proposal on land uses, persons, structure, resources, schools, economic development, property values, traffic and pedestrian safety;
- (iv) The size of vehicles and loads a number of trips being considered;

- (v) The necessity for the proposed use.
- (3) *(Reserved for Other Uses.)*

G. Hearing Procedure. The following hearing procedure shall apply:

- (1) *Extraction Vehicle Operation.* The procedure for consideration of an application for Extraction Vehicle Operation shall be the Special use procedure provided in [ARTICLE 11](#) subject to and in accordance with the following. A preliminary review and decision shall be made on whether the applicant has shown a sufficient property interest in the land on which the natural resource extraction operation is proposed to be expanded or conducted, that there are valuable natural resources located on such land, and that there is a need for the natural resources by applicant or in the market served by the applicant from the proposed extraction operation. If the applicant fails to demonstrate all of these facts, the application shall be denied.
- (2) *Excessive Oversize Load Vehicle Use.* The procedure for consideration of an Excessive Oversize Load Vehicle Use shall be the Special use procedure provided in [ARTICLE 11](#).
- (3) *(Reserved for Other Uses.)*

H. Decision of the Planning Commission

- (1) Following public hearing and review of the submissions by the applicant and interested parties, the Planning Commission shall approve, approve with conditions, or deny the application.
- (2) The reasons for the decision shall be stated in the motion acting on the application.
- (3) *Effect of Approval.* An approval under this section shall become effective upon commencement of the proposed activity within one (1) year of the approval, and shall thereafter continue in effect unless the factual basis for the approval provided by the applicant materially changes. If the proposed activity does not commence within one (1) year, or if the factual basis for the approval provided by the applicant materially changes, the applicant shall have the right to apply for new or extended effect of the approval, and absent an approval on such application, the approval shall be void.

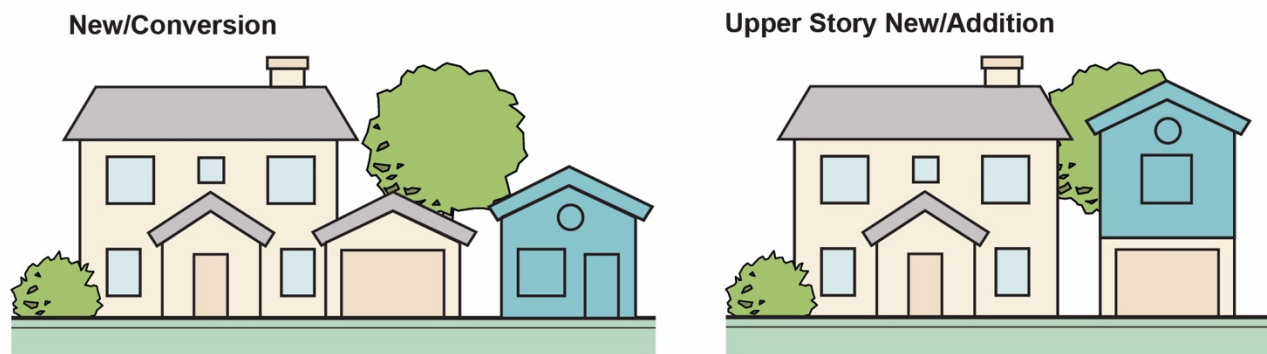
ARTICLE 4. STANDARDS FOR SPECIFIC USES

SECTION 4.01

Accessory Dwelling Units

A. Purpose. Accessory Dwelling Units (ADUs) are permitted to enable a new housing type that respects the look and scale of single-family neighborhoods while:

- (1) Supporting more efficient use of existing housing stock and infrastructure;
- (2) Providing housing that responds to changing family needs, smaller households, and increasing housing costs; and
- (3) Providing accessible housing for seniors and persons with disabilities.



Accessory Dwelling Units

B. ADUs Permitted. One (1) Accessory Dwelling Unit is permitted per parcel in the R-1, R-2, and R-3 Districts, subject to the following standards:

- (1) An ADU shall only be located on a parcel that has a single-family dwelling unit. ADUs shall not be permitted as an accessory use to a two-family dwelling.
- (2) An accessory dwelling unit must be within a new or existing detached accessory building.

C. Design. The ADU shall be designed so that the appearance of the building remains that of a detached accessory building such as a garage or carriage house. Structures shall be of high-quality, natural materials complementing the primary dwelling unit. Metal siding shall be prohibited.

D. Dimensional Requirements. ADUs shall comply with the following dimensional requirements:

Accessory Dwelling Dimensional Requirements	
Minimum Lot Size	7,500 square feet.
Minimum Unit Size	250 square feet.
Maximum Unit Size	600 square feet or 100% of ground floor area of the accessory structure for existing structures.
Setbacks	Same as accessory structures, Section 6.01.
Encroachments	Same as accessory structures, Section 6.01.
Maximum Height	24 feet.

E. Lot Coverage Bonus. For single-family lots existing or permitted as of the Effective Date of this Ordinance that have not already exceeded the permitted lot coverage, a lot coverage bonus may be granted to allow for an ADU of the maximum permitted size allowed by [Section 4.01D](#).

F. Access. Independent exterior access to the ADU is required. Entrances should be located on the side or rear of the structure; however, front entrances are permitted for ADUs located within the rear yard.

G. Water and Sewer. An ADU may be required to have a separate connection to municipal water and sewer upon determination of the Utilities Director.

H. Nonconforming Structures. A nonconforming accessory building existing prior to the Effective Date of this ordinance which is greater than 250 square feet may be converted into an ADU as long as the change in use does not increase the nonconformity of the structure, or a variance is received from the Zoning Board of Appeals. In considering such requests, the City may require the following:

- (1) *Privacy Screening.* Fencing and/or landscaped screening around the structure along neighboring property lines. The fence or landscaping shall be at least six (6) feet in height and achieve a high level of opacity to obscure views from neighboring properties.
- (2) *Letter(s) of Support.* Letters of support from adjacent residential property owners.

I. Occupancy.

- (1) The property owner shall occupy either the ADU or the single-family dwelling on the property for at least 180 days each calendar year.

- (2) An ADU shall be occupied by no more than two (2) people plus their offspring, not to exceed a total of four (4) persons.

J. Short-term Rentals. Leasing or rental of an ADU for less than 30 days is prohibited.

K. Requirements for Occupancy. The following shall be required prior to occupancy of an ADU:

- (1) A Zoning Compliance Permit and Building Permit.
- (2) A deed restriction that runs with the land to be filed with the County Register of Deeds which incorporates the following restrictions:
 - a) The ADU may not be sold separately from the single-family dwelling.
 - b) The owner occupancy requirement of [Section 4.011](#).
 - c) The deed restriction shall be in effect until the ADU is removed.
- (3) A Certificate of Occupancy issued in accordance with [Section 14.04](#).

SECTION 4.02

Adult Businesses

A. Purpose. In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when concentrated or when one (1) or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this chapter are intended to prevent a concentration of these uses within any one area and to prevent deterioration or blighting of nearby residential neighborhoods.

B. Restrictions on Location. All such businesses shall be limited to the GI District. No person shall use, establish, build, operate, or allow to be operated an adult business in any building or on any lands:

- (1) Within 1,000 feet of another adult business.
- (2) Within 500 feet from any residentially zoned lands, or single- or multi-family dwelling unit.
- (3) Within 500 feet from any church or other religious institution.
- (4) Within 500 feet of any public park or land zoned for such use.

The distance between an adult business and a church, school, public park, or a residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the adult business or building containing an adult business to the nearest property line of the protected use or residential or agricultural district.

- C. No person shall reside in or permit any person to reside in the premises of an adult business.
- D. **Exceptions.** The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes or medical clinics, or to the offices of a physician, surgeon, chiropractor, osteopath or physical therapist, or massage therapists duly licensed by the State.

SECTION 4.03

Bed and Breakfasts

- A. A Bed and Breakfast shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator, and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.
- B. No more than 66 percent (66%) of the floor area of the dwelling shall be devoted to the Bed and Breakfast.
- C. Any room utilized for guest sleeping shall have a minimum floor area of 100 square feet, for a maximum occupancy of two people, and an additional 70 square feet for each additional person in the maximum occupancy.
- D. Separate cooking facilities shall not be provided for guests.
- E. The use shall not have an adverse impact on the surrounding neighborhood with regard to noise and traffic generation, appearance of excessive numbers of parked vehicles, method of garbage storage and disposal, and physical alterations to the structure that might change the single-family residential character and appearance of the premises.
- F. No person shall change or alter the lot or the structure so that they differ from the site plan or floor plan initially submitted to the Community Development Department, unless the change or alteration has first been submitted to and approved by the Planning Commission.
- G. *Site Plan Required.* A property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for a Special Use Permit. If the proposed use involves changes to the site outside the building, the Planning Commission may require that the applicant submit a Final Site Plan, as required in [ARTICLE 12](#), or portions of a Final Site Plan that are applicable to the proposed changes and be reviewed and approved by the Planning Commission before the Special Use Permit may be issued.

SECTION 4.04

Brewpubs, Craft Distilleries, Microbreweries, and Small Wine Makers

- A.** Brewpubs, Craft Distilleries, Microbreweries, and Small Wine Makers must obtain all required County, State, and Federal approvals. Copies of all approvals must be submitted to the City.
- B.** No more than 65 percent (65%) of the total gross floor space of the establishment shall be used for the brewing or distilling function.
- C.** Spirits may be sold to consumers for consumption on the manufacturing premises and for off-premises consumption, subject to State licensing requirements.
- D.** Food service may be provided for consumption by patrons while seated on the premises. Outdoor dining may be permitted by the Planning Commission or Planning and Zoning Administrator in accordance with [Section 4.14](#).
- E.** Hops, barley, grains, grapes, apples, and other products used in the distilling or brewing process may be stored in a detached structure, except in the DT District, provided that:
 - (1) Any such structure complies with the setback requirements for the district in which it is located
 - (2) The structure is compatible in color and materials of the primary structure.
 - (3) No outdoor storage of bottles, pallets, or other containers is permitted.
 - (4) Storage in tractor trailers shall be permitted for periods not exceeding 24 hours.
- F.** In the DT District, products used in the brewing or distilling process must be stored within the primary building or off-site.

SECTION 4.05

Community Incubator Kitchens

The intent of this section is to permit entrepreneurs who are starting businesses in food preparation to use certified commercial kitchens in churches or other buildings for religious worship. Use of these kitchens by start-up businesses will enable those businesses to test the market for their products and move to facilities in commercial or industrial districts in the City or elsewhere after the start-up period. A kitchen in a church or other building used for religious worship may be used as a community incubator kitchen, where permitted as a special use, subject to the following regulations.

- A.** The owner of the church or other building, or the owner's legal representative, shall apply for a Special Use Permit for a community incubator kitchen. The permit, if approved, shall be issued in the name of that owner or legal representative.
- B.** The kitchen shall maintain a valid certification from the State of Michigan.

- C. The owner of the church or other building, or the owner's legal representative, shall promptly provide a copy of each inspection of the kitchen by the Michigan Department of Public Health to the Planning and Zoning Administrator.
- D. In residential districts, the following standards shall apply. Such standards shall not apply to any kitchen located in a commercial district.
 - (1) The business leasing or sub-leasing the kitchen shall not have more than three employees, including the business owner.
 - (2) The business leasing or sub-leasing the kitchen shall not provide on-site delivery of products from the kitchen.
 - (3) Operations shall be limited to the hours of 6:00 a.m. to 10:00 p.m.
- E. The Planning Commission may, as part of an approval of a Special Use Permit, place a limit on the number of enterprises that may use a kitchen at one time. A limit shall be based on the Commission's review of factors such as, but not limited to, the size of the kitchen, the number of parking spaces available, proximity of neighboring residences, and testimony at the public hearing.
- F. Community incubator kitchen shall comply with all applicable provisions of the Zoning Ordinance, other City ordinances and regulations, and applicable State and Federal statutes and regulations.
- G. Vehicles used in a community incubator kitchen operation shall not be larger than a passenger van or a three-quarter (.75) ton pick-up truck.
- H. The building in which a community incubator kitchen is located shall be connected to the City's water and sanitary sewerage systems. The water and sanitary sewer leads shall be of adequate size and condition, as determined by the City Engineer, to adequately handle the loads created by the kitchen.

SECTION 4.06

Drive-Thrus

- A. **Where Permitted.** Drive-thrus shall only be permitted where the underlying district allows the specific use type and drive-thrus.
- B. **Minimum Width.** The traffic lane serving the drive-thru window shall be at least 10 feet wide.
- C. **By-Pass Lane.** A by-pass lane or other suitable means of access to a public street shall be provided for vehicles that do not use the drive-thru window.
- D. **Stacking Spaces.** For restaurants, a minimum of five (5) stacking spaces shall be provided per drive-thru lane. For all other uses, at least two (2) stacking spaces shall be provided per lane.

- E. Location.** Drive-thrus in the T-1, and T-2 Districts shall be limited to the side or rear yard only. Canopies over drive-thru structures shall be designed to be consistent with the approved building materials and colors. Signs and color bands shall not be permitted along the canopy. Any canopy lighting shall be flush with the canopy.
- F. Customer Ordering Station.** A restaurant with a drive-thru window shall provide a separate customer ordering station. Menu Board signs in drive-thrus shall be exempt from the sign requirements of [ARTICLE 9](#).

SECTION 4.07

Economy Efficient Dwellings

- A. Purpose.** Economy Efficient Dwellings (EEDs), which include housing types commonly referred to as Tiny Homes, Bungalows, or Cottages, are small dwellings that provide a new housing type that responds to changing family needs, smaller household sizes, and increasing housing costs. An EED may only be developed in a cluster with other EEDs, under single common ownership or through Site Condominium, in accordance with the standards of this Section. Community buildings serving the EED community may be permitted on the same lot.

- B. Dimensional Requirements.** Economy Efficient Dwellings and community buildings serving the EEDs shall comply with the following dimensional requirements:

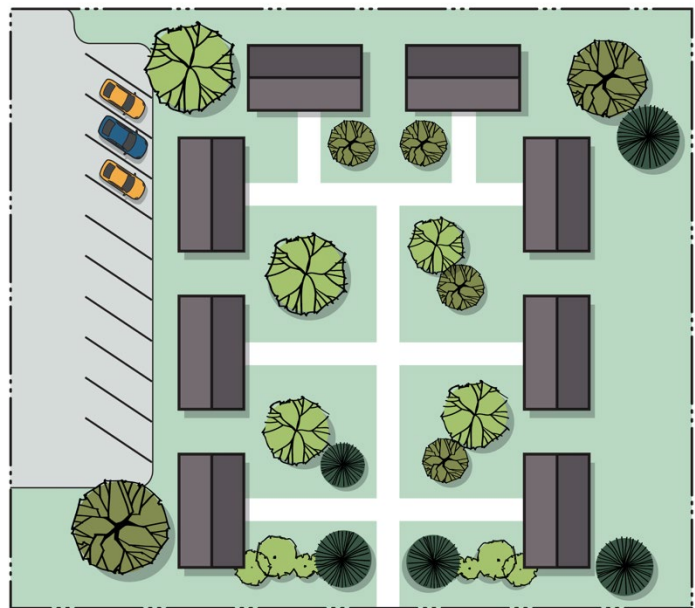
Economy Efficient Dwellings Dimensional Requirements		
	Minimum	Maximum
Building Size (Gross Square Feet)	250	700
Building Height (Stories/Feet)	1 / 12'	1.5 / 20'
Distance between Buildings	10'	--
Setbacks	Same as underlying zoning district.	

C. Building Design.

- (1) An EED shall be built on a permanent, approved foundation. Movable structures, or those with wheels, are prohibited.
- (2) EED units shall be made of high-quality, natural materials or engineered equivalent, and designed to fit within the traditional neighborhood context of the City of Chelsea. Encouraged design elements include pitched roofs with overhangs, aligned patterns of windows and doors, and defined front entrances.

D. Site Design. EEDs shall be clustered together on a single parcel, subject to the following requirements.

- (1) A minimum of four (4) EEDs may be arranged on one (1) 10,000 square foot lot. For each additional 1,500 square feet of lot size, the minimum shall increase by one (1) EED.
- (2) Buildings shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walks, and access to open space. The overall design of the cluster should be oriented toward the primary street.
- (3) Minimum distance between buildings shall be 10 feet.
- (4) Sidewalk access to the front of each unit must be included from the primary street, parking areas and open space.



EED Cluster Arrangement

SECTION 4.08

Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City. The intention of this section is to otherwise exempt such essential services from the application of this Zoning Ordinance.

SECTION 4.09

Home Occupations

- A.** The purpose of this Section is to establish regulations that permit certain occupations to be conducted in a single-family dwelling unit, while ensuring that such occupations will be compatible with the neighborhood character and not create a nuisance for neighboring residents and properties.
- B.** A home occupation shall be permitted in a single-family dwelling unit or in a building accessory thereto.
- C.** No person other than the members of the family residing in the dwelling to be used for the home occupation shall be employed or otherwise engaged in that occupation on the premises. The dwelling unit used for the home occupation shall be the permanent residence of any person employed in the home occupation.
- D.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use as a residence. The total floor area used by the home occupation shall not exceed 30 percent (30%) of the total usable floor area of the primary dwelling unit.
- E.** There shall be no change in the exterior appearance of the structure or premises to accommodate the home occupation, or other outdoor visible evidence of conduct of the home occupation, except for signs, as permitted in [Section 4.09L](#).
- F.** No article produced or sold by the home occupation shall be displayed anywhere on the premises. Articles produced may be sold to clients from the home or online.
- G.** Parking for the home occupation shall be in accordance with [ARTICLE 8](#) and provided on the premises. The parking space for a home occupation shall not be located in any required yard or on a public street.
- H.** Only one (1) guest or client of the home occupation shall be permitted at a time.
- I.** No exterior storage associated with or resulting from a home occupation shall be permitted.
- J.** No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor, or electrical interferences that are nuisances to persons off the premises.

- K.** Hazard of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Annual certification of compliance with this provision by the State Fire Marshal may be required as a condition of approval of the Special Use Permit.
- L.** One (1) sign, not exceeding eight (8) square feet in area and attached to the dwelling unit, shall be permitted for a home occupation.
- M.** A home occupation shall not involve the use of commercial vehicles related to the business for delivery of materials to or from the premises.

SECTION 4.10

Illegal Dwellings

The use of any portion of the basement of a partially completed building for dwelling or sleeping purposes in any zoning district is prohibited. Accessory buildings or garages may only be used as dwelling spaces in accordance with [Section 4.01](#).

SECTION 4.11

Keeping of Animals in Residential Districts

- A.** Keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any zoning district permitting residential uses. No more than two (2) dogs or cats, four (4) months of age or older, in any combination, and no more than a total of four (4) animals over one (1) pound in weight shall be kept housed in or at one (1) dwelling unit in a residential district.
- B.** Keeping of backyard chickens shall be permitted on single-family residential lots in accordance with the standards of Section 4-35 of the Chelsea General Code of Ordinances.
- C.** Keeping of horses, ponies and other equines shall be permitted only on single-family residential lots of at least five (5) acres in area. At least five (5) acres shall be provided for the first horse or pony kept on a lot and two (2) acres for each additional horse or pony.
- D.** Keeping of farm livestock shall be permitted only on single-family residential lots of at least five (5) acres in area.
- E.** Keeping of exotic animals, not normally considered farm livestock or household pets, is prohibited.

SECTION 4.12

Mini-Warehouses

- A. Site Enclosure.** The entire site, exclusive of access drives, shall be enclosed with a minimum six (6) foot high masonry wall, decorative fence, landscaped wall, or opaque fence, constructed in accordance with [Section 6.08](#).
- B. Exterior Appearance.** The exterior of any mini-warehouse shall comply with the following minimum requirements:
- (1) Buildings shall be neutral in color.
 - (2) Buildings shall be oriented so that doors to storage units do not face toward the road, unless such doors will be completely screened from view from the road.
 - (3) Building facades facing a public road shall be faced with high-quality, durable materials such as: brick, stone, wood, metal, vinyl, or engineered equivalent.
 - (4) If an accessory office is proposed, it shall be located in front to screen the storage units.
- C. On-Site Circulation and Parking.**
- (1) All one-way driveways shall be designed with at least two lanes to provide for one (1) loading/unloading lane and one (1) travel lane.
 - (2) All two-way driveways shall be designed with at least three lanes to provide for one (1) loading/unloading lanes and two (2) travel lanes.
 - (3) The loading/unloading lane may be eliminated if the driveway does not serve storage units.
 - (4) Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

SECTION 4.13

Multi-Family Dwellings

All multi-family dwellings located in the R-3, DT, T-1, and T-2 district shall comply with the standards of this section as well as the form-based development standards in [ARTICLE 5](#).

A. Site Design

- (1) Buildings shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walks, and access to open space.
- (2) Buildings shall be laid out and spaced to make walking from one use to another as easy as possible.

(3) Minimum distance between buildings shall be 25 feet.

- B. Driveways.** All multiple-unit dwellings shall have a shared driveway where it connects with the street, unless topography, site lines, or other conditions make a shared driveway impractical. Driveways shall be located as required by [Section 3.06B\(3\)](#).
- C. Pedestrian Access.** Concrete sidewalks, paved pathways, or similar shall be provided between building entrances and off-street parking. Pedestrian access shall be designed to be ADA-compliant.
- D. Recreation Areas.** Passive or active recreation areas, including, but not limited to, seating areas, playgrounds, swimming pools, or walking paths, shall be provided at a rate of 150 square feet per unit. Recreation areas shall not be located in any required yard.

SECTION 4.14

Outdoor Dining

- A. Applicability.** All outdoor dining areas, whether permanent or temporary, shall comply with the following standards.
- B. Pedestrian Access.** Outdoor cafés or seating areas associated with an approved restaurant or other establishment shall not block pedestrian access to the building entrance and shall maintain a minimum sidewalk clearance of at least five (5) feet.
- C. Standards.** Outdoor cafes or seating areas associated with an approved restaurant or other establishment which sells food for immediate consumption on the premises shall be permitted on public or private property provided they meet the following standards in the opinion of the Planning Commission or Planning and Zoning Administrator:
 - (1) **Enclosure.** Outdoor seating areas shall be required to be enclosed in instances where there is wait staff or alcohol service. For the purpose of this Section, an enclosure is a decorative wood or metal railing, or other decorative removable physical delineation approved by the Planning Commission or Planning and Zoning Administrator.
 - (2) **Approval of Roofs/Overhead Structures.** All roofs and other overhead structures must be shown on the site plan. A previously approved outdoor cafe may add a roof, subject to Planning Commission approval.
 - (3) **Connection to Primary Building.** The outdoor dining area must be connected to an entrance to the primary building where food or drink is prepared by a paved, barrier free path.
 - (4) **Seating Plan.** The capacity and table/chair layout of the outdoor seating area shall be provided by the applicant. The outdoor dining area must be designed to allow the safe and efficient movement of customers and wait staff in between tables.

- D. Applicable Laws.** The Outdoor Dining area shall meet all County, State, and Federal regulations, including but not limited to Americans with Disability Act, County Health Department, and Liquor Control Regulations.
- E. Permit Required.** A Zoning Compliance Permit is required to implement outdoor dining. Outdoor dining located within the public right-of-way shall require a Temporary Outdoor Dining Permit. Any outdoor dining along a State or County right-of-way will require the approval by the agency of jurisdiction.

SECTION 4.15

Outdoor Displays and Sales

Approval for outdoor displays and sales shall be in the form of a Temporary Zoning Compliance Permit. The applicant shall provide sufficient information to show the location and extent of the proposed display and sales for the Planning and Zoning Administrator to determine compliance with the standards in this section. The Planning and Zoning Administrator shall consider the following standards in reviewing an application.

- A.** Seasonal sales are a principal use in the districts in which they are permitted.
- B.** Display and sales shall not be located in the required front yard, unless located in an existing parking area.
- C.** Display and sales may be permitted in a required side or rear yard but such activity shall not be located less than five (5) feet from a property line. Display and sales shall not be permitted in any side or rear yard that abuts a lot in a residential zoning district.
- D.** The display and sales shall comply at all times with an approved site plan that might be in effect for the property in the application.
- E.** The Planning and Zoning Administrator may set appropriate time limits: time of day, days of the week, and months during which the display and sales may be conducted.
- F.** The Temporary Zoning Compliance Permit shall identify the types of materials or objects to be displayed and sold and all activities in the display and sales area.
- G.** The holder of the Temporary Zoning Compliance Permit shall return the display and sales area to its original condition within a reasonable time following closure. The time shall be specified in the certificate.
- H.** The display and sales shall not block fire lanes or interfere with convenient or safe vehicular or pedestrian circulation. Display and sales shall not be permitted on any sidewalk unless the Planning and Zoning Administrator determines that such display and sales will not interfere with the convenience or safety of pedestrians.
- I.** The display and sales shall not use required parking spaces unless the applicant can prove to the Planning and Zoning Administrator's satisfaction that the remaining spaces will be sufficient to handle parking requirements on the site.

- J. Outdoor display and sales shall not exceed 180 days in any calendar year. Where a building is equipped with a structurally covered pedestrian walkway/porch, outdoor display may be year-round provided that pedestrian traffic is not impeded and the display shall not occupy more than 35 percent (35%) of the covered area.
- K. **Sketch Plan Required.** A sketch plan shall be submitted that clearly identifies the areas of display, types of materials to be sold, and a parking plan.

SECTION 4.16

Pet Kennels & Boarding Facilities

- A. **Minimum Lot Size.** Any lot containing a kennel must be at least two (2) acres.
- B. **Maximum Number of Dogs.** One (1) dog is permitted for every one-quarter (.25) acre of land. In calculating the permitted number of dogs, the number of acres shall be rounded down to the nearest quarter acre.
- C. **Setbacks.** Buildings wherein dogs are kept, dog runs, and/or outdoor exercise areas shall be setback at least 50 feet from any lot line.
- D. **License Required.** All pet kennels must be operated in conformance with applicable County and State regulations and must submit a copy of their licensure to the City annually.

SECTION 4.17

Senior Housing, Assisted

- A. **Setbacks**
 - (1) Off-street parking areas shall be at least 25 feet from residential uses.
 - (2) Distances between buildings shall be sufficient to meet fire protection requirements.
- B. **On-Site Services.** Nursing homes may include on-site services, such as cafés, entertainment, laundry, and personal services, but those services shall be available only to current and former residents, current and former visitors and current staff.
- C. **Permitted Accessory Uses.** Nursing homes may establish a Day Care Center for adults within their own facilities as a permitted accessory use.

SECTION 4.18

State Licensed Day Care Centers

- A. License.** The applicant must submit a copy of the State license for the facility.
- B. Location.** A Day Care Center shall not be located within 1,500 feet of another licensed adult foster care home, substance abuse treatment center, and any facility that houses an inmate population.
- C. Outdoor Recreation Area.** For Child Day Care Centers, a minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the child care center, provided that the overall area shall not be less than 5,000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses with a decorative opaque fence with a minimum height of four (4) feet. Outside activities shall take place at least 25 feet from any residential district or use.
- D. Pick-up and Drop-off.** Adequate areas shall be provided for employee parking and pick-up and drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public streets.

SECTION 4.19

State Licensed Day Care Homes

- A. License.** The applicant must submit a copy of the State license for the facility.
- B. Location.** A group day care home or family day care home shall not be located within 1,500 feet of another licensed group day care or family day care home, adult foster care home, substance abuse treatment center and any facility that houses an inmate population.
- C. Outdoor Recreation Area.** For Day Care Homes for children, an outdoor recreation area shall be provided and maintained. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses with a decorative opaque fence with a minimum height of four (4) feet.

SECTION 4.20

State Licensed Residential Facility

The following standards shall apply to all residential facilities licensed by the State of Michigan, including: Family Foster Care Homes, Group Foster Care Homes, and Adult Foster Care Facilities.

- A. License.** The applicant must submit a copy of the State license for the facility.
- B. Licensee as Permanent Resident.** The licensee shall be a member of the household.
- C. Location.** State Licensed Residential Facilities shall not be located closer than 1,500 feet from any other State Licensed Residential Facility.
- D. Lot and Yard Requirements.**

- (1) **Minimum Lot Size.** State Licensed Residential Facilities shall be located on a lot that is not less than one-half (.5) acre and has not less than 500 square feet of lot area per person, including patients, employees and other residents.
- (2) **Setback from Residential Use.** State Licensed Residential Facilities shall be located at least 25 feet from any residential use.

SECTION 4.21

Storage of Materials

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or materials shall be regulated as follows:

- A. On any lot in any residential or commercial district, the owner or tenant shall locate and store such materials within a completely enclosed building.
- B. On any lot in any industrial district, the owner or tenant shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least six (6) feet in height and not less in height than the materials located or stored therein. Storage of materials shall not be closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- C. Nothing in this ordinance shall permit the storage or parking of any vehicles or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 4.22

Temporary Shelters

One (1) tent, or similar temporary shelter used for the purpose of storing cars, boats, or similar vehicles or conveyances shall be permitted on a lot in the R-1 and R-2 Districts in the rear yard only and shall meet the setback regulations for detached accessory structures. Said shelters shall be permitted for a period not to exceed 180 days and shall require a Temporary Zoning Compliance Permit.

SECTION 4.23

Temporary Uses and Special Events

- A. **Temporary Uses.** Temporary uses, including seasonal sales, outdoor dining, outdoor displays and sales, and semi-permanent structures may be permitted in any district, upon approval of the Planning and Zoning Administrator.

- (1) Temporary uses shall submit hours of operation and all required information in [Section 14.03](#) for review and approval.
- (2) Temporary uses shall comply with all applicable ordinance standards and outside agency requirements.
- (3) Temporary uses shall require a Temporary Zoning Compliance Permit prior to operation.

B. Special Events. Festivals, farmers markets, or other special events may be permitted in any district, upon approval by the City Council based upon the finding that the location of such an activity will not adversely affect adjoining properties, or adversely affect public health, safety, morals, and the general welfare.

- (1) Such special events shall submit hours of operation and all required information in [Section 14.03](#) for approval.
- (2) Special events shall comply with all applicable ordinance standards and outside agency requirements.

SECTION 4.24

Semi-Permanent Structures

Semi-permanent structures for special events, outdoor dining or drink service, and outdoor displays are permitted as an accessory structure incidental and subordinate to a primary permitted use in the DT, T-1, and T-2 mixed-use districts. In addition to any applicable use regulations, such structures shall comply with the following standards:

- A.** Structures may include, but are not limited to, the following: tents, decorative sheds, pods, pergolas, decks, and decorative carts.
- B.** Such structures must be located on the same parcel as the primary permitted use or within 25 feet of the primary structure. If the structure will occupy the public right-of-way, a Temporary Outdoor Seating Permit shall be obtained.
- C.** The maximum permitted height of structures shall be 25 feet.
- D.** Structures shall be made of high-quality, durable, and weather-resistant materials such as: wood, metal, canvas, nylon, vinyl, plexiglass, or glass. The style and colors of the structure should be compatible with the primary structure as determined by the Planning and Zoning Administrator.
- E.** Structures shall be securely anchored in one location for the duration of the use.
- F.** A minimum of five (5) feet of clearance for pedestrians shall be maintained around the structure.
- G.** If the structure will be used for outdoor food and/or drink service, operations shall comply with all standards for Outdoor Dining in [Section 4.14](#).
- H.** All semi-permanent structures must receive a Zoning Compliance Permit for operation.

SECTION 4.25

Vehicle Sales

Cars, trucks, boats, all-terrain vehicles (ATVs), personal water crafts (PWCs), and similar vehicles or conveyances may be sold only on a lot of a dealer licensed in the State of Michigan for such sales, or on a lot owned by the registered owner of the above items to be sold, provided such sale shall be made by the registered owner or by a member of the immediate family of the registered owner.

SECTION 4.26

Vehicle Wash

- A.** Fuel dispensing shall not be permitted with vehicle wash operations in the T-1 District.
- B.** All services, except vacuuming, shall be provided within the vehicle wash building. Vacuuming service may be located in the front or side yards, and shall be screened from view from abutting streets.
- C.** Vehicles shall not be stored on the site overnight.
- D.** All wash water shall be recycled to the greatest extent possible. Residual water shall be discharged into a sanitary sewer. All such water shall be passed through sediment and pollutant filters or similar devices, including at least an oil separator, before discharge into the sanitary sewer.
- E.** Driveways, parking spaces, and all other areas for maneuvering or standing of vehicles shall be paved.
- F.** The rear part of the site shall be screened from abutting properties in accordance with [ARTICLE 7](#).
- G.** Vehicles entering or leaving the site shall not create safety problems or unduly interfere with traffic flow on the access street. Driveways shall be designed so that entering traffic will not encroach into the exit lane of a driveway. Physical separation of entering and exiting lanes of driveways may be required.
- H.** Driveways shall be designed so that right turn exiting traffic will be able to use the through traffic lane nearest the site and not encroach into other lanes of the access street. Restrictions may be placed on turning movements of exiting traffic. One-way traffic flow into and out of a site may be required.
- I.** Driveway design and placement shall be consistent with the circulation and parking layout of the site and with [Section 6.04](#) and [ARTICLE 8](#). The site shall provide sufficient on-site storage for vehicles awaiting entry to the car wash building so that no vehicle will be required to stand within 50 feet of the right-of-way line of the access street. The site shall provide a dry-off area sufficient in size and drainage to prevent build-up of surface water or ice on the exit driveway.
- J.** A minimum of five (5) stacking spaces shall be provided per bay.

SECTION 4.27

Wireless Communications Facilities

A. Intent. The City intends, by these regulations, to permit wireless communications facilities but to regulate the location and design of the facilities in a manner that will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the City. This ordinance sets forth procedures and standards for location of these facilities within the City. It is City policy that all users shall co-locate where feasible to assure the most economic use of land and to prevent proliferation of duplicative facilities and services. The City also intends that unused or unnecessary facilities will be removed. The regulations in this section are intended to be consistent with applicable federal laws and administrative rules.

B. Definitions.

- (1) **WIRELESS COMMUNICATIONS FACILITIES.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. These may include, but shall not be limited to, radio towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. This definition does not include a reception antenna for an individual lot as otherwise defined in this ordinance.
- (2) **ATTACHED WIRELESS COMMUNICATION FACILITIES.** Wireless communication facilities affixed to existing structures, including but not limited to buildings, towers, water tanks, or utility poles.
- (3) **WIRELESS COMMUNICATION SUPPORT STRUCTURES.** Structures erected or modified to support wireless communication antennas. The term support structures includes, but shall not be limited to: monopoles, lattice towers, light poles, wood poles, and guyed towers.
- (4) **CO-LOCATION.** Location of two or more antennas of wireless communication providers of wireless communication services on a common support structure or building.
- (5) **WIRELESS COMMUNICATION ANTENNA.** Any antenna used for transmission or reception of wireless communication signals excluding:
 - a) Those used exclusively for dispatched communications by public emergency agencies;
 - b) Ham radio antenna;
 - c) Satellite antenna;
 - d) Those which receive video-programming services via multi-point distribution services which are one 39 inches (1 meter) or less in diameter;
 - e) Those which receive television broadcast signals; and
 - f) Those radio transmitters that transmit on bandwidths not regulated by the FCC, whose transmission output does not exceed 0.5 watts, and that do not exceed 32 square inch wind load

from any angle.

- (6) **PROVIDER.** An entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through Wireless Communications Facilities.

C. Approvals Required.

- (1) Erection of a wireless communications support structure and related equipment shall require a Special Use Permit in accordance with [ARTICLE 11](#).
- (2) Attachment of a wireless communication antenna to an existing structure and installation of related equipment shall require a Special Use Permit in accordance with [ARTICLE 11](#), except in instances of co-location, in which the following subsection 3 shall apply.
- (3) Co-location of wireless communication antennas and related equipment on a site with a valid Special Use Permit shall be permitted by administrative approval, provided the co-location is consistent with all provisions of the Special Use Permit.

D. Information Required.

- (1) *Special Use Permit Application.* All information required in [ARTICLE 11](#).
- (2) *Preliminary Site Plan.* A site plan containing all information required in [Section 12.03](#) plus:
 - a) Elevations of the support structure and accessory buildings and equipment;
 - b) Colors of the support structure and accessory buildings and equipment;
 - c) A survey showing all structures and lot lines within the area needed to determine compliance with the setback requirements of this section; and
 - d) The number of co-locations available on the site and the location of all equipment areas needed to serve all antennas.
- (3) *Structural Report.* An engineer's report, prepared and signed by a professional engineer licensed in the State of Michigan, containing structural data and analysis of the support structure, the number of co-locations for which the structure is designed, and its predicted fall zone.
- (4) *Soils Report.* A soils report prepared and signed by an engineer licensed in the State of Michigan. The report shall include data on soil borings and statements confirming the suitability of soil conditions for the proposed support structure.

- (5) *Supporting Documentation.* Information to prove that the proposed facility is needed in the City, the location of all existing facilities within the City and within five miles of the boundaries of the City, and the location of all potential co-location opportunities. The information shall include the location, height and design of each facility. The Planning and Zoning Administrator may share such information with other applicants applying for administrative approvals or Special Use Permits under this ordinance or other organizations seeking to locate facilities within the jurisdiction of City of Chelsea.
- (6) *Written Agreement.* A written agreement, transferable to all successors and assigns, that the property owner and the owner or operator of the facility shall make space available for co-location.
- (7) *Contact Information.* The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes.
- (8) *Maintenance Plan.* A maintenance plan, and any applicable maintenance agreement.
- (9) *Affidavit.* An agreement and affidavit signed by the owner of the property and the owner of the facility which assures removal of the facility and restoration of the site at cost to the property owner, if removal is required by this section. The agreement and affidavit may provide that all costs of removal and site restoration be levied as a lien on the property.

E. Review Standards. All Wireless Communications Facilities shall be reviewed against the standards for special use permits as provided in [ARTICLE 11](#), plus the following:

- (1) Facilities shall be located, designed, and painted a color that will be harmonious with the surrounding area.
- (2) All new and modified wireless communication support structures shall be designed to accommodate co-location, with a written agreement approved by the City Attorney.
- (3) The applicant shall demonstrate that a feasible co-location is not available for the coverage area and capacity needed.
- (4) The applicant shall demonstrate that the requested height of the support structure is the minimum necessary for reasonable communication. The height of the support structure and antenna shall not exceed 195 feet, provided the height shall be less than the height that would require hazard lighting by the FAA.
- (5) Minimum required setbacks for a new support structure:
 - a) From the single-family residential zoning districts, the minimum setback shall be equal to the height of the support structure and antenna plus 25 feet.
 - b) From all other zoning districts, the minimum setback shall be equal to one-half (.5) the height of the support structure and antenna plus 10 feet, or the delineated fall zone plus 10 feet, whichever is greater.

- (6) Landscaping shall be provided to screen the structure, base, accessory buildings, and ground equipment.
- (7) Accessory buildings shall be finished with brick, provided the Planning Commission may waive this requirement for a building that is located in an industrial zoning district and is not visible from a public right-of-way or a lot in a non-industrial zoning district.
- (8) A security fence shall enclose the facility. Fences may be up to 10 feet in height and may have barbed wire, provided the wire is no less than 10 feet above grade.
- (9) Nonconforming conditions on the site, such as outdoor storage, signs, landscaping, unpaved parking, improper lighting, or similar conditions shall be removed prior to construction of the facility. If the site has a nonconforming building or structure, improvements shall be made to decrease the extent or impact of the nonconformity.
- (10) The facility shall comply with and shall be operated in accordance with applicable federal and state standards. Operating or maintaining a facility not in compliance with these standards may be grounds for revoking the special use permit.
- (11) The maximum height of accessory structures shall be 12 feet and shall meet setback requirements for principal buildings in that district.
- (12) Unobstructed access shall be provided to each site. The minimum requirements shall be a 20-foot-wide easement, improved with a 12-foot-wide driveway constructed on a 6" MDOT class II sub-base and an 8" 21A gravel base course. A turning area shall be provided for emergency vehicles. The access shall be maintained to be passable at all times.
- (13) An attached wireless communication facility and its equipment enclosure that are proposed on a building roof shall be designed, constructed, and maintained to be architecturally compatible with the building. The equipment enclosure may be located in an accessory building.
- (14) The support structure shall meet all applicable codes.
- (15) The requirements of the Federal Aviation Administration, Federal Communications Commission, and Michigan Aeronautics Commission shall be met.

F. Co-Location.

- (1) *Feasibility of Co-location.* Co-location shall be deemed feasible for purposes of this section in the following circumstances:
 - a) A provider will pay market rent or other market compensation for co-location.
 - b) The support structure can support additional antennas, taking into account reasonable modification or replacement of the structure.
 - c) Co-location is technically feasible.

(2) *Requirements for Co-location.*

- a) A special use permit for a facility shall not be approved unless the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- b) All new and modified wireless communications facilities shall be designed and constructed to accommodate the maximum number of providers for co-location.
- c) Failure or refusal of a provider to permit a proposed and feasible co-location shall be grounds for revoking the special use permit for that site.
- d) If a provider fails or refuses to permit a feasible co-location, such provider shall be prohibited from receiving approval for a new facility in the City for a period of five years from the date of failure or refusal.

G. Removal.

- (1) A condition of approval of a Wireless Communication Facility shall be an adequate provision for removal of the facility upon occurrence of one or more of the following events:
 - a) Failure to use the facility for 180 days or more.
 - b) 180 days after new technology is available at reasonable cost as determined by the City, which permits operation of the facility without the support structure. Each applicant shall certify its agreement to provide the City with information on such new technology if and when it is available as part of the approval process.
- (2) Upon the occurrence of an event requiring removal of a facility, the property owner shall promptly apply for demolition or removal of the facility and proceed with removal of the facility and restoration of the affected area to a condition reasonably acceptable to the City.
- (3) If a facility has not been removed within 60 days of the required removal date then, after 30 days written notice to the provider, the City may cause removal and site restoration. All costs of removal and restoration shall be levied on the property as provided in the agreement and affidavit required in [Section 4.27D\(9\)](#). Removal of a facility shall void the special use permit for the site.
- (4) The property owner shall notify the City in writing immediately upon cessation of operation of the facility.

ARTICLE 5. FORM-BASED DEVELOPMENT STANDARDS

SECTION 5.01

Purpose and Intent

The purpose of form-based development standards is to create clear and simple design regulations for redevelopment or new construction projects in the DT, T-1, and T-2 Districts consistent with the community's vision for high-quality, pedestrian-oriented, mixed-use development in downtown and along the southern stretch of M-52. The standards are intended to promote the following objectives:

- A.** Create unique, pedestrian-oriented mixed-use developments that include residential, retail, entertainment, office, and other compatible uses that support the economic vitality of the City.
- B.** Encourage development and redevelopment in downtown that protects and enhances the traditional small-town character of Chelsea, fits within its traditional urban form, and reinforces a sense of community identity.
- C.** Promote the preservation and renovation of historic buildings.
- D.** Encourage a transition from automobile-oriented to pedestrian-oriented new development in transitional districts along M-52. Development should be compatible with, but not the same, as development in the downtown.
- E.** Maintain and strengthen the sense of place that currently exists downtown along the length of M-52 through the provision of expanded pedestrian networks, streetscape elements, public spaces, and other pedestrian-scaled amenities.
- F.** Encourage accessible housing options in and near the downtown area.
- G.** Ensure proper land use transitions and design treatment between the downtown district and the surrounding residential neighborhoods.
- H.** Discourage automobile-oriented development through pedestrian-oriented building and site design principles and accommodations for shared parking resources.

SECTION 5.02

Applicability

All buildings in the DT, T-1, or T-2 shall comply with the design standards of this Article as follows.

- A. New Construction.** All new developments that require site plan approval after the Effective Date of this ordinance shall fully comply with the design standards in [Section 5.07](#) and [Section 5.08](#).
- B. Expansions of Developed Sites.** Buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:
- (1) *Less than 25 percent (25%) of existing condition.* Any development activity on a developed site that would increase the floor area of the existing building or the area of existing site improvements by less than 25 percent (25%) need not comply with the requirements of this Article. However, any improvements should result in the site being more compliant, and shall not result in the site being less compliant, with the requirements of this Article.
 - (2) *Greater than 25 percent (25%) of existing condition.* Whenever a building or site improvement expansion of greater than 25 percent (25%) of the existing condition is proposed, the activity shall comply with the requirements of [Section 5.06](#) and [Section 5.08](#).
- C. Redevelopment of Existing Sites.** Redevelopment of existing buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:
- (1) *Less than 50 percent (50%) of existing condition.* Whenever 50 percent (50%) or less of the existing building will be demolished, replaced, or renovated, the development activity need not comply with the requirements of this Section. However, any changes that may occur as a result of the development activity should result in the site being more compliant, and shall not result in the site being less compliant, with the requirements of this Article.
 - (2) *Greater than 50 percent (50%) of existing condition.* Whenever more than 50 percent of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of [Section 5.06](#) and [Section 5.08](#).

SECTION 5.03

Waiver of Requirements

- A. Purpose.** The Planning Commission may grant waivers from certain requirements of this Section. Waivers under this Article are separate from dimensional variances, and intended to permit reasonable use of property where the strict application of the requirements of this Section would not further the public purpose and an altered design standard will still meet the intent and purpose of this Article.
- B. Waivers Permitted.**
- (1) *Build-to-Line.* The Planning Commission may grant a waiver from any build-to-line requirement, provided that the Planning Commission determines that the waiver is necessary because of a unique or irregular characteristic of the lot. For corner buildings, a setback waiver may be granted to create a larger sidewalk adjacent to the intersection. No more than one (1) such waiver shall be granted for any given property.
 - (2) *Architectural Standards.* The Planning Commission may waive up to three (3) architectural standards provided in [Section 5.06](#), [Section 5.07](#), or [Section 5.08](#).
 - (3) *Materials.* The Planning Commission may modify the material standards as provided for in the material standards in [Section 5.06](#) and [Section 5.07](#).
- C. Waivers Not Permitted.** No waivers may be granted from the following requirements. In the event that an applicant wishes to vary from any of the following requirements, they must seek a variance from the Zoning Board of Appeals.
- (1) *Minimum or Maximum Building Height.*
 - (2) *Building Types.* All new or substantially redeveloped buildings shall be constructed as one of the permitted building types. This shall not prohibit the Planning Commission from allowing waivers from architectural standards related to a specific building type.
 - (3) *Frontage Type.* All buildings shall conform to one of the permitted frontage types. This shall not prohibit the Planning Commission from allowing build-to-line waivers as outlined in this Section.
- D. Application and Review Procedures.** The applicant shall clearly identify all requested waivers on the application and site plan. The Planning Commission shall evaluate the requested waivers and approve, approve with conditions, or deny the waiver request. In evaluating a waiver request, the Planning Commission shall take into account the following considerations:
- (1) Approval of the waiver will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.
 - (2) The requested waiver is consistent with the intent and purpose of this Article.

- (3) The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this Article.
- (4) A lesser waiver will not accomplish the same purpose as the requested waiver.

SECTION 5.04 Conflicts

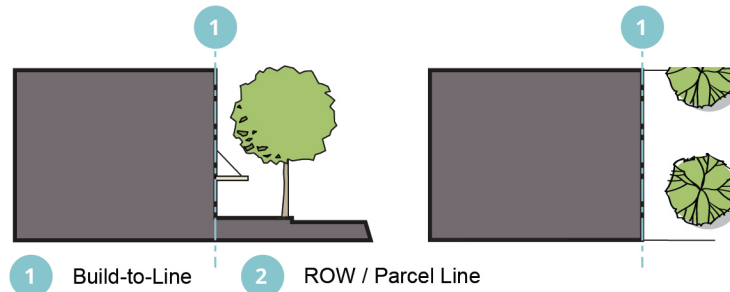
The form-based development standards in this Article are meant to complement and supplement applicable standards found elsewhere in this Zoning Ordinance. Where conflicts exist between this Article and other sections of the Chelsea Zoning Ordinance, the standards in this Article shall govern.

SECTION 5.05 Frontage Type Requirements

The frontage is the area between the front property line, edge of public right-of-way, or public sidewalk and the principal building façade. Buildings must be consistent with one of the following frontage types.

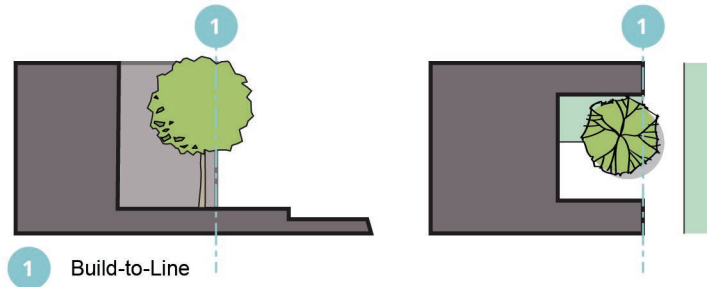
- A. Zero Setback.** A frontage where the building façade is located at the sidewalk or front lot line with the building entrance at sidewalk grade.

Zero Setback Frontage Type		Districts Permitted		
Build-to-Line	Dimensional Requirements	DT	T-1	T-2
0 feet from front property line or edge of sidewalk, if the property line extends to the curb of a street.	100% of building façade meets the build-to-line.	•	•	•



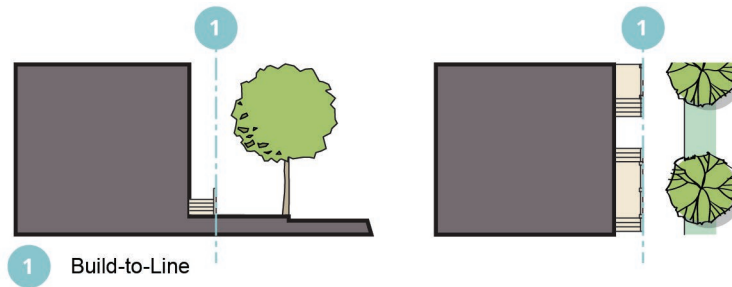
B. Courtyard. A frontage where a portion of the building facade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings, public plaza, or outdoor seating area.

Courtyard Frontage Type		Districts Permitted		
Build-to-Line	Dimensional Requirements	DT	T-1	T-2
<p>0 feet from front property line or edge of sidewalk, if the property line extends to the curb of a street.</p>	<p>At least 40% of building façade meets the build-to-line. 60% or less of the building façade may be set back up to 15 feet to allow for the courtyard.</p>	•	•	•



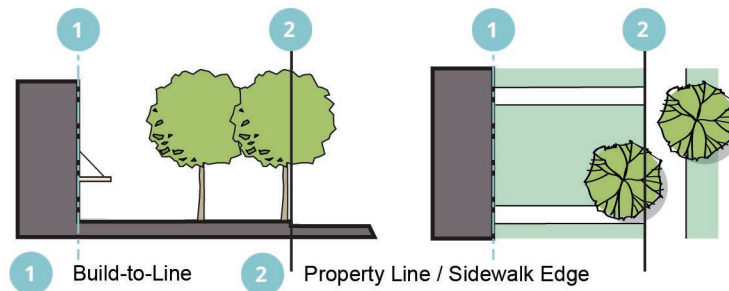
C. Stoop. A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable only for ground-floor residential use.

Stoop Frontage Type		Districts Permitted		
Build-to-Line	Dimensional Requirements	DT	T-1	T-2
<p>0 feet from front property line or sidewalk where 5 feet of clearance is provided. 5 feet from front property line or sidewalk where 5 feet of clearance is not provided.</p>	<p>100% of the stoop should meet build-to-line. The front building façade shall be set back no greater than the depth of the stoop.</p>	•	•	•



D. Lawn. A frontage where the building is set back from the street with a landscaped front yard area. A pedestrian pathway shall be provided from the public sidewalk to the front doors of a building with a lawn frontage type.

Lawn Frontage Type		Districts Permitted		
Build-to-Line	Dimensional Requirements	DT	T-1	T-2
<p>25 feet from front property line or sidewalk, or the average setback of adjacent buildings.</p>	<p>60% of building façade meets the build-to-line. Up to 40% of the building façade may be set back 10 feet to allow for a plaza or outdoor dining area.</p> <p>Pedestrian walkways shall be a minimum of five (5) feet in width.</p>		•	•



SECTION 5.06

Architectural Standards for Existing Uses

A. Building Form.

- (1) *Base, Middle, and Cap.* All buildings shall incorporate a base, middle, and cap, as is applicable.
 - a) *Base.* The base shall include an entryway with transparent windows and a horizontal expression line, such as a molding or reveal, defining the transition between the ground floor and upper stories. The molding or reveal shall have a depth of at least two inches and a height of at least four inches. If a one-story building is proposed, the horizontal expression line is not required.
 - b) *Middle.* The middle may include windows, bays, or balconies that are located between the reveal and the cap area.
 - c) *Cap.* The cap includes the wall area from the bottom of the roof structure to the top of the parapet wall of the building. The building roof shall be defined by a cornice, roof overhang, or other terminating feature.
- (2) *Unified Storefront Design.* If a building has several storefronts, they should be unified in design treatment, such as the design of windows and door openings, materials, and colors, to the greatest extent possible.
- (3) *Blank Walls.* There are to be no blank façades. All public façades must provide windows and façade offsets or breaks (such as vertical pilasters, columns, or other architectural elements) to break up the scale of the building. Distance between breaks shall be consistent with the scale and rhythm of adjacent buildings.
- (4) *Alignment.* Windowsills, moldings, and cornices shall substantially align with those on adjacent buildings.
 - a) The bottom and top line defining the edge of the windows (the "windowsill alignment") shall not vary more than two feet from the alignment of surrounding buildings.
 - b) If the adjoining buildings have windowsill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings.
 - c) This requirement may be waived in accordance with [Section 5.03](#).

B. Windows.

- (1) For front and side façades facing a public street, parking area, or pedestrian cut-through or side alley:
 - a) Windows and doors shall comprise at least 50 percent (50%) of the first-floor façade for front façades and 35 percent (35%) of the first floor for side façades.

- b) Windows shall comprise at least 35 percent (35%) of the total façade area above the first floor.
 - c) Windows above the first floor shall be vertical in proportion, with a height to width ratio of at least two (2) to one (1).
- (2) For rear façades facing a public street or parking area, windows shall comprise at least 20 percent (20%) of the total façade area. All other rear façades are encouraged, but not required, to meet this standard.
- (3) Double-hung or fixed windows are preferred for all retail applications. Accordion or folding doors and sliding windows may be permitted for ground floor uses to provide indoor-outdoor service, providing adequate sidewalk clearance is provided.

C. Ground Floor Design.

- (1) **Building entrances.** Building entrances shall be clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades. Any such element shall be architecturally compatible with the style, materials, and colors of the building.
- (2) **Building orientation.** All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary entrance may be provided to a parking lot. Corner buildings shall have at least one entrance addressing each street frontage.
- (3) **At-grade entryways.** Primary building entrances shall align with the elevation of the adjacent sidewalk. It is not the intent of this section to preclude the use of below or above-grade entryways, provided that such entryways are secondary, not principal, building entrances.

D. Permitted Building Materials for Adaptive Reuse by District.

(1) Permitted Primary Materials ($\geq 60\%$ of building façade)	DT	T-1	T-2
Brick, cut stone, field stone, cast stone, manufactured stone, or burnished concrete masonry	•	•	•
Decorative masonry veneer	NP	•	•
Timber or dimensional wood	•	•	•
Engineered equivalent of any material listed above ^a	•	•	•

^a Engineered building materials should convincingly match the appearance of natural building materials.

• = Permitted; NP = Not Permitted

(2) Permitted Accent Materials	DT	T-1	T-2
Clear or lightly tinted glass	•	•	•

Metal and metal paneling	•	•	•
Timber or dimensional wood	•	•	•
Polymer plastic (e.g., Fypon, Azek)	•	•	•
Stucco, not to exceed 10% of building façade	•	•	•
Fiber cement siding or panels	•	•	•
Pre-cast concrete	•	•	•
Split-face masonry (not to exceed 5% of total wall area)	•	•	•

• = Permitted; NP = Not Permitted

(3) Permitted Roofing Materials	DT	T-1	T-2
Architectural shingles (e.g., cedar, asphalt, and fiberglass)	•	•	•
Standing metal seam	•	•	•
Natural or artificial slate	•	•	•
Copper	•	•	•
Clay tile	•	•	•
EPDM, rubber sheet, or other layered roofing system	•	•	•

• = Permitted; NP = Not Permitted

- (4) **Prohibited Materials.** Prohibited materials include, but are not limited to: vinyl, Exterior Insulation and Finishing Systems (EIFS), painted or scored concrete masonry units (CMU), dark-tinted, reflective, or mirrored glass, and exposed neon, except as permitted by [ARTICLE 9](#).
- (5) **Waivers.** The Planning Commission may modify the material standards, based on determination that the proposed materials are high-quality and compatible with the architecture and style of the primary building and context.

E. Building Colors. For building renovations and additions, exterior finish materials and colors used shall be consistent, or compatible, with the character of the surrounding district to create a uniform and recognizable identity. Wherever possible, harmonization of colors is preferred. This standard shall not be interpreted as prohibiting the incorporation of public art, such as a mural, to buildings or sites in the DT, T-1, or T-2 District.

F. Architectural Features. For rehabilitation of structures within the DT District that are of historic significance or character, the following standards shall also apply.

- (1) Existing and original storefronts should be retained wherever possible.
- (2) Deteriorated architectural features or historic materials shall be repaired rather than replaced wherever possible.

- (3) Display windows, transom windows, and doors shall not be covered with solid materials such as brick, cladding, paneling and siding, or window air conditioning units.
- (4) Decorative architectural features including but not limited to bulkheads, cornices, and window hoods shall not be removed, altered, or covered.
- (5) Improper solid coverings of decorative architectural features, windows, or doors should be removed and restored to their original state to the greatest extent possible, using natural building materials identified in [Section 5.06D](#).

G. Alternative Review Standards for Adaptive Reuse. Should the Planning and Zoning Administrator determine that it is not possible for an existing structure to meet or come into further compliance with the standards of this Section, the Planning and Zoning Administrator may evaluate the project based on the architectural standards for another building type permitted within the district in which its located. Should that be the case, both of the following must be met:

- (1) The development shall meet all other applicable design standards required by this Article.
- (2) The development must bring the site into greater compliance with, and shall not result in the site being less compliant with, the building type standards in [Section 5.07](#).

SECTION 5.07

Architectural Standards for New Construction

New Construction in the DT, T-1, and T-2 Districts must conform to architectural and dimensional standards of the following building types.

A. Permitted Building Types.

- (1) **Apartment Building.** A multi-story building with three (3) or more residential units. Individual units may share common interior corridors and exterior entrances. Apartment buildings may be walk-up or elevator buildings, depending on height and building codes.
- (2) **Live/Work Unit.** A small- to medium-sized building that contains a ground floor office, service, or retail space with a dwelling unit above or behind it. The building can be attached or detached, with both the living and working space are owned or rented by one user.
- (3) **Mixed-Use Building.** A multi-story building with residential or office units on the upper floors and commercial or other active uses on the ground floor. All uses are integrated in a single building, with upper floors typically serviced by their own entrance. Access to ground floor uses is provided from the primary street frontage.
- (4) **Parking Garage.** A building above or below ground that is designed specifically for automobile parking on more than one level. The structure may or may not be accompanied by an additional, pedestrian-scaled "liner building" that separates the exterior of the parking structure from a public street. The liner building shall be integrated into the parking structure, or sit in front of it. Underground parking structures may be combined with another permitted building type. Underground parking need not comply with the parking garage building type standards.
- (5) **Pedestrian-Oriented Commercial Building.** A single- or multi-story building designed for retail or office uses. Buildings have active ground floor uses with primary access on a public street or from a public sidewalk. Pedestrian amenities, such as sidewalks, plazas, parks, and outdoor seating areas, are integrated into the site design. Common entrances and other spaces may be shared between uses.
- (6) **Townhomes/Stacked Townhomes.** A series of attached single-unit dwellings that are separated from the adjacent dwelling unit by a structurally independent wall extending from the foundation through the roof. They have unobstructed front and rear walls to be used for access, light, and ventilation. A variation of the Townhome is the Stacked Townhome, which vertically integrates two similarly-sized single-unit dwellings in the same building footprint.

B. Permitted Building Types by District.

(1) Building Type	DT	T-1	T-2
Apartment Building	NP	•	•
Live/Work Unit	•	•	•
Mixed-Use Building	•	•	•
Parking Garage	•	NP	NP
Pedestrian-Oriented Commercial Building	•	•	•
Townhomes / Stacked Townhomes	•	•	•

• = Permitted; NP = Not Permitted

C. Permitted Materials for New Construction by District.

(1) Permitted Primary Materials (≥60% of building façade)	DT	T-1	T-2
Brick, cut stone, field stone, cast stone, manufactured stone, or burnished concrete masonry	•	•	•
Timber or dimensional wood	•	•	•
Fiber cement siding or panels	•	•	•
Engineered equivalent of any material listed above ^a	•	•	•

^a Engineered building materials should convincingly match the appearance of natural building materials.

• = Permitted; NP = Not Permitted

(2) Permitted Accent Materials	DT	T-1	T-2
Clear or lightly tinted glass	•	•	•
Metal and metal paneling	•	•	•
Decorative masonry veneer	NP	•	•
Timber or dimensional wood	•	•	•
Polymer plastic (e.g., Fypon, Azek)	•	•	•
Stucco, not to exceed 10% of building façade	•	•	•
Pre-cast concrete	•	•	•
Split-face masonry (not to exceed 5% of total wall area)	•	•	•

• = Permitted; NP = Not Permitted

(3) Permitted Roofing Materials	DT	T-1	T-2
Architectural shingles (e.g., cedar, asphalt, and fiberglass)	•	•	•
Standing metal seam	•	•	•
Natural or artificial slate	•	•	•
Copper	•	•	•
Clay tile	•	•	•
EPDM, rubber sheet, or other layered roofing system	•	•	•

• = Permitted; NP = Not Permitted

- (5) *Prohibited Materials.* Prohibited materials include, but are not limited to: vinyl, Exterior Insulation and Finishing Systems (EIFS), painted or scored concrete masonry units (CMU), dark-tinted, reflective, or mirrored glass, and exposed neon, except as permitted by [ARTICLE 9](#).
- (2) *Waivers.* The Planning Commission may modify the material standards, based on determination that the proposed materials are high-quality and compatible with the architecture and style of the primary building and context.

D. Apartment Building.



(1) Building Form and Massing Standards					
Main Body	Min.	Max.	Massing and Composition	Min.	Max.
A Minimum building height	2 stories		G Bay Width	20'	40'
B Ground floor height	12'	15'	H Blank wall length	--	20'
C Upper floor height	10'	15'	I Flat (low-slope) roof	P	
D Finished floor elevation	0'	3'	J Pitched roof	P	
E Building separation	0' /15'*		K Terminating vertical break	R	
F Pedestrian pass-through	Not Required		L Roof pitch (rise: run)	4":12"	12":12"

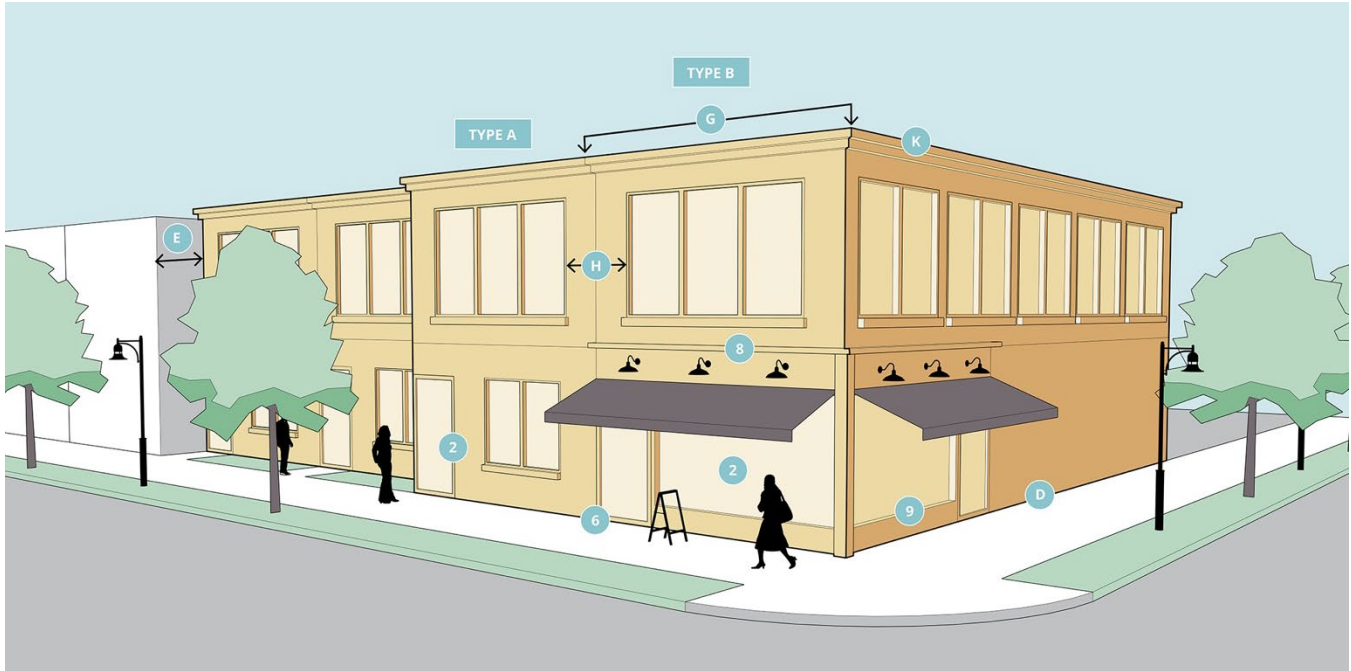
*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

Permitted Uses (Limited to those Permitted in District)		Parking	DT	T-1/T-2
Residential	P	Rear Yard	--	P
Non-Residential	NP	Side Yard	--	P
Parking	NP	Front Yard	--	NP

R = Required; P = Permitted; NP = Not Permitted

- (2) All four facades are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades.
- (3) Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
- (4) Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings have at least one entrance addressing each street frontage.
- (5) Primary building entrances at grade for accessibility.
- (6) Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
- (7) Windows and doors are recessed into the facade wall, to appear as if they were “punched” through the building façade.
- (8) All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.
- (9) Ground floor contains interior lobby, vestibule, and/or elevator. Ground floor may also contain residential amenities, such as mail rooms, fitness centers, and community rooms. Ground floor apartments are allowed in the T-1 and T-2 Districts only.
- (10) In larger developments with more than one apartment building, buildings are arranged and clustered to maximize opportunities for shared circulation and parking. The layout of buildings and uses (including community amenities and open space) shall be designed to make walking from one use to another as easy as possible.

E. Live/Work Unit.



(1) Building Form and Massing Standards							
Main Body		Min.	Max.	Massing and Composition			
A	Minimum building height	2 stories		G	Bay Width	16'	25'
B	Ground floor height	12'	15'	H	Blank wall length	--	16'
C	Upper floor height	10'	15'	I	Flat (low-slope) roof	R (DT) / P (T-1, T-2)	
D	Finished floor elevation	0'	3'	J	Pitched roof	NP (DT) / P (T-1, T-2)	
E	Building separation	0' / 10'*		K	Terminating vertical break	R	
F	Pedestrian pass-through	P (Min. 15')		L	Roof pitch (rise: run)	4":12"	12":12"

*0 feet where connected to adjacent building or 10 feet where separation between buildings is provided.

Permitted Uses (Limited to those Permitted in District)		Parking	
Residential	P	Rear Yard	P
Non-Residential	P	Side Yard	P
Parking	P (within ground floor)	Front Yard	NP

R = Required; P = Permitted; NP = Not Permitted

- (2) Two different types of ground floor conditions are permitted for live/work units. Type A units, featuring ground level access to residential or commercial space without a storefront and Type B units, featuring a storefront accessible at grade with plate-glass display windows.
- (3) All four facades are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades.
- (4) Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
- (5) Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings have at least one entrance addressing each street frontage (Type B).
- (6) (Type B) Primary building entrances at grade for accessibility.
- (7) (Type B) Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
- (8) (Type B) Entablatures, cornices, or a similar horizontal expression line define the transition of ground floor storefronts and the second floor of all live/work buildings.
- (9) (Type B) Building storefronts have open, plate-glass storefronts located above a plinth measuring 18 to 24 inches in height above grade.
- (10) (Type B) Sign band and/or secondary cornice integral to the storefront located above plate-glass storefronts or transom windows.
- (11) Windows and doors are recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
- (12) All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.
- (13) Windows above the first floor are vertical in proportion, with a height to width ratio of at least two (2) to one (1).
- (14) (Type B) Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
- (15) Pedestrian pass-through connects the front of the building to rear parking or alleys.
- (16) Parking permitted within the ground floor of the building but may not abut the primary public frontage. Parking within the ground floor shall be set back a minimum of 20 feet to allow for an active, ground floor use fronting the public street.

F. Mixed-Use Building.



(1) Building Form and Massing Standards						
Main Body		Min.	Max.	Massing and Composition	Min.	Max.
A	Minimum building height	2 stories		G	Bay Width	16' / 40'
B	Ground floor height	12'	15'	H	Blank wall length	-- / 16'
C	Upper floor height	10'	15'	I	Flat (low-slope) roof	R (DT) / P (T-1, T-2)
D	Finished floor elevation	0'	3'	J	Pitched roof	NP (DT) / P (T-1, T-2)
E	Building separation	0' / 15'*		K	Terminating vertical break	R
F	Pedestrian pass-through	P (Min. 15')		L	Roof pitch (rise: run)	4":12" / 12":12"

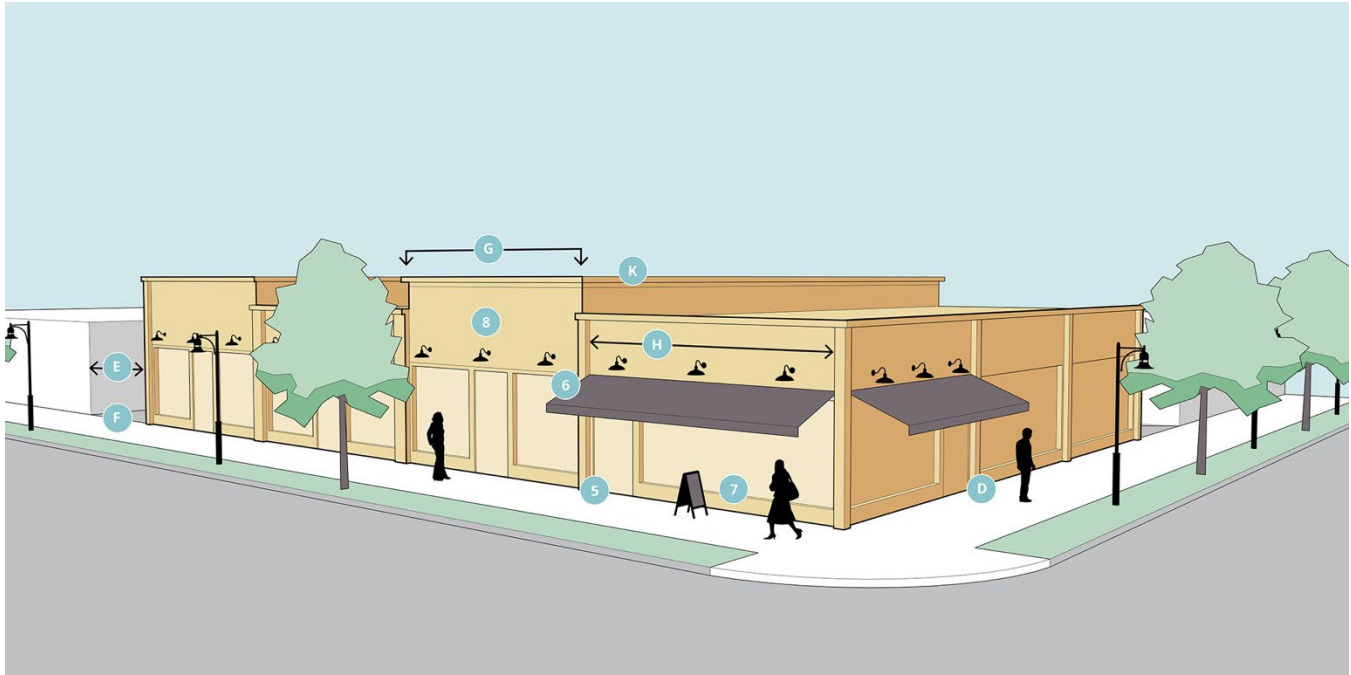
*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

Permitted Uses (Limited to those Permitted in District)		Parking	DT	T-1/T-2
Residential	P (upper floors only)	Rear Yard	P	P
Non-Residential	R	Side Yard	NP	P
Parking	P (within ground floor)	Front Yard	NP	NP

R = Required; P = Permitted; NP = Not Permitted

- (2) All four facades are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades, unless façade is not visible from public right-of-way, residential zoning district, or parking lot.
- (3) Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
- (4) Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings should have at least one entrance addressing each street frontage.
- (5) Primary building entrances at grade for accessibility.
- (6) Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
- (7) (DT District Only) Building storefronts have open, plate-glass storefronts located above a plinth measuring 18 to 24 inches in height above grade.
- (8) Entablatures, sign bands, cornices, or a similar horizontal expression line define the transition of ground floor storefronts and the second floor of all mixed-use buildings.
- (9) Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
- (10) Windows above the first floor are vertical in proportion, with a height to width ratio of at least two (2) to one (1).
- (11) (DT District Only) Non-storefront windows shall have decorative sills and/or hoods. Full and segmented arches are allowed atop rectangular windows on upper stories.
- (12) All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.
- (13) Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
- (14) Pedestrian pass-through connects the front of the building to rear parking or alleys.
- (15) Parking permitted within the ground floor of the building but may not about the primary public frontage. Parking within the ground floor shall be set back a minimum of 20 feet to allow for an active, ground floor use fronting the public street.

G. Pedestrian-Oriented Commercial Building.



(1) Building Form and Massing Standards					
Main Body	Min.	Max.	Massing and Composition	Min.	Max.
A Minimum building height	2 stories (DT) 1 story (T-1/T-2)		G Bay Width	16'	40'
B Ground floor height	12'	24'	H Blank wall length	--	16'
C Upper floor height	10'	15'	I Flat (low-slope) roof	P	
D Finished floor elevation	0'	3'	J Pitched roof	P	
E Building separation	0' / 15'*		K Terminating vertical break	R	
F Pedestrian pass-through	1 per 200 feet (Min. 15')		L Roof pitch (rise: run)	4":12"	12":12"

*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

Permitted Uses (Limited to those Permitted in District)		Parking	DT	T-1/T-2
Residential	NP	Rear Yard	P	P
Non-Residential	R	Side Yard	NP	P
Parking	NP	Front Yard	NP	NP

R = Required; P = Permitted; NP = Not Permitted

- (2) All four facades are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades unless façade is not visible from public right-of-way, residential district, or parking lot.
- (3) Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
- (4) Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings have at least one entrance addressing each street frontage.
- (5) Primary building entrances at grade for accessibility.
- (6) Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
- (7) (DT District Only) Building storefronts have open, plate-glass storefronts located above a plinth measuring 18 to 24 inches in height above grade.
- (8) Sign band and/or secondary cornice integral to the storefront located above plate-glass storefronts or transom windows.
- (9) Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
- (10) All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.
- (11) Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
- (12) Pedestrian pass-through connects the front of the building to rear parking or alleys.
- (13) Drive-thrus, where permitted by the underlying district, shall be located to the side or rear of the building. Drive-thrus shall comply with all other requirements of [Section 4.06](#).
- (14) Canopies, such as over gasoline pumps or drive-thru structures, shall be designed to be consistent with permitted building materials and colors for the primary building type. Support columns shall be brick.

H. Parking Garage.



(1) Building Form and Massing Standards							
Main Body		Min.	Max.	Massing and Composition	Min.	Max.	
A	Minimum building height	3 stories		G	Bay Width	--	--
B	Ground floor height	12'	--	H	Blank wall length	--	20'
C	Upper floor height	10.5'	--	I	Flat (low-slope) roof	R	
D	Finished floor elevation	0'		J	Pitched roof	NP	
E	Building separation	0/15'		K	Terminating vertical break	R	
F	Pedestrian pass-through	--		L	Roof pitch (rise: run)	--	--

*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

Permitted Uses (Limited to those Permitted in District)		Parking	DT	T-1/T-2
Residential	NP	Rear Yard		--
Non-Residential	NP	Side Yard		--
Parking	R	Front Yard		--

R = Required; P = Permitted; NP = Not Permitted

- (2) Parking structures are to be located internal to a block wherever possible, with access provided from a side street. Direct access to a parking structure to or from M-52/Main Street is prohibited.
- (3) Decorative trellis work or other architectural elements are encouraged to screen views of parked cars in the structure. Such screening shall be fairly open and shall not be solid or opaque.
- (4) Parking structures, including any screening features, should complement the surrounding buildings in style, materials, and colors.
- (5) Façade offsets, color bands, accent materials, or architectural details shall be incorporated into the design of the structure to break up the appearance of a long, blank façade.
- (6) The parking structure shall have the appearance of a flat-roofed building with a parapet cap.
- (7) Exterior elevator towers or stair wells shall be open to public view, or enclosed with transparent glazing.
- (8) Liner buildings, if provided, shall conform to a permitted building type. All applicable standards for that building type shall apply to the liner building.
- (9) If parking structure is located underground, the ground floor shall be occupied by a permitted building type or include common open space elements such as a park or plaza. Pedestrian access to the below-ground structure shall be provided from a public street or plaza.

I. Townhome/Stacked Townhome.



(1) Building Form and Massing Standards							
Main Body		Min.	Max.	Massing and Composition			
A	Minimum building height	2 stories		G	Bay Width	16'	25'
B	Ground floor height	10'	14'	H	Blank wall length	--	10'
C	Upper floor height	10'	14'	I	Flat (low-slope) roof	P	
D	Finished floor elevation	0'	3'	J	Pitched roof	P	
E	Building separation	0 / 10'*		K	Terminating vertical break	R	
F	Pedestrian pass-through	P (15' min.)		L	Roof pitch (rise: run)	4":12"	12":12"

*0 feet where connected to adjacent building or 10 feet where separation between buildings is provided.

Permitted Uses (Limited to those Permitted in District)		Parking	DT	T-1/T-2
Residential	P	Rear Yard	R	R / P
Non-Residential	NP	Side Yard	NP	P
Parking	P (within ground floor)	Front Yard	NP	NP

R = Required; P = Permitted; NP = Not Permitted

- (2) All four facades are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades.
- (3) Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors.
- (4) Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
- (5) Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade.
- (6) Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a garage or parking lot.
- (7) All architectural features, including decorative railings and posts, overhangs, roof projections, window accents, and the like, are compatible in style, materials, and colors to the primary building.
- (8) Each entrance to a unit shall be clearly identifiable, architecturally articulated and integrated into the architecture. Entrances may be shared between units when stacked.
- (9) Entry porches required for units with finished floor elevations above grade. Porches have decorative elements, such as railings, spindles, or columns.
- (10) Garages are permitted in only in the rear of the ground floor of individual units. No garage or individual unit driveway shall front onto a public street.
- (11) Shared parking lots may be located in a side or rear yard.

SECTION 5.08

Design Standards Applicable to All Development in the DT, T-1, and T-2 Districts

The following standards shall apply to all new construction, expansion of existing sites, and redevelopment in the DT, T-1, and T-2 Districts that require site plan approval.

- A. Stepbacks.** For new infill buildings or upper story additions taller than three stories, or 35 feet, the upper stories may be stepped back a minimum of 10 feet from the edge of the building façade to minimize views of the additional building height from the street.
- B. Encroachments.** The following building elements may encroach into a public right-of-way or setback area.
- (1) **Balconies.** Balconies on upper stories may encroach up to three (3) feet into any required yard and up to three (3) feet into any right-of-way area, provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.
 - (2) **Stoops.** Unenclosed and uncovered front stoops may encroach up to five (5) feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.
 - (3) **Bay Windows.** Bay windows on the ground floor may encroach up to three (3) feet into any setback area, but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three feet into any setback or right-of-way area provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.
 - (4) **Eaves.** Roof eaves may encroach up to three (3) feet into any setback or right-of-way area provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.
- C. Awnings.** Awnings may be added to buildings over windows or doors on the ground floor or over upper-story windows. Awnings shall comply with the following standards.
- (1) Awnings shall be straight sheds that are horizontal in proportion, with an awning width to height ratio of at least 2:1.
 - (2) Awnings shall be proportional in height and depth to the overall building façade.
 - (3) Awnings shall be constructed out of fabric. Metal or other materials may be used over storefront windows or entryways with an approved waiver according to the standards in [Section 5.03](#).
 - (4) Awnings shall be of an opaque material. Translucent or internally lit awnings are prohibited.
 - (5) Awnings shall have a minimum of eight (8) feet of clear space between the sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of 12 feet to the highest point of the awning.

- (6) If the awning encroachment of six (6) feet would interfere with the placement of street lighting or street trees, the awning projection shall be reduced to resolve the conflict.
- (7) An awning may be installed in the DT, T-1, or T-2 District upon issuance of a Zoning Compliance Permit by the Planning and Zoning Administrator.

D. Public Realm.

- (1) **Sidewalks.** Sidewalks shall be required along all public street frontages, and to connect the street frontage to all front building entrances, parking areas and drives, usable open spaces, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations.
 - a) Sidewalks along a public street shall have a minimum unimpeded width of five (5) feet, where separated from the street with a planting strip.
 - b) Sidewalks immediately adjacent to a street or parking area shall have a minimum unimpeded width of seven (7) feet. Where the adjacent properties exceed the minimum width required by this ordinance, the sidewalk shall match the width of the adjacent properties, but need not exceed 10 feet in width.
 - c) All other pedestrian paths on a site shall have a minimum unimpeded width of five (5) feet.
 - d) Sidewalks shall be constructed of concrete or other decorative techniques approved by the City. In general, sidewalk treatments shall be consistent with the material character of adjacent properties and the overall district.
 - e) Pedestrian crossings on drive aisles or in parking areas shall be clearly identified using material differences or markings (e.g., inlaid thermal plastic, paint) that make them easy to view and distinguish them from the surrounding road surface. Curb ramps shall be provided at crossing locations.
- (2) **Street Furnishings.** Public plazas, amenity zones, pedestrian pathways, and other public open spaces may include amenities such as water features, public art, gazebos, shade trees, shade structures, drinking fountains, trash receptacles, benches, lights, trellises, or other similar features.
- (3) **Pedestrian Protection.** Bollards, street trees, planters, and/or street furniture may be used as a barrier to protect pedestrians and buildings where needed.

E. M-52 Gateway. In addition to the public realm standards in [Section 5.08D](#), public space, in the form of a landscaped plaza or other similar design feature, shall be provided on corner lots at the intersection of M-52 and Old US-12. Gateway public realm features are also required on all lots within 500 feet of the intersection. Public space shall be furnished with amenities in accordance with [Section 5.08D\(2\)](#).

F. Lighting. In addition to the standards provided in [Section 6.07](#), the following design standards for lighting in the DT, T-1, and T-2 districts shall apply.

- (1) **Site Lighting.** Site lighting should be consistent in style, height, and color with street lighting in the downtown business district and shall be provided within the pedestrian areas along the street and adjacent to the building.
- (2) **Building Lighting.** Any ornamental lighting on building façades shall be consistent with the site and street lighting of the surrounding district. Fixtures shall be downward facing and fully-shielded.
- (3) **Parking Lot Lighting.** All parking lot lighting and building mounted lighting shall be downward directed sharp cut-off fixtures with a maximum height of 22 feet with a maximum pole height of 20 feet and a maximum base height of two (2) feet. Fixtures shall be complementary with building and site lighting.

G. Parking Lot Screening. Parking lot screening shall be provided in accordance with the following standards to minimize views and adverse impacts from traffic, noise, and glare.

- (1) For existing front-yard parking or side-yard parking lots fronting on a public street:
 - a) A street wall shall be provided along the lot line between the parking lot and street. The wall shall be a minimum of two and one-half (2.5) feet and a maximum of four (4) feet in height, and constructed of decorative, natural materials, such as brick, limestone, aluminum, or black wrought iron.
 - b) A minimum of three (3) foot wide planting strip shall be provided, containing a mixture of shrubs, ornamental grasses, and/or other plantings along the foundation of the street wall, fronting the public street.
 - c) Street walls along a front lot line shall be set back from the lot line to comply with clear sight distance requirements at intersections.
 - d) Openings in the street wall are encouraged to provide for pedestrian access to the site, public plazas, open space, or landscaping features.
- (2) For off-street parking lots abutting a residential district, a minimum setback of 10 feet shall be provided from any side or rear lot line and shall be landscaped in accordance with [Section 7.08](#).
- (3) Parking garages shall be screened in accordance with [Section 7.06D](#).

H. Loading Areas and Drive-Through Facilities. All garage doors, drive-thru windows, loading or service areas, or waste receptacles shall be located in the rear yard of the lot and screened from view of any public street, adjacent residential zoning district or public property. The screening shall consist of a wall to match the building, landscaping or a combination, as appropriate.

I. Parking and Loading Standards.

- (1) Parking in the DT, T-1, and T-2 districts shall be provided in accordance with the standards in [ARTICLE 8](#).

- (2) In the DT district, parking requirements may be waived per [Section 8.04B](#). Where provided, parking spaces shall be located as required in the Building Type standards.

J. Stormwater Management. Design of stormwater management systems in the DT, T-1, and T-2 districts shall conform to the standards in [ARTICLE 7](#) except that no at- or above-grade stormwater infrastructure shall be permitted within the front yard of any site unless the Planning Commission determines no other alternative is feasible. In such situations, the stormwater infrastructure (e.g., detention/retention pond) shall meet the minimum front yard setback requirement for principal buildings and shall be designed as a visual amenity integrated with landscaped features such as water fountains, boulder walls, and ground plantings.

ARTICLE 6.

GENERAL PROVISIONS

SECTION 6.01

Accessory Buildings, Structures and Uses

- A. Relation to Principal Building.** Accessory buildings, structures, and uses are permitted only on the same lot with a principal building, structure, or use which is permitted in the particular zoning district and has received a Certificate of Occupancy. An accessory building, structure, or use shall not be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- B. Accessory Building Standards.** The following standards shall apply to all accessory buildings and structures, except those used as an Accessory Dwelling Unit (ADU). Standards for ADUs are provided in [Section 4.01](#).

Requirements for Accessory Buildings	Standard
Permitted location, attached	Any yard, but may not encroach into required setback
Permitted location, detached	Not permitted in any front yard
Minimum distance from other buildings or structures	10 feet minimum
Required setbacks (attached)	Same as for primary structures in district
Required setbacks (detached)	
Front yard	Same as for primary structures in district
Rear/side yard	5 feet
Maximum height	
Attached	Same as for primary structures in district
Detached	14 feet
Maximum Size (Total Floor Area of all structures)	
For lots < 2 Acres in Size	900 ft ²
For lots ≥ 2 Acres in Size	1200 ft ²

- C. Non-Residential.** All accessory structures in non-residential districts shall be subject to the same standards and requirements that are required for all principal structures within such districts.

- D. Permit Required.** An accessory building or structure shall require a Zoning Compliance Permit and shall require a building permit, if required by the State Construction Code.

SECTION 6.02

Residential Accessibility Structures

Structures necessary to provide reasonable accessibility for persons with physical disabilities shall meet the following standards:

- A.** Structures shall meet applicable state and federal regulations.
- B.** Permanent structures shall meet all required setbacks for a principal building.
- C.** A structure intended to be a temporary structure to provide access to a dwelling unit may be approved by the Planning and Zoning Administrator. The applicant shall agree in writing to the removal of the structure when the person in need of the structure no longer resides on the premises or is no longer physically disabled. Any structure shall be the minimum necessary to provide reasonable accessibility. A handicap ramp necessary under this provision shall be set back not less than five (5) feet from the lot line or the street right of way line.
- D.** Approval of a temporary structure shall be valid for not more than three (3) years from the date of approval unless renewed pursuant to this section.

SECTION 6.03

Access to Streets

In any district, every lot created after the Effective Date of this Ordinance and every use, building, or structure established after the Effective Date of this Ordinance shall be on a lot that adjoins either a public street or a private street that meets the requirements of the street ordinance of the City of Chelsea.

SECTION 6.04

Curb Cuts and Driveways

- A. Purpose.** The purpose of this section is to establish guidelines for the location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas within commercial (DT, T-1, T-2, PED), industrial (GI and LI) and institutional (MI) districts. The objectives of these requirements are to reduce the frequency of conflicts between vehicular movements and to increase the spacing between conflict points, thereby providing motorists with increased decision process time, which will increase safety and assure smoother traffic flow.
- B.** Curb cuts and driveways may be located only upon approval by the Planning and Zoning Administrator in consultation with the City Engineer, Fire Department, or Department of Public Works Supervisor and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways will unnecessarily increase traffic hazards. Plans for development shall meet the following standards unless otherwise approved by the City Engineer or Planning and Zoning Administrator:
- (1) *Turn Prohibitions.* Left turns may be prohibited to and/or from driveways if any of the following circumstances exist:
 - a) Inadequate corner clearance.
 - b) Inadequate sight distance.
 - c) Inadequate driveway spacing.
 - (2) *Sight Distance.* Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely, then they shall be prohibited.
 - (3) *Driveway Permits.* Prior to granting a building permit for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the appropriate governmental entity having jurisdiction over the roadway shall be obtained.
 - (4) *Driveway Spacing.* The minimum spacing allowed between a proposed driveway and all other driveways and streets located on the same side of the street shall be as follows unless otherwise approved by the City Engineer or the Planning and Zoning Administrator:

Minimum Driveway Spacing Requirements	
Posted Legal Driving Speed Limit on the Street Which Adjoins or Abuts the Proposed Driveway	Minimum Spacing in Feet
30 mph or less	125
35 mph	175
40 mph	225
45 mph	275
50 mph	300

The above spacings are based on average vehicle acceleration and deceleration rates (Federal Highway Administration, FHWA-H1-91-0212). The spacing is measured from centerline to centerline of the driveways.

- (5) In the event that a particular parcel or parcels lack sufficient road frontage to maintain adequate spacing, effectively prohibiting access to the site, the property owner may:
- Request a waiver from the minimum spacing requirements to allow for one (1) driveway entrance to provide access to and from the property.
 - Establish a common driveway with an adjacent property owner that serves both the subject property and the adjacent property. A recorded access easement for the driveway shall be provided to the City of Chelsea Planning and Zoning Department.

C. Number of Driveways Per Parcel.

- A maximum of one (1) driveway opening shall be permitted to a particular parcel from any abutting street, unless these regulations conflict with the requirements of the agency that has jurisdiction over the road.
- The Planning and Zoning Administrator may permit one (1) additional driveway entrance along a continuous site with frontage in excess of 330 feet and two (2) additional driveway entrances along a continuous site if driveway access volumes exceed 5,000 vehicles per day and frontage exceeds 600 feet.
- A dual-service (median-divided) driveway is considered to be one, direct-access driveway.
- Only one (1) pair of one-way drives may be used per 250 feet of street frontage.

SECTION 6.05

Visibility at Intersections

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line. An alternative distance may be approved by the Planning and Zoning Administrator, in accordance with current American Association of State Highway and Transportation Officials (AASHTO) standards.

SECTION 6.06

Sidewalks and Bike Paths

- A.** Sidewalks and pedestrian or bike paths shall be required in a site plan or subdivision plat in the following situations.
- (1) Along both sides of public or private streets. The Planning Commission may waive this requirement for residential developments with lots one (1) acre or greater in size and in industrial districts.
 - (2) Locations identified in the non-motorized pathways plan contained in the comprehensive plan.
 - (3) Where necessary to provide access to, or through, common areas. The access easement shall be a minimum of 20 feet wide if not included within a street right-of-way. The Planning Commission may require landscaping to screen the sidewalk or path from adjacent uses.
 - (4) To connect high pedestrian generators such as schools, parks, public buildings, churches, and multiple-family housing complexes with public or private street sidewalks.
 - (5) Between principal buildings and parking lots serving such buildings and between the building entrance and the street sidewalk.
- B.** All sidewalks and bike paths shall be constructed in accordance with City specifications, including barrier-free requirements.
- C.** Sidewalks and bike paths shall be installed by the developer and shall be located in public street rights-of-way, private road access easements, or in separate pedestrian easements, where easements are necessary for public use.
- D.** The Planning Commission may require installation of bike paths through open spaces within residential developments. Pathways shall be constructed of concrete or asphalt and shall be at least five (5) feet wide.

- E. A Certificate of Occupancy shall not be issued until the required sidewalk is installed along that individual lot's frontage and is approved by the City.

SECTION 6.07

Site Lighting

- A. Purpose.** The purpose of this Section is to protect the health, safety, and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility for pedestrians and motorists. To do so, the lighting standards in this Section are designed to:
- (1) Minimize light pollution.
 - (2) Maintain safe nighttime driver performance on public roadways.
 - (3) Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to a sky glow.
 - (4) Reduce light pollution and light trespass from light sources onto adjacent properties.
 - (5) Conserve electrical energy.
 - (6) Curtail the degradation of the nighttime visual environment.
 - (7) Minimize glare and preserve the historic character of the City.
- B. Applicability.** The standards in this Section shall apply to any light source that is visible from any property line or beyond, for the site from which the light is emanating. The Planning and Zoning Administrator may review any building or site to determine compliance with the requirements under this section. An applicant for a Zoning Compliance Permit or site plan approval as required by this Ordinance shall submit sufficient information to enable the Planning and Zoning Administrator to determine whether the proposed lighting will comply with this section.
- C. Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section:
- (1) **FLOOD OR SPOT LIGHT.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
 - (2) **GLARE.** Direct or reflective light emitted by a lamp, luminous tube lighting, or other light source.
 - (3) **LAMP.** The component of the luminaire that produces the actual light including luminous tube lighting.

- (4) **LIGHT FIXTURE.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- (5) **LIGHT POLLUTION.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- (6) **LIGHT TRESPASS.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- (7) **LUMINAIRE.** The complete lighting system including the lamp and light fixture.
- (8) **LUMINOUS TUBE LIGHTING.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon or argon).
- (9) **OUTDOOR LIGHT FIXTURES.** Outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement.
- (10) **SHIELDED FIXTURE.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted (i.e., a shoebox-type fixture). A luminaire recessed in a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance.

D. Lighting Plan Submittal Requirements. The following information must be included for all site plan submissions. For a Zoning Compliance Permit, the Planning and Zoning Administrator may waive any of the below items.

- (6) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
- (7) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles).
- (8) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
- (9) Use of the fixture proposed.

E. Site Lighting Standards. Unless exempted under [Section 6.07F](#) all lighting must comply with the following standards:

- (1) *Freestanding Pole Lighting and Building Mounted Lighting.*

- a) Lighting shall be fully shielded and directed downward to prevent off-site glare. The Planning Commission or Planning and Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site light trespass or glare from the fixture and the proposed fixtures will improve the appearance of the site.
 - b) The illumination of light within a site shall not exceed five (5) foot-candles or one (1) foot-candle at a property line, except where it abuts a residentially used or zoned lot, in which case a maximum of 0.1 foot-candles is permitted. Gas station canopy and automobile dealership lighting shall be permitted a maximum of 20 foot-candles within the site but the above standards shall apply to intensity at the property line.
 - c) Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the municipality and prevent a sky glow.
 - d) The maximum pole height of parking lot light fixtures shall be 20 feet on top of a base not exceeding two (2) feet in height.
 - e) Outdoor lighting fixtures not used for security purposes, hereafter installed within commercial, industrial and office zoning districts, shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues. Two photometric grids shall be provided, illustrating light levels during business hours and during hours that the business is closed.
 - f) Luminous tube and exposed bulb fluorescent lighting shall be prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. Internally illuminated architectural bands may be approved when it can be shown that the treatment will enhance the appearance of the building.
- (2) *Window Lighting.*
- a) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
 - b) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of [ARTICLE 9](#).
- (3) *Other Lighting.*
- a) The internal illumination of building mounted awnings is prohibited unless the awning is opaque such that the light is only visible from beneath the awning.
 - b) Indirect illumination of signs, canopies and buildings is permitted provided it complies with the regulations in [ARTICLE 9](#).
 - c) The use of laser light source, search lights, or any similar high intensity light for outdoor advertisement or entertainment is prohibited.

- d) Lighting shall not be of a flashing, moving or intermittent type.
- e) Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of the [ARTICLE 9](#), herein.

F. Exemptions. The following are exempt from the lighting requirements of this section, except that the Planning and Zoning Administrator may take steps to eliminate the impact of the above items when deemed necessary to protect the health, safety and welfare of the public.

- (1) Sports fields.
- (2) Swimming pools.
- (3) Holiday decorations.
- (4) Window displays without glare.
- (5) Shielded pedestrian walkway lighting.
- (6) Soffit lighting.
- (7) Residential incandescent lighting with no off-site glare.
- (8) Street lights.

G. Lamp or Fixture Substitution. Should any light fixture regulated under this section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Planning and Zoning Administrator for approval, together with adequate information to assure compliance with this code. The request must be received prior to substitution and the substitution shall not be made without Planning and Zoning Administrator approval.

SECTION 6.08

Fences

- A. Permit.** Installation of a fence on any property in any district requires a Zoning Compliance Permit. Application for such permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence would comply with the provisions of this section.
- B. Location.** All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The City shall not be responsible for determination of the location of any fence to be erected on lot lines.
- (1) Fences shall be constructed at least one (1) foot from any public sidewalk or right of way line except at intersections subject to Section 3.13 Visibility at Intersections.

- (2) Fences placed on corner lots shall meet front yard requirements as specified in [Section 3.06](#) for each street frontage.
- (3) Gates in fences shall not open over public property. The Planning and Zoning Administrator may require a gate if it is needed for access to a public utility easement.

C. Height and Opacity.

- (1) *Commercial, Industrial, and Residential Fences.* The following height and opacity requirements shall apply to fences constructed on property other than public land or institutional parks.

Location	Commercial / Industrial	Residential		All
	Max. Height ^(a)	Min. Height	Max. Height	Max. Opacity
Rear yard	8 feet	3 feet	6 feet	100%
Side yard	8 feet	3 feet	6 feet	100%
Front yard	6 feet	3 feet	4 feet	50%

- a) The maximum fence height shall not apply to intensive commercial or industrial uses that may generate significant off-site noise, dust, glare, or other nuisances. Fences for such uses shall be high enough to adequately protect neighboring properties from adverse effects.
- (2) *Public and Institutional Fences.* Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area development with recorded lots, shall not exceed eight (8) feet in height and shall not obstruct vision to an extent greater than 25 percent (25%) of their total area.
- (3) The height of a fence shall be measured from the average grade of the fence line.

D. Fence Materials.

- (1) Fences shall be constructed of materials designed for decorative, landscape effect such as: split-rail, wood, wrought iron, metal, and extruded plastic. Chain link fences shall not be permitted in the front yard.
- (2) Razor edge fence, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in a said fence, shall be prohibited.
- (3) Barbed wire shall only be permitted in industrial and municipal use zoning districts, for wireless communication towers, or public or private utility installations which require security. Barbed wire shall be at least ten (10) feet above grade.

- E. **Temporary Fences.** Temporary fences such as construction fences or any other type of temporary fencing may be permitted, but shall not be in place for period greater than one (1) year without special approval of the Zoning Board of Appeals.

- F. Maintenance of Fences.** Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type, or construction, or which otherwise endangers life or property, shall be deemed a nuisance per se. If an unsafe condition exists in regard to a fence, the Planning and Zoning Administrator or their appointed designee shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall describe repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for such repairs, modifications, or removal.
- G. Alterations.** Any person, firm or corporation being an owner, lessee, occupant, or agent of the same, of any property containing a fence which violates provisions of this ordinance, shall not alter, change, repair or rebuild the fence without first having obtained a permit.
- H. Nonconforming fences.** Nonconforming fences are subject to the requirements of [Section 13.03](#).

SECTION 6.09

Waste Receptacle Enclosures

- A.** Enclosures shall be provided for outdoor trash receptacles in all multi-family, office, industrial, and mixed-use zoning districts.
- B.** Enclosure locations and details of construction shall be shown on site plans. A change in location or size of an enclosure that existed prior to the date of adoption of this ordinance, as amended, shall require modification to the enclosure to comply with this section.
- C.** Waste receptacle or compactor enclosures shall be located in the rear yard or side yard and shall be at least five (5) feet from any lot line and a minimum of 20 feet from any residential district.
- D.** Waste receptacle or compactor enclosures shall be easily accessed by refuse vehicles without potential to damage vehicles parked in designated parking spaces.
- E.** Enclosures shall be maintained in a manner consistent with its original design and construction as approved by the City.
- F.** Waste receptacle enclosures shall consist of walls on three (3) sides, finished with materials that either match or are compatible with the principal building. A gate shall be provided on the fourth side and shall consist of materials compatible with the enclosure. The enclosure shall be a minimum of seven (7) feet or one (1) foot higher than the receptacle in height, whichever is greater.

SECTION 6.10

Mechanical Equipment

- A.** Mechanical equipment, such as blowers, ventilating fans, and electrical generating air conditioning units shall not be placed less than three (3) feet from any lot line in the DT District and less than twelve (12) feet from any lot line in all other districts. The location of such equipment shall be shown on all required site plans.
- B.** Mechanical equipment, including elevator housings, tanks, heating, ventilation, and air conditioning equipment (HVAC), and other similar equipment shall comply with the following standards:
 - (1) Equipment that is located on the ground shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
 - (2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof-mounted mechanical units shall be integrated into the architecture of the building and completely screened from view from ground level by parapet walls or other approved enclosure.
 - (3) Screening shall reflect and complement the architecture of the principal building.

SECTION 6.11

Performance Standards

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable elements or conditions so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements.

- A. Noise.** Noise from uses shall comply with all applicable standards in Article II: Noise of the General Code of Ordinances.

Use of Property Receiving the Sound	Permitted Decibel Levels	
	7:00 a.m. - 10:00 p.m.	10:00 p.m. - 7:00 a.m.
Residential Uses (within 50 feet of the subject property*)	61	55
Commercial Uses (within 50 feet of the subject property*)	71	61

*Measured at the property line of use receiving the sound within the specified distance.

- B. Vibration.** No vibration shall be permitted which is discernable on any adjoining lot or property.
- C. Smoke.** Smoke shall not be emitted with density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- D. Odor.** No malodorous gas or matter shall be permitted which is offensive or produces a public nuisance or hazard on any adjoining lot or property.
- E. Air Pollution.** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
- F. Glare.** No direct or reflected glare shall be permitted which is visible from any property or from any Public Street, road, or highway.
- G. Erosion.** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, river, or streams.
- H. Gases.** Emission or release of corrosive or toxic gases, shall be prohibited.
- I. Glare and Radioactive Materials.** Glare from any process or operation shall be shielded to be invisible beyond the property lines of the premises on which the process is performed. Radiation, including radioactive materials and electro-magnetic radiation such as that emitted by the x-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

- J. Fire and Safety Hazards.** Storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all regulations of the City and with all State rules and regulations. Above ground storage tanks for flammable liquid materials shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining wall which will contain the total capacity of all tanks so enclosed.
- K. Underground Storage of Flammable, Toxic or Hazardous Materials.** Storage of flammable, toxic, or hazardous materials below ground shall be located not closer to a lot line than the depth to the bottom of the buried tank, and shall be enclosed by an impervious envelope adequate to prevent leakage of the material into the soil.
- L. Above Ground Storage of Toxic and Hazardous Material.** Above ground storage of toxic and hazardous material shall be located on an impervious and containing surface which will prevent a leak of the tank from flowing onto the soil. The area of the impervious surface shall be of sufficient size to contain the total capacity of the tank.
- M. Plan Review.** For any application for a Zoning Compliance Permit or Site Plan Application for a use subject to performance standards, the Planning and Zoning Administrator may require a description of the machinery, process, and products, as well as specifications for the mechanisms and techniques. The information should be sufficient to determine compliance with these standards. The Planning and Zoning Administrator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

ARTICLE 7. LANDSCAPING

SECTION 7.01

Purpose and Intent

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the City. The purposes and intent of this Section are as follows:

- A.** To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, carbon dioxide storage, oxygen regeneration, groundwater recharge and stormwater runoff mitigation, while at the same time aiding in noise, glare and heat abatements.
- B.** To encourage the preservation of existing trees and vegetation.
- C.** To assist in providing adequate light and air.
- D.** To provide visual buffering and enhance the beautification of the City.
- E.** To preserve, protect and restore the unique identity and environment of Chelsea and preserve the economic base attracted to the City by such factors.
- F.** To conserve energy and to protect the public health, safety and general welfare.
- G.** To provide habitat for living things.

SECTION 7.02

Applicability

- A.** Except as otherwise specified in the general requirements for each zoning district or for the specific use, all landscaping shall conform to the standards of this Article.
- B.** The requirements set forth in this Article shall apply to all uses, lots, site and parcels for which Site Plan Review is required and which are developed or expanded following the Effective Date of this Ordinance. No site plan shall be approved unless that site plan includes the required landscape plan and shows landscaping consistent with the provisions of this Article.

- C. In cases where the use of an existing building or parking lot changes or an existing building or parking lot is altered or re-occupied, all of the standards of this Article shall be met.
- D. The requirements of this Section are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.
- E. Existing landscaping that meets the requirements of this Article may be used to comply with the landscaping standards.
- F. Where landscaping is required, a Zoning Compliance Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met.

SECTION 7.03

Landscape Plan

- A. **Landscape Plan Requirements.** A separate, detailed landscape plan shall be submitted as part of a Site Plan Review. The landscape plan shall contain the following.
 - (1) *Topography.* Existing and proposed topography, by contours, correlated with a grading plan.
 - (2) *Existing Trees.* Location, species, size, and condition of existing trees (six (6) inches diameter breast height (DBH) and larger), indicating which are to be preserved, transplanted, or removed. Delineation of tree fencing or other required protection from construction activities should be identified on the plans.
 - (3) *Landscaping.* Scaled layout of proposed plant materials, indicating the species and quantity within each plant grouping. Landscaping should be shown as applicable for: general site landscaping, frontage areas, parking lots, required buffers/screening, stormwater basins, and screening for outdoor storage, refuse, and utility areas.
 - (4) *Proposed Plant List.* A plant list of proposed materials, showing: sizes, quantity, botanical and common names, spacing, and root type (bare or balled and burlapped).
 - (5) *Proposed Site Improvements.* Scaled layout of all proposed improvements as shown on the site plan, including structures, driveways, and parking and loading areas.
 - (6) *Proposed Landscape Improvements.* Plans, sections, elevations and details of all landscape site improvements, such as: grading, landscaped berms, water features, pavements, structures, and furnishings.
 - (7) *Installation.* Planting details notating installation requirements, materials to be used, critical dimensions and any special requirements to ensure proper installation and establishment of proposed plant materials. Technical specifications indicating general requirements, warranties, submittals, materials, and installation requirements for all items of work shown on the drawing.

- (8) **Maintenance Program.** Specify an annual landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Article.
- (9) **Utilities.** Include the location of all utility infrastructure to ensure the landscaping does not interfere with, block access to, or damage overhead or underground utilities, pavements, or other public facilities.

B. Effect of Approval. The approved landscape plan shall be considered a permanent record and integral part of site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to or removal of, plant materials will place the parcel in nonconformity with the originally approved landscape plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of site plan approval.

SECTION 7.04

Frontage Landscaping

A. Required Landscaping. Where the site abuts a public or private street, the following frontage landscaping shall be provided in the front yard area adjacent to the street right-of-way:

Type of Landscaping	Required Landscaping
Street Trees (Deciduous/Canopy Tree)	1 per 50 linear feet of road frontage.
Front Lawn	Grass or suitable living plant material where front yard or planting strip between sidewalk and curb is provided.

- B. Street Tree Arrangement.** Street tree spacing shall be as uniform as possible. Variations will be permitted where necessary to recognize driveways, and to avoid interference with street lights, utility poles, fire hydrants, and other appurtenances. Trees shall be located between the street curb and sidewalk.
- C. Calculating Frontage.** For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted.
- D. Fractions.** Where calculations result in a fractional number of required plantings, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one tree or shrub.

SECTION 7.05

Site Landscaping

A. Location. Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas, or as landscaped plazas.

- B. Interior Site Landscaping.** Interior site landscaping shall be provided in accordance with the following standards. Required open or green space on the site should comply with required lot coverage standards for each zoning district.

Type of Landscaping	Minimum Required Landscaping
Deciduous (Canopy) or Evergreen Tree	1 per 500 square feet of open/green space.
Ornamental (Flowering) Tree	2 per 500 square feet of open/green space, permitted in lieu of deciduous or evergreen trees.
Shrubs	1 per 300 square feet of open/green space.

- C.** Site landscaping should be integrated with other ornamental site design elements where appropriate, such as water features, trellises, pergolas, fences, walls, lighting, street furniture, and public art.
- D. Specific Landscaping Requirements for Multi-Family Districts.** All lots or parcels proposed for multiple-family residential use in the R-3 District shall contain a minimum of two (2) deciduous or evergreen trees and four (4) shrubs per dwelling unit within the landscaped open space areas. These requirements are in addition to the requirements of this Section.

SECTION 7.06

Parking Lot Landscaping

All parking areas and other paved ground surface areas used for vehicular parking shall have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

- A. Screening.** Where parking lots are adjacent to sidewalks, streets, and other public rights-of-way, landscaped screening shall be provided between the public right-of-way and the parking lot area. Such screening shall consist of one or a combination of the following:
- (1) **Landscaped Screening.** Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. Shrubs shall be planted a maximum of 30 inches on center. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang.
 - (2) **Screening Wall or Fence.** Walls shall be between three (3) and four (4) feet in height and constructed of durable, natural materials such as stone, brick, wrought iron, or metal.
- B. Interior Landscaping.** All off-street parking areas shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement, improve aesthetics, and define areas for pedestrian and vehicular circulation.

- (1) Each parking lot shall provide interior landscaping equal to a minimum of five percent (5%) of all paved parking areas, including parking and loading spaces, driveways, and aisles. Sidewalks shall be excluded from the calculation of paved area.
- (2) Parking lot islands shall be curbed and a minimum of 170 square feet in area with a minimum width of 10 feet. Parking lot islands shall be one (1) foot shorter than the adjacent parking space.
 - a) Parking lot islands may contain canopy trees, ground cover, perennials, shrubs, hardwood mulch, native plantings, rain gardens, and/or bioswales to meet the minimum landscaping requirements of this Section.
 - b) Rock, stone, or pebbles shall only be permitted as ground cover for rain gardens or bioswales.
- (3) Minimum canopy tree requirements are as follows:
 - a) A minimum of one (1) canopy tree per 10 parking spaces or fraction thereof.
 - b) A minimum of one (1) canopy tree per 40 linear feet around the perimeter of the lot.
- (4) All required interior parking lot landscaping shall be planted within the landscaped islands or in landscaped areas within 20 feet of the perimeter of the parking lot, provided that such landscaping is not also counted toward other landscape or screening requirements.

C. Other Paved Areas. In addition to the above parking lot landscaping requirements, other large paved areas not dedicated to parking, such as gas stations, car washes, shared access lanes and storage lots, shall be landscaped as follows:

- (1) A minimum of five percent (5%) of the paved surface area shall be provided for the purpose of planting canopy trees or other landscape materials within the paved areas.
- (2) Shade trees shall be provided along the perimeter of a large paved area at a minimum rate of one (1) tree per 40 linear feet. Trees may be planted at uniform intervals or in clusters.

D. Parking Deck Landscaping. A minimum of one (1) tree and six (6) shrubs per 30 linear feet are required along the base of a parking deck structure.

SECTION 7.07

Loading Area Landscaping

A. All loading areas (including, but not limited to, truck docks, overhead doors, or trailer staging areas) shall be screened from view from any public street rights-of-way or adjacent residential zoning district for the entire length of the loading area to the greatest extent possible. Screening for loading areas may be accomplished by one or a combination of the following:

- (1) **Landscaped Screening.** Evergreen trees at least eight (8) feet in height and planted in a staggered double row spaced fifteen (15) feet on center. Any plant material used to fulfill these requirements shall meet or exceed the minimum size requirements of this Article when planted.
- (2) **Wall or Fence.** An opaque fence or wall which is at least six (6) feet high and is made of the same or compatible material, in terms of texture and quality, as the material and color of the principal building.

SECTION 7.08

Buffering from Residential Uses

All premises used for business, commercial, or industrial, as well as approved or permitted non-residential uses in residential districts, shall be screened along each rear lot line and each interior lot line when the rear lot line or interior lot line abuts to a parcel which is zoned R-1, R-2, or R-3.

A. Buffer Types. Required residential screening may be satisfied by any one or combination of any of the following.

- (1) **Greenbelt.** A 10-foot-wide greenbelt containing one of the following:
 - a) A continuous screen of evergreen trees at least six (6) feet in height.
 - b) A wooded area left in its natural state, with no trees or other vegetation removed unless it is deemed to be dead, may serve as the required greenbelt. However, if any vegetation is removed from the greenbelt at any time, then plantings must be added to ensure that there is at least one (1) tree and eight (8) shrubs per 30 feet of the length of the lot line.
- (2) **Green Wall.** A "green wall" of sufficient density or compactness to effectively obscure vision through it. The wall must be at least six (6) feet in height. A green wall enables plants to grow vertically along its I to provide air and water quality functions as well as aesthetic enhancement. Green walls may have plantings on either side, but any non-planted sides must be visually appealing, in the opinion of the Planning Commission.

B. Planting Setback. Trees and shrubs shall not be placed closer than four (4) feet to the property line. Fences shall be located in accordance with [Section 6.08B](#).

SECTION 7.09

Refuse, Recycling, and Utility Screening

A. Garbage, Refuse, and Recycling Collection Areas. All garbage, refuse, and recycling collection areas (i.e., dumpsters) shall be screened to meet the requirements of [Section 6.09](#).

- B. Mechanical and Utility Equipment Screening.** All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, incidental to any building, including roof-mounted equipment shall be screened to meet the requirements of [Section 6.10](#). This requirement shall not apply to equipment serving a single dwelling unit.

SECTION 7.10

Stormwater Basin Landscaping

Stormwater detention or retention basins shall be designed to provide a natural appearance through the use of gradual side slopes, rock walls, and plant material. The following standards shall be considered minimum requirements for the landscaping of stormwater basins:

- A. Vegetation Requirements.** The landscape treatment for stormwater basins shall include a mixture of groundcover, wetland, and wildflower species native to Michigan. Native vegetation provides a number of benefits in stormwater basins including enhanced stormwater quality, increased habitat, passive recreational opportunities, and reduced algae growth. The combination of wetland plugs and native seed mixes will provide the optimum opportunities to achieve the benefits described above. The side slopes and the bottom of the basin shall be planted with a combination of a native seed mix and wetland plugs/bare-root stock.
- B. Perimeter Greenbelt.**
- (1) **Basin Perimeter.** Trees and shrubs shall be planted around the basin to buffer and enhance views of the basin, and to replicate a natural environment. Deciduous canopy trees shall be clustered around the sides of the basin to provide shade and minimize solar heating of the water.
 - (2) **Trees.** Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions.
 - (3) **Native Species.** Plants shall be species native to Michigan, in accordance with the City's list of approved native plant species for stormwater basins.
 - (4) **Screening of Mechanical Structures.** Any above ground mechanical structures necessary for basin operation shall be identified on the site and landscape plan and shall be fully screened with evergreen trees or trees and shrubs suitable for the wetness zone in which they are to be located.
 - (5) **Screening.** The area around the stormwater basin riser outlet structure(s) (outlet between forebay and basin and primary outlet to creek/storm sewer) shall be appropriately screened with vegetation appropriate for the applicable basin zone. The screening vegetation shall not inhibit future maintenance access to the structure.
- C. Establishment and Maintenance.**
- (1) The landscape performance guarantee held by the City for a site with a stormwater basin, shall include the stormwater basin-related plantings. The performance guarantee shall be held for two (2) years to ensure sufficient establishment of the stormwater basin plantings.

- (2) The homeowner association covenants and restrictions or master deed must include language for stormwater basin maintenance per the approved plans. For multi-family residential, commercial, industrial, and non-residential sites, such maintenance shall be the responsibility of the landowner and consistent with the approved plans.
- (3) Use of fertilizers along the side slopes or within the stormwater basin is prohibited.

SECTION 7.11

Standards for Plant Materials

- A. Lawn Areas.** Lawn areas shall be planted in species of grass normally grown as permanent lawns in Southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- B. Recommended Species.** Plantings should emphasize native trees, shrubs, and perennials which are hardy to Southeast Michigan. The following is a list of recommended species and required minimum sizes of plant materials. The Planning Commission or Planning and Zoning Administrator may permit other species not listed below.

Recommended Plant Type and Minimum Size	Common Name
Evergreen Trees (8 feet minimum height)	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Honoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous (Canopy) Trees (2.5-inch minimum caliper)	Beech, Birch, Ginkgo, Hackberry, Honey Locust (Without Thorns), Hickory, Hop Hornbeam, Hornbeam, Horsechestnut, Kentucky Coffeetree, Linden, Maple (Hard Maple), Oak, Planetree (Sycamore), and Zelkova.
Ornamental Trees (2-inch minimum caliper)	Allegheny Serviceberry, Dogwood, Flowering Cherry, Flowering Crab, Flowering Pear, Hawthorn, Magnolia, and Redbud.
Deciduous Shrubs (3 feet minimum height)	Dogwood, Euonymus, Fosythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock- Orange, Ninebark, Privet, Spiraea, Sumac, Rose of Sharon, Winterberry, Witchhazel, and Viburnum.
Evergreen Shrubs (30 inches minimum height)	Holly, Juniper, and Yew.
Spreading Shrubs (18 inches minimum height)	Cotoneaster and Creeping Juniper.
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, and

Periwinkle.

- C. Prohibited Species.** The following species are considered undesirable or invasive to this area and are prohibited from being planted as required landscaping. The Planning Commission or Planning and Zoning Administrator may prohibit other species that are not listed below.

Prohibited Species	Prohibited Species
Ash	Horse Chestnut (Nut Bearing)
Black Locust	Mulberry
Box Elder	Norway Maple
Buckthorn	Olive
Catalpa	Poplar
Cottonwood	Silver Maple
Elm	Tree of Heaven
Ginkgo (Female)	Willow
Honey Locust (With Thorns)	

- D. Mixing of Species.** Each plant type category on the landscape plan should contain a mix of at least three different plant species. No one plant species should make up more than 33 percent (33%) of a required plant type category.

E. Minimum Requirements for Plant Material.

- (1) All plant material shall conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials shall be typical of their species or variety, have normal habitat of growth, well-branched and densely foliated when in leaf.
- (2) Plant materials shall be chosen according to soil, climatic conditions and environmental factors for the proposed development, the location of the installation, and its desired function.
- (3) Artificial plants are prohibited from satisfying landscape requirements.

SECTION 7.12

Installation and Maintenance

A. Installation.

- (1) **Installation Period.** Whenever planting is required by this Ordinance, it shall be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting shall take place within six (6) months from the date of issuance of the Certificate of Occupancy and the owner shall post a performance guarantee in accordance with the provisions set forth in **Section 14.07**.
- (2) **Installation Method.** All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:
 - a) **Balled and Burlapped.** All trees shall be balled and burlapped at the time of planting.
 - b) **High Quality and Healthy Plant Material.** Plant material shall be freshly dug and nursery grown. Plant material shall be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees shall have straight trunks with leaders intact, undamaged and uncut.
 - c) **Mulching.** Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.
 - d) **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, berms, and planting beds.
 - e) **Plant Material Required in All Portions of Landscaped Areas.** All portions of the landscaped areas shall be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.
 - f) **Planting Locations.** Unless a specific planting pattern is required by the Zoning Ordinance or the Planning Commission, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs. When trees are planted with five (5) feet of a permanent building, structure, or paved area, structural soil systems shall be used to direct new root growth downward. When soil structural soils are used, a minimum depth of six (6) feet of structural soil shall be provided underneath trees.
 - g) **Protection of Existing Vegetation.** Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.

B. Irrigation Required. All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The Planning Commission or Planning and Zoning Administrator may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

- C. Maintenance.** The owner of the property is responsible for the regular maintenance of all plants and must replenish mulch, control weeds, fertilize plants, and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants shall be replaced within 30 days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

SECTION 7.13

Preservation and Mitigation

- A. Purpose.** The purpose of this Section is to encourage and incentivize the preservation of mature trees and healthy plant materials, and promote the protection of the natural environment and tree canopy by requiring replacement of mature trees throughout the City of Chelsea.
- B. Applicability.** The standards in this Section shall apply for all activities requiring Site Plan Review, except for those submitted for a singular single-family or two-family dwelling.
- C. Preserving Existing Trees and Plants.** Healthy plant materials on a site prior to its development shall be incorporated into the landscape plan, if such materials meet the standards of the City of Chelsea.
- (1) Plant materials and trees to be preserved shall be indicated on the site plan. A matrix shall be provided that lists existing trees and credits for preserved trees in accordance with the standards in [Section 7.13E](#).
 - (2) The Planning Commission may require the preservation of significant existing plant materials based upon its determination that a reasonable layout of the site is incorporating those materials. Significant materials shall be defined as those not readily replaceable by virtue of the size, species, variety, form, condition, quality, or location, and may include vegetation identified as wildlife habitat.
 - (3) Prior to limb removal, root pruning or other treatments on existing plants being preserved the Planning Commission may require approval of the work by the City's consulting landscape architect or certified arborist.
 - (4) Plant materials to be saved shall be protected from construction activities. Fencing or other barriers shall be placed at the dripline. Areas to be protected shall be staked. Barriers shall not be supported by the tree or shrubs they are protecting, and shall be of durable materials that will provide the intended protection until construction is completed. No vehicles, soil deposits, nor any other materials may be parked or stored within the driplines of such trees or shrubs unless wells or other devices as shown on the approved landscape plan are used to protect the plant materials.
 - (5) If trees or plant materials to be preserved are found to be unhealthy, damaged, or removed within three (3) years after completion of construction, the property owner shall replace them or provide a performance guarantee in an equivalent amount plus a ten percent (10%) administrative fee for later replacement. The performance guarantee may be used by the City of Chelsea to replace such materials.

- D. Tree Replacement Standards.** Existing trees to be removed within the proposed development area that are greater than six (6) caliper inches for deciduous trees or eight (8) feet for evergreen trees shall be replaced in accordance with the following standards.

Size of Tree Removed	Number of Replacement Trees per Tree to Be Removed	
	Within Building Footprint	Site
Deciduous or Ornamental Trees (Caliper)		
6 - 8 inches	1.0 tree	2.0 trees
8.1 – 16 inches	1.5 trees	3.0 trees
Greater than 16 inches	2.0 tree	6.0 trees
Evergreen Trees (Height)		
8 feet	.5 tree	1.0 trees
8.01 – 10 feet	0.75 trees	1.5 trees
Greater than 10 feet	1.0 trees	2.0 trees

1 tree = One 2.5" - 3" caliper deciduous tree OR 6' coniferous tree.

- (1) When the number of replacement trees required results in a fraction, any fraction up to one-half (.5) shall be disregarded, and any fraction over and including one-half (.5) shall require one replacement tree.
- (2) A matrix shall be included on the site plan identifying existing trees, trees to be removed, and number of replacement trees provided.
- (3) Replacement trees shall be provided in addition to all other trees required by this Article.

- E. Tree Preservation Credits.** To encourage the preservation of quality and mature trees, the following credits may be granted to waive the number of new trees required by this Article. Tree credits may account for up to 50 percent (50%) of the new trees required by this Section.

Size of Tree Preserved	Credits
Deciduous Trees (Caliper)	
2.6 – 8 inches	1 credit / each
8.1 – 16 inches	2 credits / each
Greater than 16 inches	3 credits / each
Coniferous Trees (Height)	
Greater than 6 feet	1 credit / each

1 credit = One 2.5" - 3" caliper deciduous tree OR One 6' coniferous tree

SECTION 7.14

Waivers

Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for landscaping, the Planning Commission may allow the following waivers from the provisions of this Article.

- A. Permitted or Prohibited Species.** The Planning Commission may permit any of the prohibited species or allow for other species not listed in the permitted species list. No waiver shall be granted to permit invasive species.
- B. Screening.** The Planning Commission may permit an alternate screening plan, upon finding that the alternative screening will ensure compatibility with surrounding and nearby land uses because of one or both of the following:
 - (1) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer sufficient screening. The Planning Commission shall require the preservation of these natural features as a condition of site plan approval in such circumstances.
 - (2) The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

ARTICLE 8.

OFF-STREET PARKING & LOADING

SECTION 8.01

General Requirement for Off-Street Parking

Adequate off-street parking and loading shall be provided in all districts whenever a building, structure, or use is established, altered, or increased in capacity. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses unless granted through separate provisions in this Ordinance or an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. Off-street parking and loading may be restriped for upkeep and maintenance. Any restriping which alters the number, size, or type of parking or maneuvering lanes shall require a Zoning Compliance Permit.

SECTION 8.02

Plans

Plans and specifications showing required off-street parking spaces and loading and unloading areas, including the means of access and interior circulation, shall be submitted to the Planning and Zoning Administrator for review at the time of application for a Zoning Compliance Permit.

SECTION 8.03

Determining Requirements

- A. Uses Not Listed.** For uses not specifically listed in [Section 8.04](#), the default parking standard for that type of use shall apply (if one exists). Where no default parking standard is provided, the Planning and Zoning Administrator may apply a standard for another similar use listed.
- B. Uses Meeting More Than One Category.** Where more than one use is present in a building or on a site, the various components of the use shall comply with the parking requirement applicable to each component. In such a case, the applicant must provide information regarding the floor area, employees, or other relevant information about each use in order to allow the City to determine the minimum parking requirement for the building or site. The shared parking provisions of [Section 8.06](#) may be applied if applicable.

- C. Fractions.** When units of measurement determining the number of required parking spaces results in requirement of a fractional space, any fraction up to and including one-half (.5) shall be disregarded and fractions over one-half (.5) shall require one parking space.
- D. Units of Measurement.** For the purpose of determining off-street parking requirements the following units of measurement shall apply:
- (1) *Floor Area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the usable floor area. Usable floor area includes all floor area within the exterior walls of a building, exclusive of areas used for parking, incidental service storage, mechanical equipment, HVAC, unoccupied basements, and similar uses.
 - (2) *Places of Assembly.* In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.
 - (3) *Employees.* For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest (peak) shift at the time the use is established. The peak number of employees shall be provided with the application for a Zoning Compliance Permit or Site Plan Review.

SECTION 8.04

Schedule of Required Parking Spaces

- A.** The minimum required parking spaces for each use shall be as follows, except as otherwise permitted by this Ordinance.

Residential Uses	
Use	Parking Required
Accessory Dwelling Unit (ADU)	1 space per dwelling unit. Tandem or stacked parking in a driveway may count toward the off-street parking requirement if not located in the front yard setback.
Economy Efficient Dwelling (EED)	1 space per dwelling unit.
Home Occupation	1 space.
Manufactured Housing	2 spaces per dwelling unit, plus 1 visitor space for every 3 homes. Additional spaces shall be provided for park maintenance vehicles at the park office.
Multiple-family Dwellings	1.5 spaces per dwelling unit
Senior Housing, Assisted Living	1.2 spaces per each four (4) residents.
Senior Housing, Independent Living	1 space per dwelling unit.
Single- and Two-Family Dwellings	2 spaces per dwelling unit.
State Licensed Day Care Center	.25 spaces per resident or client at maximum occupancy, except that at least 1 space shall be provided.
State Licensed Day Care Home	
State Licensed Residential Facility	
Public / Institutional / Recreational Uses	
Use	
Default Parking Standard	1 space per 3 persons permitted at maximum occupancy.
Golf courses/country clubs	5 spaces per each course hole, plus 1 space per 350 square feet for restaurants, banquet rooms, pro shop, offices and other uses on site.
Government Buildings	0.5 space per 3 seats of permitted capacity with fixed seats or 1 space per 300 square feet of usable floor area.
Hospitals	1 space per each bed, plus 1 space per each 2 employees during peak shift, plus 1 space per 1,000 square feet of floor area devoted to office, research, or other related uses.
Outdoor Recreation	1 space per 1,000 sq. ft. of use area.

Public Institutions	1 space per 350 sq. ft. of floor area.
Religious Institutions	1 space per each four seats of capacity.
Schools, Primary	2 spaces per classroom, plus 0.5 spaces per each seat in any assembly, auditorium, and/or outdoor arena areas, plus 2 drop-off spaces per classroom.
Schools, Secondary, including Colleges, and Business and Vocational schools	1 space per employee, plus 0.5 spaces per each seat in any assembly, auditorium, and/or outdoor areas, plus 10 pick-up/drop-off spaces as well as any necessary waiting or loading area for buses, plus 1 space per 10 students of capacity.
Commercial	
Use	
Default Parking Standard	1 space per 500 sq. ft. of floor area.
Adult Business	1 space per 500 sq. ft. of floor area.
Arena/Theater	1 space per 3 seats.
Artisan/Maker Spaces <5,000 sq. ft.	1 space per work station.
Banks and financial institutions	1 space per 150 sq. ft. of floor area, plus 1 space per employee.
Bars and brewpubs	1 space per 75 sq. ft. of floor area.
Bed and breakfast	2 spaces, plus 1 space per guest room.
Clubs and lodges	1 space per every three persons of capacity authorized by building code.
Craft distilleries and microbreweries	1 space per 1,000 sq. ft. of production space, plus 1 space per 200 sq. ft. of tap/tasting room area.
Banquet Halls	1 space per every 2 persons of capacity.
Essential Services	1 space per employee.
Fitness centers/health clubs	1 space per 300 sq. ft. of floor area.
Funeral homes and mortuaries	1 space per 50 sq. ft. of floor area of service parlors, chapels and reception area, plus 1 space per each funeral vehicle stored on the premises.
Gas Stations	1 space per each pump, plus 1 space per employee, plus Any spaces required for any convenience store, restaurant, or auto wash on site.
Grocery stores	1 space per 350 sq. ft. of floor area.

Hotel	1 space per guest room, plus 1 space per every 2 employees.
Indoor commercial amusements	1 space per each 3 persons of capacity.
Mini warehousing	5 spaces.
Offices, Medical	4 spaces per 1,000 sq. ft. of floor area.
Offices, Professional	4 spaces per 1,000 sq. ft. of floor area.
Outdoor events	5 spaces per 1,000 sq. ft. of use area.
Outdoor sales and displays	1 space per 500 sq. ft. of use area.
Personal service establishments	1 space per 500 sq. ft. of floor area.
Pet Kennels and Day Boarding	5 spaces, plus 1 space per employee.
Printing establishments	1 space per 500 sq. ft. of floor area.
Restaurants, full-service	1 space per 350 sq. ft. of floor area.
Restaurants, limited-service	5 spaces, plus 1 space per employee.
Retail sales establishments	1 space per 500 sq. ft. of floor area, plus 1 space per each additional 1,000 square feet for stores greater than 25,000 sq. ft. such as shopping centers, club warehouses, and home improvement centers.
Studios	1 space per 250 sq. ft. of floor area.
Vehicle Repair	2 spaces for each service bay, plus 1 space per employee, plus 1 space for each tow truck.
Vehicle Sales	1 space per 400 sq. ft. of floor area of interior sales space, plus 1 space per service bay, plus 1 space per every 2 employees.
Vehicle Wash	1 space per employee, plus 5 stacking spaces per bay.
Wireless Communications Facilities	2 spaces per substation.

Industrial	
Use	
Default Parking Standard	1 space per 1,000 sq. ft. of floor area.
Artisan/Maker Spaces > 5,000 sq. ft.	1 space per work station.
Industrial uses (assembly, general industrial, manufacturing, packaging, research and development, testing, transportation and logistics)	1 space per 1,000 sq. ft. floor area, or 1.2 spaces per employee, whichever is lesser, plus 1 space for each corporate vehicle stored on site, plus 1 space per 500 sq. ft. of any office or sales area.
Warehousing establishments	1 space per 1,800 sq. ft. of floor area, or 1 space per employee, whichever is lesser, plus 1 space per 350 sq. ft. of office floor area.
Wholesale establishments	1 space per 1,000 sq. ft. of floor area.

- B. Exemptions.** Uses in the DT district shall be exempt from the provisions of this Section if said use is located within 500 feet of municipal parking facilities. The distance shall be measured in a straight line from the center of a municipal parking lot to the nearest building line of said use.

SECTION 8.05

Barrier-Free Parking Requirements

- A. State and Federal Laws.** Barrier-free parking spaces shall be provided in accordance with the State Construction Code and ADA requirements, and shall be accessible from and conveniently located near each primary building entrance, and shall be identified by above-grade signs and pavement striping.
- B. Required Spaces.** The number of required barrier-free spaces shall comply with State and ADA requirements, as amended from time to time. The following table is a summary of the barrier-free parking space requirements in effect at the Effective Date of this Ordinance:

Barrier-Free Parking Requirements		
Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van-Accessible Barrier-Free Spaces Required
1-25 Spaces	1	1
25-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1

201-300	7	1
301-400	8	1
401-500	9	2
501-1,000	2% of total	1/6 of total barrier-free spaces
Greater than 1,000	20 plus one (1) for each 100 spaces over 1,000	1/6 of total barrier-free spaces

SECTION 8.06

Shared Parking

Different types of uses have different peak usage times, for instance, residential land uses generate the most parking demand during evening and night hours, while office uses generate the most parking demand during business hours. Therefore, the minimum parking requirement may be adjusted by a shared parking factor that considers a mixture of uses sharing a common parking facility. The uses that share a common parking facility may be located within a single building or in separate buildings located on the same or different sites.

- A. Shared Parking Procedure.** The number of shared parking spaces required for two (2) or more land uses sharing a parking lot or located on the same parcel of land shall be determined by the following procedure:
- (1) Multiply the minimum parking required for each individual use by the appropriate percentage indicated in the Shared Parking Factors table below for each of the six (6) designated time periods.
 - (2) Add the resulting sums for each of the six (6) columns.
 - (3) The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
 - (4) **Other Uses.** If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the Shared Parking Factor table, as determined by the Planning Commission, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Planning Commission shall determine the appropriate shared parking requirement, if any, for such uses.

Shared Parking Factor Table						
Land Use	Weekends			Weekdays		
	1 AM – 7 AM	7 AM – 7 PM	7 PM – 1 AM	1 AM – 7 AM	7 AM – 7 PM	7 PM – 1 AM
Residential	95%	25%	95%	95%	75%	95%
Commercial	0%	95%	75%	0%	90%	75%
Office	5%	95%	5%	0%	10%	0%

- B. Agreement.** A written agreement between joint users in a form approved by the City shall be filed with the Washtenaw County Register of Deeds and a copy submitted to the City. The agreement shall assure the continued availability of the parking facility for the uses it is intended to serve.

SECTION 8.07

Off-Street Parking Waivers

- A.** The Planning Commission may modify the numerical requirements for off-street parking based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future employment or customer traffic.
- B.** The Planning Commission may attach conditions to the approval of a modification of the requirements of [Section 8.04](#) that bind such approval to the specific use in question, including requiring banked parking for waived parking spaces in accordance with [Section 8.07C](#).
- C. Banked Parking.** Where banked parking is required by the Planning Commission, the following standards shall be met:
- (1) The site plan shall show all required spaces, including waived (deferred) spaces. The site plan shall note the area where parking is being deferred, including dimensions and parking lot layout, and set aside as landscaped open area.
 - (2) The property owner shall agree in writing to construct some or all of the deferred spaces upon written order of the Planning and Zoning Administrator.
 - (3) Stormwater calculations shall be provided to verify adequate capacity if an expansion is necessary.

SECTION 8.08

Maximum Parking Permitted

- A.** In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed 130 percent (130%) of the minimum parking requirements of [Section 8.04](#). This requirement shall not apply to single-family or two-family dwellings.
- B.** The Planning Commission may permit additional parking over and above the maximum parking limit based on documented evidence indicating that the maximum parking permitted will not be sufficient to accommodate the use on a typical day.

SECTION 8.09

Exceptions

- A.** Off-street areas used for display and sales of automobiles, boats, trucks, motor homes and similar vehicles, shall be exempt from this Article except that the following shall apply:
 - (1) All display areas shall be paved and drained to prevent runoff onto abutting properties. Vehicles shall only be displayed on the paved surface.
 - (2) All display areas shall be effectively screened on any side which adjoins or faces a residential lot or institution, by a wall, fence or compact planting not less than four (4) feet in height. Planting shall meet the landscape standards of [Section 7.06C](#).
 - (3) All display areas shall meet the setback required for principal uses within the zoning district.
 - (4) Parking/display areas, loading areas, and circulation or access drives shall be setback a minimum of five (5) feet from any property line and at least 20 feet from adjacent residential districts.

SECTION 8.10

Existing Uses

- A.** Off-street parking existing before the Effective Date of this Ordinance in connection with the operation of an existing building or use shall not be subject to the parking requirements of this Section, providing there is no change or expansion of the existing use or building that would require Site Plan Review.
- B.** Parking facilities for uses existing before the Effective Date of this Ordinance may be modified, improved, or reconfigured, provided there is no reduction in the number of spaces. If changes result in a reduction in the number of parking spaces, the number of spaces shall not be less than the minimum standard required by [Section 8.04](#) for that use.

- C. Any expansion or change of use that would increase the number of parking spaces required shall use the formula below to calculate the new number of required spaces, as long as at least 75 percent (75%) of the required spaces are provided. Should the applicant desire to provide fewer than 75 percent (75%) of the required spaces, they may request a waiver in accordance with [Section 8.07](#).

	Existing Use	New Ordinance Standard		New Use Parking Requirement	
	Existing Spaces (Current Use)	Spaces Required (Current Use)	Spaces Required (New Use)	Total Spaces Required	Additional Spaces Needed
Formula	A	B	C	$(B - C) + A = D$ OR $.75 * C = D$	D - A
Example	3	6	12	$(12 - 6) + 3 = 9$	$9 - 3 = 6$

SECTION 8.11

Off-Street Parking Area Design

- A. Location of Spaces for Non-Single- or Two-Family Residential Uses.** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet. This standard shall not apply to uses in the DT District, as permitted by [Section 8.04B](#). This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B. Yards.**
- (1) *Residential Districts.* In the R-1, R-2, R-3, and MH-1 districts, off-street parking is prohibited in any required yard except parking for a single- or two-family dwelling is permitted on the driveway of the residence.
 - (2) *Non-Residential Districts.* In the O-1, LI, GI, PED, and MI districts, all off-street parking spaces shall not be closer than five (5) feet to any property line. Parking areas, loading areas, and circulation or access drives shall be setback a minimum of 20 feet from adjacent residential districts or uses in the LI and GI district, and 10 feet in the O-1, PED, and MI districts.
 - (3) *Mixed-Use Districts.* In the DT, T-1, and T-2 districts, parking lots shall be located in the side or rear yard only, except as further restricted in [ARTICLE 5](#). Parking areas located within a side yard shall be located behind the front line of the principal building. Parking areas, loading areas, and circulation or access drives shall be setback a minimum of 10 feet from adjacent residential areas.
- C. Setback from Buildings.** Parking, loading areas, and circulation or access drives shall set back at least seven (7) feet from any building or structure.
- D. Parking Space Dimensions.** Each off-street parking space for automobiles shall be a minimum of nine (9) feet by 18 feet in size.

- E. Access Drives.** Access drives shall be a minimum width of 12 feet for one-way traffic or 24 feet for two-way traffic. Where a turning radius is necessary, it will be of such an arc to reasonably allow unobstructed flow of vehicles.
- F. Pedestrian Circulation.** The parking lot layout shall accommodate pedestrian circulation. Pedestrian crosswalks shall be provided, distinguished by pavement striping, and integrated into the sidewalk network.
- G. Cross Access.** Common, shared parking facilities are encouraged in all non-residential districts. As such, wherever feasible, cross-access connections between adjacent parking lots or a future connection when no adjacent parking lot exists but can reasonably be expected to be constructed on an adjacent parcel at a future date, are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easement shall be without limitation and shall be recorded with the County Register of Deeds.
- H. Parking Aisles.** Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be:

Parking Type	Min. Drive Aisle Width
90-degree (perpendicular) parking	22 feet (two-way)
60-degree parking	18 feet (one-way)
45-degree parking	12 feet (one-way)
Parallel Parking	12 feet (one-way)

- I. Driveways and parking spaces in all zoning districts shall be paved, except as provided herein:**
- (1) One- and two-family dwelling units may use crushed limestone or approved equal as an alternative material.
 - (2) Driveways and storage areas used exclusively by construction vehicles, trucks over one-half (1/2) ton loading capacity, equipment truck terminals, contractor's storage yards, lumber yards and similar establishments. In such areas, crushed, compacted limestone, or approved equal, may be substituted for pavement. Pavement, including base construction, and crushed limestone, or approved equal, shall meet the minimum standards of the City of Chelsea. All driveways, vehicle storage areas, and parking spaces, not paved, shall be maintained in a dust-free condition.
 - (3) The Planning Commission may approve pervious or porous pavement in parking areas and drive aisles. Any installation of pervious pavement in a parking area shall require Planning Commission approval and a maintenance agreement.
- J. Lighting fixtures used to illuminate any off-street parking area shall comply with [Section 6.07](#) and shall be arranged to reflect the light away from any adjoining residential lot or institutional premises.**
- K. All off-street parking areas shall be landscaped in accordance with [Section 7.06](#).**

- L. Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which they are located, and the design standards in [ARTICLE 5](#).
- M. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street areas of one- or two-family dwellings.

SECTION 8.12

Residential Districts

A. Permitted Parking in Residential Districts.

- (1) Parking of passenger vehicles in residential districts is permitted.
- (2) One (1) commercial vehicle of the light delivery type not to exceed three-quarter (.75) tons is permitted per dwelling unit. The parking of any other type of commercial vehicle or trailer, except those parked on City, school, or church property, is prohibited in a residential zone.
- (3) Parking of not more than one (1) recreational vehicle, travel trailer, utility trailer, boat or snowmobile shall be permitted provided it is parked behind the front yard setback of the dwelling and is not occupied at any time in any single- or two-family district. Parking of a recreational vehicle or travel trailer in a multi-family district shall be permitted in areas which are specifically designated for such parking, provided that trailers and vehicles shall not be occupied.

- B. **Driveways.** Driveways shall be at least 20 feet deep, measured from the edge of the street right-of-way to the entrance of an attached or detached garage or end of paved area.

SECTION 8.13

Off-Street Loading and Unloading

- A. **General Requirements.** In connection with every building, structure, or use hereafter erected, except single- and two-family dwelling units, off-street loading and unloading space shall be provided on the same lot as such building, structure, or use.

B. Off-Street Loading Area Design.

- (1) Each off-street loading and unloading space shall be at least 10 feet wide by 55 feet long with at least 15 feet of clearance.
- (2) A loading/unloading space shall be at least 50 feet from any residential district unless wholly within a completely enclosed building or unless enclosed on all sides. Screening shall comply with the standards of [Section 7.07](#).

- (3) All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

C. Off-Street Loading Space Requirements.

- (1) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- (2) All uses which customarily receive deliveries having over 3,000 square feet of gross floor area shall be provided with a least one (1) off- street loading/unloading space, and for every additional 20,000 square feet of gross floor area, or fraction thereof, one (1) additional loading/unloading space.
- (3) All industrial and wholesale commercial land uses shall provide one (1) unloading space for each 10,000 square feet of floor area with a minimum of not less than two (2) loading spaces.
- (4) *Modifications of Loading/Unloading Requirements.* The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

SECTION 8.14

Storage and Repair

Except as provided in this Article, the use of parking spaces or loading areas for material storage, refuse storage/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is prohibited unless accessory to a permitted vehicle or machinery repair use. Collection bins for the Western Washtenaw Recycling Authority shall be exempt from this section. Temporary dumpsters shall be allowed for a period not to exceed 30 days.

SECTION 8.15

Grading and Drainage

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the City. Surface water shall not drain on to adjoining lots, towards buildings, or across a public street, except in accordance with an approved drainage plan.

SECTION 8.16

Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A.** Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
- B.** All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.
- C.** Parking and loading areas shall be diligently kept clear of snow. Up to 10 percent (10%) of the parking area may be used for snow deposit.
- D.** Parking lots shall be maintained in a clean and debris-free manner.

ARTICLE 9. SIGNS

SECTION 9.01

Purpose and Intent

This Section is intended to protect and promote the health, safety, and welfare of the residents of the City of Chelsea; to maintain and improve the appearance of the City; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.

SECTION 9.02

Definitions

The following words and phrases shall have the meanings set forth in this article when they are used in this article:

- A. Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:
- (1) **AIR-ACTIVATED SIGNS.** A sign that is inflated by air or uses air flow to induce movement. Inflatable objects used for signs are often made of flexible fabric and are equipped with a motor to blow air into the object. Air-activated signs are typically temporary and are restrained, attached, or held in place by a cord, rope, cable, or similar method, but can be permanent.
 - (2) **ANIMATED SIGN.** A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or oscillating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene. This definition does not include Changeable-Copy Signs and Electronic Message Center (EMC) Signs that comply with this Article.

- (3) **AWNING SIGN.** A permanent sign painted or screen printed on the exterior surface of an awning.

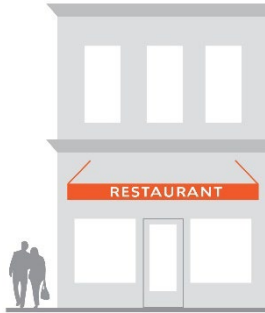


- (4) **BANNER SIGN.** A temporary sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat against a permanent sign face or strung between two poles or structures.

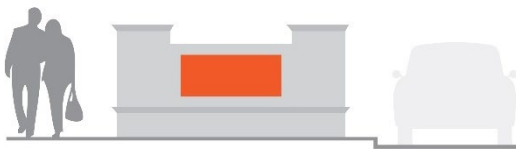


- (5) **BENCH SIGN.** A sign applied to or affixed to the seat or back of a bench.
- (6) **BILLBOARD SIGN.** A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A Billboard Sign differs from a Freestanding Sign based on its size. A Billboard Sign is 200 square feet or greater in size.

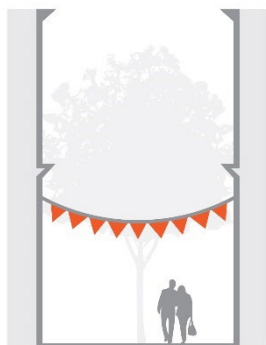
- (7) **CANOPY SIGN.** A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached canopy.



- (8) **CHANGEABLE-COPY SIGN.** A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means or manually through placement of copy and symbols on a panel mounted in or on a track system.
- (9) **ELECTRONIC MESSAGE CENTER (EMC) SIGN.** An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.



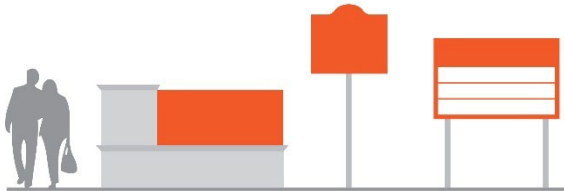
- (10) **FESTOONS.** A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.



- (11) **FLAG.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole. Flags are typically supported on one side of the sign. Flags are not considered air-activated signs for the purposes of this ordinance.



- (12) **FREESTANDING SIGN.** A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include Monument Signs, but do not include Billboards.



- (13) **INCIDENTAL SIGN.** A small sign, usually two (2) square feet or less, designed and located to be viewed by persons on a property and are generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity.
- (14) **INTERIOR SIGN.** A sign placed within a building, but not including a Window Sign as defined by this Ordinance, that is not visible from any public street, sidewalk, alley, park or public property.

- (15) **MARQUEE SIGN.** A type of projecting sign typically mounted perpendicular to the building façade in a vertical manner. Marquee Signs often include a changeable copy component in addition to the display of a permanent message but are not required to have changeable copy.



- (16) **MONUMENT SIGN.** A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A Monument Sign includes a solid supporting base of at least 24 inches in height and a width equal to or greater than the width of the sign face. Monument Signs are constructed of a decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base.



- (17) **NONCONFORMING SIGN.** A sign that was lawfully permitted at the time it was erected but is not permitted under current law.
- (18) **PERMANENT SIGN.** A sign constructed of durable materials intended to withstand prolonged exposure to exterior elements. Permanent signs are affixed to the ground or a structure by means of footings beneath the ground surface, bolts or screws into a structure, or other method intended to ensure the sign is displayed for an extended period of time with minimal maintenance or replacement of parts.
- (19) **PORTABLE SIGN.** A temporary sign designed to be easily movable. Portable Signs are typically held in place during the period of display by sandbags, blocks, or other easily movable anchor.

- (20) **PROJECTING SIGN.** A sign attached to a building or other structure and extending beyond the attachment surface. A Projecting Sign is differentiated from a Wall Sign based on the distance the sign projects from the surface of the building.



- (21) **ROOF SIGN.** A sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet is considered a Wall Sign.
- (22) **TEMPORARY SIGN.** A display sign, banner or other device constructed of cloth, canvas, fabric, plastic or other light temporary materials, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or a building.
- (23) **TRANSPORTED SIGN.** A sign attached to or pulled by a vehicle that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Sign" does not constitute a Vehicle Sign.



- (24) **VEHICLE SIGN.** A sign, painted or otherwise, attached to an operable vehicle that is regularly used and moved, including signs on a truck trailer. A Vehicle Sign does not constitute a Transported Sign.



- (25) **WALL SIGN.** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than 18 inches from the wall and which does not project above the roof or parapet line. A Wall Sign shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building, or any portion thereof, is defined as a Roof Sign.



- (26) **WINDOW SIGN.** A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building. This definition shall not include temporary window art.



- (27) **YARD SIGN.** A small, temporary sign typically used for non-commercial purposes. Yard signs are characterized by a wire frame, non-durable message surface such as cardboard or paper, and are often inserted into a lawn with wire posts. Although variations exist to the materials of the frame and message board, a consistent physical characteristic is its temporary and disposable nature.

B. General Definitions.

- (1) **ALTERATION.** Any change in size, shape, height, or type which changes the appearance of a sign or its structure, or a change in position, location, construction, or supporting structure of a sign.
- (2) **BUILDING FRONTAGE.** The length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenants are located.
- (3) **HEIGHT, MAXIMUM.** Shall be measured from grade to the highest edge of the sign surface or its projecting structure.



- (4) **HEIGHT, MINIMUM.** Shall be measured from grade to the lowest edge of the sign surface or its projecting structure.
- (5) **LOT, ZONING.** A single tract of land, located within a single block, which at the time of filing for a sign permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.
- (6) **OWNER.** A person, firm, partnership, association, company, or corporation, or any other legal entity, and/or its legal successors, heirs, and assigns.
- (7) **PREMISES.** The contiguous land in the same ownership or control which is not divided by a public street.
- (8) **SIGN.** Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure or piece of land. The definition does not include goods displayed in a window.

- (9) **SIGN AREA.** The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

SECTION 9.03

Sign Design Standards in All Zoning Districts

A. Construction Standards

- (1) *General Requirements.* All signs shall be designed and constructed in a safe and stable manner in accordance with the City's adopted Building Code and Electrical Code. All electrical wiring associated with a Freestanding Sign shall be installed underground.
- (2) *Framework.* All signs shall be designed so that the supporting framework, other than the supporting poles on a Freestanding Sign, is contained within or behind the face of the sign or within the building to which it is attached to be totally screened from view.

B. Illumination.

Permanent signs may be internally or externally illuminated, except where prohibited in this Article, in accordance with the following standards. Temporary signs shall not be illuminated.

- (1) *Non-Glare, Shielded Lighting.* Lights shall be steady, stationary, and shaded and/or shielded downward with light directed away from adjacent properties and streets.
- (2) *Backlighting.* Signs with internal illumination shall have the lettering and graphics in a lighter color than the background to the maximum extent practical.
- (3) *Illumination Levels.* Illumination levels shall not exceed 0.5 foot-candles at the property line, measured five (5) feet from the ground. Where adjacent to a residential property, illumination levels shall not exceed 0.1 foot-candles at the property line.
- (4) *Bare Bulb Illumination.* Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and theatre marquees.

C. Electronic Message Signs.

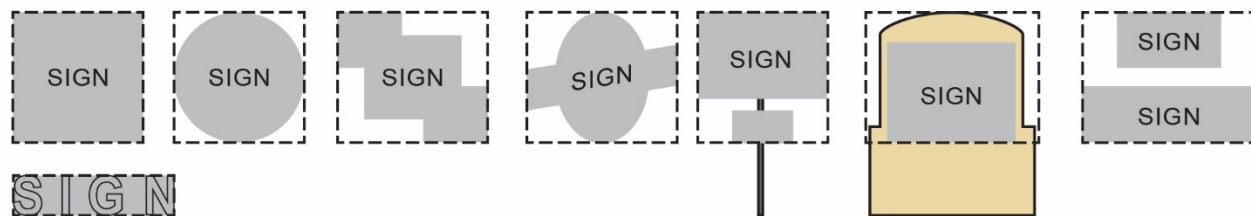
Electronic Message Signs may be permitted on monument signs and billboards in non-residential and appropriately zoned districts subject to the standards of this Section and the following regulations:

- (1) *Frequency of Change.* Signs with the ability to change displays shall not change more frequently than one (1) time per 10 seconds. The display shall change instantaneously. Flashing, scrolling, fading, dissolving, oscillating, spinning, twirling, video display, or other type of motion are expressly prohibited.

- (2) **Internal Illumination.** Electronic Message Signs shall not emit more than 0.3 foot-candles above ambient light levels at a distance of 50 feet from the sign face. Maximum luminance shall not exceed 0.1 foot-candles above ambient light levels at adjacent lot lines of residentially-zoned or residentially-used lots.
- (3) **Area.** An electronic changeable copy or electronic graphic display area shall not exceed 80 percent (80%) of the sign area of any monument sign or 100 percent (100%) of a billboard sign.
- (4) **Integration into Sign.** The electronic changeable copy or electronic graphic display areas on monument and billboard signs shall be part of the same sign face as a monument or billboard sign without electronic display technology and shall be integrated into the face of the sign.

D. Determination of Sign Area. Signs shall not exceed the maximum sign area allowed for that type of sign and/or zoning district. The sign area shall be computed as outlined below.

- (1) **Single-Faced Signs.** Sign area for single-faced signs shall be the square footage of the sign face as measured by enclosing the most protruding points or edges of the sign face within a parallelogram, rectangle, circle, or triangle, excluding any frame.
- (2) **Double-Faced Signs.** Sign area for signs with multiple faces shall be the area of the largest of the sign faces, as described above, if all the faces are part of the same structure and are no more than 18 inches apart; otherwise, the sign area shall be the sum of all the areas of all the faces.
- (3) The height of the sign shall be measured from grade. The maximum sign height shall be measured from grade to the top of the sign. The minimum height, if applicable, shall be measured from grade to the bottom of the sign.



Computation of Sign Area

- Sign Area
- Computed Sign Area

E. Sign Location.

- (1) *Right-of-Way Prohibited.* No sign, except those established and maintained by the City, County, State, or Federal Governments shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as otherwise permitted in this Section.
- (2) *Clear Vision Triangle Area Prohibited.* No sign shall be in the clear vision triangle area described in **Section 6.05**.
- (3) *Projections.* Unless otherwise stated, no sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than 18 inches and shall not project above or beyond the highest point in the roof or parapet.
- (4) *Safety.* No sign shall be permitted at any location that, in the discretion of the Planning and Zoning Administrator, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, Planning and Zoning Administrator shall cite any relevant provisions of this Ordinance or other City ordinances and findings or studies of the Chelsea Area Construction Agency, Washtenaw County Sheriff Department, and/or a traffic engineer.
- (5) *Landscaping.* The area surrounding signs shall be landscaped to match the design characteristics of the site. The landscaping shall be maintained such that the sign remains visible to passing motorists.

SECTION 9.04

Signs Exempt from Permits

The following signs shall be permitted in all zoning districts according to the regulations of this Ordinance and subject to the following provisions. No permit shall be required for signs enumerated below unless otherwise stated. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, maintenance, and removal.

- A.** Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and 18 inches for any other use, including multi-family buildings.
- B.** Any lawful sign in a public or private right-of-way installed by an authorized public agency including, but not limited to, street signs and address signs.
- C.** Flags, not to exceed 48 square feet.
- D.** Historical markers and plaques up to 48 square feet.
- E.** Incidental Signs, not to exceed two (2) square feet.
- F.** Interior signs.
- G.** Nameplates, not to exceed two (2) square feet.
- H.** Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- I.** Signs on a City, County, State, or Federal building or land erected by the authorized public agency.
- J.** Temporary signage in accordance with [Section 9.06](#), [Section 9.07](#), or [Section 9.08](#), unless otherwise stated in this Zoning Ordinance.
- K.** Vehicle Signs, where the vehicle on which the sign is displayed does not regularly go unoperated for a period exceeding seven (7) consecutive days.
- L.** Window Signs, not to exceed 33 percent (33%) percent of the total window area of the façade facing a road. Window Signs must be placed in a manner to ensure visibility into the building for public safety.
- M.** Yard Signs.
- N.** *Sign Maintenance and Message Change.* No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed to allow for message change without a change of structure, such as a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

SECTION 9.05

Prohibited Signs in All Zoning Districts

- A.** Any sign not expressly permitted.
- B.** Animated Signs (including revolving signs and rotating signs) and signs that incorporate moving features, except for changeable-copy signs explicitly permitted in this article.
- C.** Festoons, except those approved in conjunction with a Temporary Zoning Compliance Permit.
- D.** Air-activated signs and balloon signs, except those approved in conjunction with a Temporary Zoning Compliance Permit.
- E.** Any sign that is deemed structurally or electrically unsafe by the Planning and Zoning Administrator.
- F.** Support pole signs, including signs attached to light poles, utility poles, street signpost, and trees. Prohibited support pole signs shall not include support pole signs lawfully installed by an authorized public entity.
- G.** Transported signs unless the vehicle with the transported sign is operating lawfully in a public or private road.
- H.** Roof Signs.
- I.** Bench Signs, not including permanently mounted plaques intended to be read at close proximity.
- J.** Projector-image signs.
- K.** Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Article.
- L.** Exposed neon, LED, or other light types permanently outlining windows, doors, awnings, or canopies.
- M.** Signs intended to mimic traffic control or emergency services signage.

SECTION 9.06

Residential District Regulations

A. Permitted Permanent Signs.

Permitted Permanent Signs, Residential Districts	
Monument Signs	Standard
Maximum Number	1 per entranceway of a residential development.
Maximum Area (per side)	24 square feet.
Location	No part of a Monument Sign shall be installed in a street right-of-way unless written consent is given by the entity with jurisdiction over the right-of-way.
Wall Signs	Standard
Maximum Number	For permitted residential uses (excluding home occupations) and multi-family dwelling developments, 1 Wall Sign per each side of a building that faces a street. Wall signs for home occupations shall comply with the standards of Section 4.09 .
Maximum Area (per side)	24 square feet.
Location	Flat against the principal building.

B. Permitted Temporary Signs.

Permitted Temporary Signs, Residential Districts	
Banner Signs	Standard
Maximum Number	1 per each street frontage in a residential development.
Maximum Area (per side)	32 square feet.
Maximum Duration of Display	Within 2 years of date of erection.
Portable Signs	Standard
Maximum Number	1 per building entrance per street frontage, maximum of 2 signs.
Maximum Height	3 feet.
Maximum Area (per side)	6 square feet.
Maximum Duration of Display	Within 2 years of dates of erection.
Yard Signs	Residential Uses
Maximum Number	Unlimited, not to exceed a total of 32 square feet.
Maximum Height	4 feet.
Maximum Area (per side)	8 square feet.

Permitted Temporary Signs, Residential Districts	
Maximum Duration of Display	60 days.
Location	5 feet from any lot line.
Location	5 feet from any lot line.

SECTION 9.07

Downtown (DT) District Regulations

- A. Permitted Permanent Signs.** The following signs are permitted in the DT district. Signage for any one building or use shall not exceed 60 square feet. Signs are permitted for all uses within the district unless otherwise specified.

Permitted Permanent Signs, Downtown District	
Awnings and Canopy Signs	Standard
Maximum Number	1 per storefront.
Maximum Area (per side)	25 percent (25%) of the total area of the awning or canopy.
Illumination	Indirect.
Maximum Projection	3 feet from the building face. Signs may project into right-of-way.
Location	Awning and Canopy Signs shall be located above ground floor storefront windows and doors only.
Marquee Signs	Non-Residential Uses Only
Maximum Number	1 per business.
Maximum Height	6 feet.
Maximum Area (per side)	48 square feet.
Maximum Projection	3 feet from the building face. Signs may project into right-of-way.
Projecting Signs	Standard
Maximum Number	1 per public entrance, spaced a minimum of 20 feet apart.
Maximum Area (per side)	12 square feet per sign face, maximum of 2 faces per sign.
Maximum Projection	18 inches. Signs may project into right-of-way.
Location (Min. Clearance)	Nine (9) feet above the sidewalk, and below the second story windowsill or roofline of the building, whichever is lower.
Additional Standards	Must be installed at a 90-degree angle from the building wall.
Wall Signs	Standard
Maximum Number	1 wall sign per entrance on each side of a building that faces a street.

Permitted Permanent Signs, Downtown District	
Maximum Height	22 feet from the surface of the sidewalk to the top edge of the sign.
Maximum Area (per side)	24 square feet.
Location (Min. clearance)	9 feet from the surface of the sidewalk to the bottom edge of the sign.
Additional Standards	Signs shall be securely attached to the building wall in a manner that will protect the building's historic fabric and ensure pedestrian safety. Anchors shall penetrate mortar joints rather than bricks.
Window Signs	
Maximum Number	1 per storefront.
Maximum Area	Window Signs shall not exceed one-third (1/3) of the total window area of a façade.

B. Permitted Temporary Signs.

Permitted Temporary Signs, Downtown District	
Banner Signs	
Maximum Number	1 per business, plus 1 per each professional design firm, lending institution, or building contractors for sites under construction, not to exceed 3 signs.
Maximum Area (per side)	Within 2 years of date of erection.
Maximum Duration of Display	60 days.
Location	Minimum of 10 feet from the property line.
Portable Signs	
Maximum Number	1 per business with individual access to a sidewalk, maximum of 2 signs.
Maximum Height	3 feet.
Maximum Area (per side)	6 square feet.
Maximum Duration of Display	60 days.
Location	Within 15 feet of the primary building entrance door.

SECTION 9.08

Non-Residential, T-1, and T-2 Districts

The following standards shall apply to all non-residential districts outside of the DT District, including the T-1 and T-2 mixed-use districts. Signage for any one building or use shall not exceed 100 square feet in all district. Billboard signs on undeveloped lots need not meet this maximum sign area standard. Signs are permitted for all uses within the district unless otherwise specified.

A. Permitted Permanent Signs.

Permitted Permanent Signs, Non-Residential, T-1, and T-2 Districts	
Awnings and Canopy Signs	Non-Residential Uses
Maximum Number	1 per storefront or entrance.
Maximum Area (per side)	25 percent (25%) of the total area of the awning or canopy that is visible from the street.
Location	No Awning or Canopy or Sign shall extend into the right-of-way unless it is a Zero-Setback Frontage Type.
Billboard Signs	Industrial Uses
Maximum Number	1 per undeveloped lot. A double face (back-to-back) or a V-type structure where the interior angle of said V does not exceed 20 degrees shall be considered a single sign.
Maximum Height	20 feet from ground level.
Maximum Area (per side)	200 square feet.
Location	Where two or more outdoor advertising signs are located along the frontage of a street or highway, they shall not be less than 1,000 feet apart.
Additional Standards	Each Billboard Sign shall be the principal use for the property on which it is located.
Entranceway Signs	Standard
Maximum Number	Entranceway Signs shall only be permitted in instances where multiple businesses utilize a common entranceway, such as an industrial park, shopping center, or similar multi-user development.
Maximum Area (per side)	48 square feet.
Location	No part of an Entranceway Sign shall be installed in a street right-of-way unless written consent is given by the entity with jurisdiction over the right-of-way.

Marquee Signs	Non-Residential Uses
Maximum Number	1 per vehicular entrance or exit, maximum of 2 signs.
Maximum Height	4 feet.
Maximum Area (per side)	6 square feet.
Maximum Projection	3 feet from the building face.
Location	Within six (6) feet of a driveway or sidewalk; may not be closer than 15 feet from right-of-way.
Monument Signs	Standard
Maximum Number	1 per road frontage of a lot or development.
Maximum Height	6 feet.
Maximum Area (per side)	48 square feet.
Location	10 feet from existing right-of-way.
Additional Standards	Monument Signs shall not face I-94.
Projecting Signs	Standard
Maximum Number	1 per public entrance, spaced a minimum of 20 feet apart.
Maximum Area (per side)	12 square feet per sign face, maximum of 2 faces per sign
Maximum Projection	3 feet from the building face.
Location (Min. Clearance)	9 feet above the sidewalk, or below the second story windowsill or roofline of the building, whichever is lower.
Additional Standards	Must installed at a 90-degree angle from the building wall.
Wall Signs	Standard
Maximum Number, Single Tenant	1 wall sign per façade facing a street or highway, maximum 1 sign per façade.
Maximum Number, Multi-Tenant	1 sign per tenant with individual access, or 1 sign per entrance for tenants with common/shared access.
Maximum Height	The maximum vertical dimension of any wall sign shall not exceed one-third (.33) of the building height.
Maximum Area (per side)	48 square feet.
Window Signs	Standard
Maximum Number	1 per storefront.
Maximum Area	Window Signs shall not exceed one-third (.33) of the total window area of a façade.

B. Permitted Temporary Signs.

Permitted Temporary Signs, Non-Residential, T-1, and T-2 Districts	
Banner Signs	Non-Residential Uses
Maximum Number	1 per business, plus 1 per each professional design firm, lending institution, or building contractors for sites under construction, not to exceed 3 signs.
Maximum Area (per side)	32 square feet.
Maximum Duration of Display	Within 2 years of date of erection.
Location	Minimum of 10 feet from the property line.
Banner Signs	Residential Uses
Maximum Number	1 per each street frontage in a residential development.
Maximum Area (per side)	32 square feet.
Maximum Duration of Display	Within 2 years of date of erection.
Portable Signs	Standard
Maximum Number	1 per business with individual access to a sidewalk.
Maximum Height	3 feet.
Maximum Area (per side)	6 square feet.
Maximum Duration of Display	60 days.
Location	Within 15 feet of the primary building entrance door.
Yard Signs	Standard
Maximum Number	Unlimited, not to exceed a total of 32 square feet.
Maximum Height	4 feet.
Maximum Area (per side)	8 square feet.
Maximum Duration of Display	60 days.
Location	5 feet from any lot line.

SECTION 9.09

Nonconforming Signs

The continued use of legally nonconforming signs shall be permitted, shall be subject to the standards below. Such signs shall not be enlarged, expanded, or extended, with the intent that legally nonconforming signs shall eventually be eliminated or replaced upon their natural deterioration or destruction.

- A. Structural Changes.** The faces, supports, or other parts of legally nonconforming signs shall not be structurally changed or enlarged unless the resulting changed, altered, substituted, or enlarged sign conforms to the standards of this Ordinance.
- B. Destruction.** Legally nonconforming signs that have been destroyed or damaged by more than 50 percent (50%) of the replacement cost shall not be reconstructed except in conformity with the standards of this Ordinance.
- C. Site Plan Review.** On any site on which a site plan is approved, all legal nonconforming signs shall be brought into compliance with the standards of this Ordinance.

SECTION 9.10

Sign Permit Process

- A. Permit Required.** Unless otherwise exempted by this Article, it shall be unlawful for any person to erect, re-erect, alter or relocate any sign without first obtaining a permit in accordance with the provisions set forth in this Article. A permit shall require the payment of a fee in accordance with the schedule adopted by resolution of the City Council. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- B. Applications.** Applications for sign permits shall be made on forms provided by the Planning and Zoning Administrator and shall contain the following information:
 - (1) **Application and Fee.** A signed and completed Sign Permit Application and fee in accordance with [Section 14.06](#).
 - (2) **Applicant Information.** Name, address, and phone number of applicants.
 - (3) **Location.** Location of the building, structure, or lot on which the sign is to be attached or erected.
 - (4) **Zoning.** The zoning district in which the sign is to be located.
 - (5) **Position of Sign.** Position of the sign on the building, structure, or lot on which the sign is to be attached or erected. Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way, existing or proposed.

- (6) *Sign Specifications.* Two (2) copies of the plans and specifications and method of construction and attachment to the building or the ground.
- (7) *Sign Erector Information.* Name and address of the sign erector.
- (8) *Landscape Plan.* A landscaping plan for the area surrounding the sign base, if applicable.

C. Application Review

- (1) *Planning and Zoning Administrator Review.* The Planning and Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed or the only proposed construction is interior to the building.
- (2) *Issuance of Permit.* Following review and approval of a sign application by the Planning Commission or Planning and Zoning Administrator, the Planning and Zoning Administrator shall issue a sign permit.

D. Permit Expiration. A sign permit shall become null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

SECTION 9.11

Appeals

Any party who has been denied a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with [ARTICLE 15](#) of this Ordinance. In determining whether a variance is appropriate, the Zoning Board of Appeals shall consider any extraordinary circumstances, such as those listed below:

- A.** Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
- B.** Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- C.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

SECTION 9.12

Violations

A violation of any provision or requirement of this Article is subject to enforcement and the penalties set forth in [Section 14.09](#) in addition to the penalties set forth herein.

SECTION 9.13

Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

SECTION 9.14

Substitution Clause

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this ordinance.

ARTICLE 10. OPTIONAL DEVELOPMENT STANDARDS

SECTION 10.01

Planned Unit Development

A. Purpose and Intent. The intent of this Section is to implement the provisions of Public Act 110 of 2006, as amended, authorizing the use of a Planned Unit Development (“PUD”) to allow regulatory flexibility in the consideration of proposed developments within the City consistent with the requirements of the City's Master Plan. It is the intent of the City that the standards of the zoning ordinance may be increased, decreased, waived, or otherwise modified under the provisions of this Section. The objectives of PUDs are as follows:

- (1) Provide flexibility in regulation of land development.
- (2) Encourage innovation in site planning and development, especially in housing.
- (3) Encourage the mixing of commercial, educational, and recreational facilities conveniently located in relation to housing.
- (4) Conserve natural features and encourage provision of open space.
- (5) Provide for the appropriate redevelopment or re-use of historic sites or parcels occupied by prior or obsolete non-residential uses.
- (6) Provide other recognizable benefits beyond those afforded by development which adheres to the minimum requirements of the underlying zoning classification applicable to the property.

B. Qualifying Conditions. A PUD shall not be accepted for consideration unless the following requirements are met:

- (1) The application must demonstrate that the proposed PUD site or area is one of the following.
 - a) A site recommended for Planned Unit Development or identified as an “Opportunity Site” in the City of Chelsea Master Plan.

- b) An area(s) indicated in the Master Plan as having significant natural, historical, or architectural features.
 - c) A site where an innovative, unified, and planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.
 - d) An area to be annexed into the City of Chelsea.
- (2) The PUD site shall be capable of being planned and developed as one integral, comprehensive site in accordance with the approved PUD Area Plan.
- (3) A PUD may only be approved in conjunction with an approved PUD Area Plan and a written and recorded PUD agreement between the city and the property owner(s).
- (4) The proposed development must also demonstrate at least one (1) of the following conditions:
- a) The PUD contains two (2) or more separate and distinct uses, for example, single-family and multi-family dwellings.
 - b) The PUD site exhibits significant natural features encompassing more than 25 percent (25%) of the land area of the PUD which will be preserved as a result of the PUD, such as, but not limited to, dunes, wetlands, forested areas, and floodplains.
 - c) The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical.
 - d) The proposed design of the PUD includes innovative development concepts that substantially forward the purpose and intent of this Section, or permit an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.
 - e) The proposed PUD involves adaptive re-use or redevelopment of a building or site.

C. PUD Review Process. The PUD review process consists of the following procedures:

- (1) **Pre-application Conference.** Before submitting an application for approval of a PUD, the applicant may confer in a pre-application conference with the City Manager and the Planning and Zoning Administrator to obtain information and guidance regarding land development regulations, the city's Master Plan, and the application process.
- (2) **PUD Area Plan.** Prior to the pre-application conference, the applicant shall submit an area plan for the proposed PUD, containing maps and a written narrative describing the project. The plan should include enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed, and should contain sufficient detail to permit a meaningful exchange of ideas between the applicant and city staff regarding the suitability of utilizing a PUD approach to the development of the subject property.

- (3) *Optional Preliminary Review.* An applicant may request a preliminary review of the PUD Area Plan by the Planning Commission. Sufficient information regarding the proposed uses, density, intensity, road layouts, design concepts, and the relationship of the proposed PUD to surrounding area must be provided. The Planning Commission shall take no formal action during preliminary review.
- (4) *PUD Area Plan.* Upon completion of the pre-application conference stage, a PUD application meeting the requirements of [Section 10.01D](#) shall be submitted to the Planning Commission.
- (5) *Public Hearing.* At least one public hearing on the PUD shall be held by the Planning Commission, with notice being given in accordance with [Section 14.05A](#).
- (6) *Recommendation by Planning Commission.* After the public hearing, the Planning Commission shall make a recommendation to the City Council of approval, approval with modifications, or disapproval of the PUD, as represented by the PUD plan and accompanying materials. The Planning Commission shall prepare a report stating its conclusions on the PUD request, the basis for its recommendation, the recommendation, and any conditions relating to an affirmative recommendation.
- (7) *City Council Review of PUD Area Plan.* Upon receipt of the Planning Commission's recommendation, the City Council shall make a decision on the PUD application. The City Council may deny, approve, or approve with conditions the proposed PUD. The City Council shall prepare a report stating its conclusions on the PUD application, the basis for its decision, the decision, and any conditions relating to an affirmative decision. Upon approval by the City Council, the property shall be rezoned to the PUD District and developed in accordance with the approved PUD Area Plan. The City Council shall execute the PUD agreement with the applicant in concert with approval of the application.
- (8) *PUD Site Plan Review.* Following City Council approval of the PUD Area Plan, a Final Site Plan shall be submitted for Planning Commission review pursuant to [Section 12.04](#) for each phase(s) of an approved PUD plan.
- (9) *Enforcement.* The Planning and Zoning Administrator shall review all Zoning Compliance Permits for an approved PUD project for compliance with the terms of the approved PUD agreement, and any other applicable codes and ordinances.

D. PUD Area Plan Submittal Requirements. The PUD Area Plan application shall include all the following information, unless the Planning and Zoning Administrator determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- (1) *Application Form and Required Fee.*
- (2) *Project Narrative.* A narrative describing the proposed project, including the period of time within which it is contemplated the project and all phases will be completed.
- (3) *PUD Area Plan.* An area plan showing a layout of the uses and structures in the PUD and their locations. The plan shall include all information required in [Section 12.03B](#). The Planning Commission may waive requirements or require additional information that may be reasonably necessary for a full and complete consideration of the proposed PUD and its impact on the immediately surrounding area and the City as a whole.

- (4) **Easements.** Written verification of access easements or agreements, if applicable.
 - (5) **Community Impact Statement.** The application for PUD review shall include a community impact statement. The statement shall be derived from a study of the city based on information from the following community elements:
 - a) Planning and zoning issues, including conformance with the Master Plan, Zoning Ordinance, and other applicable City codes and policies.
 - b) Land development issues, including topographic, soil conditions, and site safety concerns.
 - c) Private utilities consumption, including electrical needs and natural gas utilization.
 - d) Noise level conditions.
 - e) Air quality conditions.
 - f) Environmental design and historic values including visual quality and historic resources.
 - g) Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.
 - h) Public safety needs, including police, fire and emergency medical services.
 - i) Open space landscaping and recreation, including cultural elements.
 - j) Traffic impacts.
 - (6) **Draft PUD Agreement.** Draft PUD agreement between the City and the applicant, which shall include, among other items, a provision as to such revisions to the site plan that may be approved administratively by the Planning Commission, any specific terms and conditions relating to an approved PUD including specific terms relating to the administration of the project.
- E. Regulatory Flexibility.** The City Council may increase, decrease, waive, or otherwise modify the current standards within the zoning ordinance including, but not limited to: use, density, intensity, setbacks, building heights, parking, project design standards of [Section 10.01F](#), and landscape standards provided the modification is found to improve the quality of development above and beyond what could be developed under the underlying zoning, or results in a higher level of public benefit, and to achieve the purpose of this article.
- F. Project Design Standards.** The following standards are intended as guidelines and may be modified by the City under the provisions of [Section 10.01E](#).
- (1) **Use.** The uses proposed shall be consistent with the city's master plan or the approved PUD Area Plan.
 - (2) **Density.** Permitted density for projects shall be based on the type of uses proposed, in accordance with the following standards. The City may permit an increase in density for projects that demonstrate a significant public benefit.

- a) For areas of detached single-family housing, six (6) dwelling units per acre.
 - b) For areas of two-family or multi-family housing, 12 dwelling units per acre.
 - c) For areas with a mix of housing types or residential and non-residential uses, appropriate density and lot sizes shall be determined by the City Council following review by the Planning Commission, considering the requirements of such districts.
- (3) *Open Spaces and Recreation Areas.* For sites greater than five (5) acres in size, at least 20 percent (20%) of the total PUD acreage shall be open space, recreation area, and/or natural preservation area. On sites that less than or equal to five (5) acres, at least 20,000 square feet of open space shall be provided. For site less than or equal to five (5), balconies, rooftop decks, green roofs, swimming pools, and other community amenities may be counted towards the open space requirement.
 - (4) *Impact on Surrounding Uses.* The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
 - (5) *Parking.* The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by the zoning ordinance. The PUD may take advantage of shared parking, parking waivers or banked parking as permitted by [ARTICLE 8](#). The Planning Commission or City Council may further adjust the required number of parking spaces if other factors exist that would support an additional waiver. All streets and parking areas within the Planned Unit Development shall meet the minimum construction and other requirements of City ordinances, unless modified by the City Council.
 - (6) *Landscaping.* Existing landscaping shall be preserved and/or improved or additional landscaping be provided to ensure that proposed uses will be adequately buffered, where buffering is appropriate from one another and from surrounding public and private property. The quality and/or quantity of landscaping materials shall meet or exceed the minimums otherwise required by the zoning ordinance.
 - (7) *Existing Features.* The PUD plan shall demonstrate that the plan will preserve significant natural, historical, and architectural features, if any, and the integrity of the land to the best of the applicant's ability.
 - (8) *Utilities.* Public water and sewer facilities shall be available or shall be provided for by the applicant as part of the site development.
 - (9) *Circulation.* Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and into the site shall be provided.
 - a) Drives, streets, and other elements within the property shall be designed to promote safe and efficient traffic operations within the site and at its access points.
 - b) Circulation patterns should complement and reflect rectilinear street grid layout of the City.

- c) Sidewalks or multi-purpose paths shall be provided along public streets and within the development to provide safe and efficient non-motorized circulation.

G. Status of City Council Approval.

- (1) Approval of a PUD Area Plan shall allow the applicant and any subsequent owners of the PUD property the right to utilize the property included in the approved PUD in accordance with the approved PUD Area Plan and executed PUD Agreement. The PUD Agreement shall be executed and recorded at the County Register of Deed's office prior to construction. The provisions of the PUD Area Plan and PUD Agreement shall prevail over any inconsistent provisions of the Zoning Ordinance or any other City ordinance.
- (2) An approved site plan shall take precedence over the approved PUD Area Plan for the area of the approved site plan. Site plan approval shall be granted only upon a determination by the Planning Commission that a proposed site plan is consistent with all of the terms of the approved PUD Agreement.
- (3) Performance guarantees shall be provided in accordance with [Section 14.07](#).
- (4) The Planning and Zoning Administrator shall review all Zoning Compliance Permits for an approved PUD project for compliance with the terms of the approved PUD Agreement, and any other applicable codes and ordinances.
- (5) The Planning and Zoning Administrator or their designee shall inspect the development at each stage to ensure reasonable compliance with the conditions of the approved PUD Area Plan or approved site plans, as applicable.

H. Site Plan Review. For the total PUD or for each phase of the PUD for phased developments, a Final Site Plan Review is required in accordance with [ARTICLE 12](#) prior to the issuance of a Zoning Compliance Permit. The site plan submittal shall include all of the information required by [Section 12.04](#).

I. Expiration of Plan Approvals.

- (1) Approval of a PUD Area Plan shall expire within five (5) years of the PUD agreement is recorded. For phased plans, the PUD Area Plan shall remain effective for an additional two (2) years after each subsequent Final Site Plan approval for which building permits are acquired.
- (2) Approval of a Final Site Plan for a PUD shall expire within the timeframe specified in [ARTICLE 12](#).
- (3) The applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a Planned Unit Development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved PUD Area Plan.

- (4) Should the approved PUD Area Plan or Site Plan expire, the Planning Commission may require the applicant to file a new PUD Area Plan or Final Site Plan for review, or the applicant may petition the Planning Commission for a one-year extension prior to expiration. If an approved Site Plan has expired, no permits for any development of the property shall be issued until the applicable requirements of this section have been met.

- J. Revocation or Changes.** The City Council, upon a breach of the PUD Agreement, may revoke a PUD or any portion thereof. Revocation of any portion of a PUD shall revert that portion of the PUD to the status and requirements of the original zoned district, without benefit of the PUD provisions. Amendments to an approved PUD Area Plan, other than those considered a part of Site Plan Review, must be processed in the same manner as the original PUD procedure.
- K. Modifications during Construction.** Any changes in approved plans during construction shall be subject to the provision of [Section 12.07](#).
- L. Violations and Enforcement.** Any violation or deviation from an approved PUD Area Plan or written conditions, except as authorized in this section, shall be considered a violation of [Section 10.01G](#) and treated as a violation of this section. Furthermore, any such deviation may be grounds to invalidate the PUD designation.
- M. Appeals.** The Zoning Board of Appeals shall not have the authority to change specific PUD written conditions, or make interpretations to an approved Site Plan, which right is reserved to the City Council. In considering an appeal or interpretation of an approved PUD, the City Council may request input from the Planning Commission.

SECTION 10.02

Cluster Development

- A. Purpose and Intent.** The purpose of this Section is to allow for an alternative development option for single-family residential development that promotes creativity in design and increased preservation of open space. At the option of the landowner, this Section allows for the same number of dwelling units to be built on a portion of the land, with the remainder of land set aside as open space. To accomplish this, modifications to the single-family residential development standards may be permitted.
- B. Qualifying Conditions.** Land may be developed under the provisions of this Section only if each of the following conditions is satisfied:
 - (1) The land is located in the R-1 District or within an area annexed or to be annexed into the City.
 - (2) At least 20 percent (20%) of the land proposed for development shall remain in a perpetually undeveloped state. For purposes of this Section, "undeveloped state" means a natural state preserving the natural resources, natural features, or scenic or wooded conditions of the land, agricultural uses, passive or active open space, or a similar use or condition.

- (3) The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension.
- (4) The Cluster Development Option shall not have previously been exercised on the subject site.

C. Permitted Density.

- (1) Permitted density shall be based on the percentage of the overall site preserved as open space. The maximum permitted density shall be 50 percent (50%) higher than what would otherwise be permitted under existing zoning regulations.

Open Space	Permitted Density (Dwelling Units/Acre)
20%	6 d.u./ac
30%	7 d.u./ac
40%	8 d.u./ac
50%	9 d.u./ac

- (2) *Density Calculation.* The maximum number of dwelling units allowable within a cluster development shall be determined by the entire gross area of the site, including the area preserved as open space. Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.

D. Open Space Standards.

At least 20 percent (20%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state ("open space"). The following standards shall apply to the open space required pursuant to this Section.

- (1) The open space may consist of passive or active open space, including: recreational trails, picnic areas, children's play areas, dog parks, greenways, natural areas, agricultural use, or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- (2) The open space shall be available for use by all residents of the development. The open space may be, but is not required to be, dedicated to the use of the public.
- (3) Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided. Regulated wetlands or other natural feature areas need not have pedestrian access.
- (4) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- (5) The following areas shall not be considered as open space:
 - a) All areas within all public street rights-of-way.

- b) All areas within all private road easements.
- c) Any easement for overhead utility lines, unless adjacent to open space.
- d) Off-street parking areas.
- e) Detention and retention ponds.
- f) Club houses or other community buildings.

E. Development Standards.

- (1) *Compliance with Zoning District.* The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except setback and lot area requirements may be adjusted to allow for the open space preservation permitted herein.
- (2) *Uniform Lot Size.* Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
- (3) *Lot Width.* Each lot shall have a minimum width equal to no less than seventy percent (70%) of the minimum lot width specified for the zoning district in which the land is located.
- (4) *Street Grid.* The layout of new interior streets within a Cluster Development shall be designed as a connected grid network to the greatest extent possible. While not prohibited, cul-de-sacs and dead-ends are discouraged to help disperse traffic and fit with the traditional development patterns of the City.

F. Application. The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in [ARTICLE 12](#), except as otherwise provided in this Subsection.

- (1) *Site Plan.* A Site Plan for a Cluster Development shall be submitted, including the following minimum information:
 - a) The portion(s) and total acreage of the land proposed to remain in a perpetually undeveloped state and the portion(s) and acreage of the land to be used for clustered development. The percentage of each, as compared to the total site acreage, shall be indicated.
 - b) Lots and proposed building envelopes, showing the lot area, width, and yard setbacks for each lot. The size of lots may be reduced from what could otherwise be developed in the zoning district.
 - c) Location and type of all proposed non-dwelling unit structures and improvements, including but not limited to all proposed public street rights-of-way and private street easements.
 - d) Location of all public utilities, including water and sewer, to serve the development.
 - e) All other requirements for a Preliminary Site Plan, in accordance with [Section 12.04](#).

- (2) *Open Space Agreement.* A copy of the Conservation Easement, Plat Dedication, Restrictive Covenant, or other legal instrument that would run with the land to perpetually preserve the open space in an undeveloped state. The legal instrument shall:
 - a) Indicate the proposed permitted use(s) of the undeveloped open space.
 - b) Require that the open space be perpetually preserved in an undeveloped state, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.
 - c) Specify the entity or entities responsible for maintenance of the open space.
 - d) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
- (3) *Site Condominium Application.* If the Cluster Development is proposed as a Site Condominium Development, the applicant must also submit all information required under [Section 10.03](#).

G. Review Procedures.

- (1) *Planning Commission Review.* The Planning Commission shall review the Site Plan and open space preservation plan in accordance with the requirements of this Section. If a Site Plan for a Cluster Development satisfies all applicable requirements of this Section, the Planning Commission shall recommend the plan to City Council for approval.
- (2) *City Council Approval.* The City Council shall review the Cluster Development Site Plan and open space agreement and approve, approve with conditions, or deny the Cluster Development. The City Council may require performance guarantees in accordance with [Section 14.07](#) for any public improvements associated with the Cluster Development. Once approved by City Council, the open space agreement shall be recorded with the Washtenaw County Register of Deeds.
- (3) *Final Plan/Plat Approval.* Within a period of two (2) years following approval of the Cluster Development Plan by City Council, final plats and/or Final Site Plans shall be submitted. Final Site Plans shall comply with the standards of [ARTICLE 12](#) and final plats shall comply with the City of Chelsea Subdivision approval process provided in the Code of Ordinances.
- (4) *Site Condominium Approval.* If the Cluster Development is proposed as a Site Condominium Development, the applicant shall demonstrate compliance with all requirements of [Section 10.03](#), as applicable, before the City Council may approve the Cluster Development Plan. Final Site Plan approval for Site Condominium Cluster Developments shall also comply will all standards of [Section 10.03](#), as applicable.

SECTION 10.03

Site Condominium Standards

A. Approval Required. Pursuant to authority conferred by Section 141 of the Condominium Act, Preliminary and Final Site Plans for all site condominiums shall be approved by the Planning Commission. In determining whether to approve a Site Plan for a Site Condominium, the Planning Commission may consult with the Planning and Zoning Administrator, City Attorney, and City Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

B. General Requirements.

- (1) No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a Final Site Plan has been approved, except with express permission of the Planning Commission. No permits for erosion control, building construction, grading, or installation of water or sanitary sewage facilities shall be issued for property in a Site Condominium Development until a Final Site Plan has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
- (2) If a building, structure, or use to be placed on a condominium lot requires Site Plan approval, a Site Plan for that building, structure, or use shall be approved in accordance with [ARTICLE 12](#), herein, before a Zoning Compliance Permit may be issued.
- (3) The Planning Commission shall have the authority to review and approve or deny preliminary and Final Site Plans for site condominiums.
- (4) Preliminary and Final Site Plans shall be submitted, reviewed, and approved or denied in accordance with [ARTICLE 12](#), herein, provided however, that Preliminary and Final Site Plans shall not be combined for Site Condominiums.
- (5) A dimensionally stable copy of the as-built drawings shall be submitted to the City Clerk and a second dimensionally stable copy shall be recorded with the Washtenaw County Register of Deeds.
- (6) Each condominium unit shall be located within a zoning district that permits the proposed use(s).
- (7) For the purpose of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a Site Condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage shall be calculated using the area of each condominium lot.
- (8) Each condominium lot shall be connected to public water and sanitary sewer facilities.
- (9) Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Planning and Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

- (10) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Planning and Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- (11) All information required by this ordinance shall be submitted to the Planning and Zoning Administrator prior to issuance of a Zoning Compliance Permit as required in [Section 14.03](#).

C. Preliminary Site Plan Requirements.

- (1) A Preliminary Site Plan shall be filed for approval at the time the notice or proposed action is filed with the City of Chelsea.
- (2) The Preliminary Site Plan shall include all land that the applicant intends to include in the Site Condominium project.
- (3) The Preliminary Site Plan shall include all information required in [Section 12.03B](#) except when the development consists only of condominium lots and not buildings or other structures at the time of site plan application, in which case only the location and dimensions of condominium lots and all required yards shall be shown on the Preliminary Site Plan.

D. Final Site Plan Requirements.

- (1) A Final Site Plan shall be filed for review for each phase of development shown on the approved Preliminary Site Plan.
- (2) A Final Site Plan for any phase of development shall not be filed for review by the Planning Commission unless a Preliminary Site Plan approved by the Planning Commission is in effect.
- (3) A final site plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in [Section 12.04B](#), except when the development consists only of condominium lots and not buildings or other structures at the time of site plan application, in which case only the location and dimensions of condominium lots and all required yards shall be shown on the final site plan.
- (4) The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements in the Site Condominium development. The Planning Commission shall not approve a final site plan until each County and State agency having jurisdiction has approved the portion(s) of the final site plan that is subject to its jurisdiction.

E. Revision of Condominium Subdivision Plan. If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denied by the Planning Commission before a Zoning Compliance Permit may be issued, where such permit is required.

- F. Streets.** All streets proposed for any Site Condominium shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the City of Chelsea Department of Public Works.
- G. Amendment to Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any Zoning Compliance Permit may be issued, where such permit is required. The Planning Commission may require its review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- H. Development Agreement.** The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the City of Chelsea, incorporating the terms and conditions of final site plan approval, and recorded with the Washtenaw County Register of Deeds.
- I. Construction Located in General Common Element.** Any application for Zoning Compliance Permit for construction to be located in a general common element shall include written authorization by the Condominium Association.
- J. Monuments and Lot Irons.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The City Engineer may grant a delay in setting of required monuments or irons for reasonable time, but not to exceed one year, on condition that the applicant deposit with the City Clerk cash, a certified check, or any irrevocable bank letter of credit running to the City of Chelsea, whichever the applicant selects, in an amount as determined from time to time by resolution of the Chelsea City Council. Such deposit shall be returned to the applicant upon receipt of a certificate by a surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.
- K. Rights-of-Way and Utility Easements.** All right-of- ways and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-ways and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The applicant may dedicate to the City of Chelsea all easements for public water, sanitary sewer lines and appurtenances, and electrical utilities. Streets may be dedicated to the City of Chelsea and shall be constructed in accordance with the standards of the City of Chelsea. Water, sewer and electrical easements may be placed within streets, subject to the approval of the City Engineer and the standards of the City of Chelsea.
- L. Improvements.** All improvements in a Site Condominium shall comply with the requirements of this Section as adopted by the Chelsea City Council and any amendments thereto.

ARTICLE 11.

SPECIAL USE PERMITS

SECTION 11.01

Purpose

It is the intent and purpose of this Article to:

- A.** Recognize that there are certain uses that may be necessary or desirable to allow in certain locations within zoning districts but which, due to their actual or potential impact on neighboring uses or public facilities, need to be more-carefully reviewed with respect to their location, design, and operation.
- B.** Establish the procedures and standards for review of special uses.
- C.** Provide a mechanism for public input on decisions involving special uses;
- D.** Promote a planned and orderly development pattern that can be adequately served by public facilities and services in a cost-effective manner.
- E.** Provide flexibility to integrate land uses within the City.

SECTION 11.02

Authority to Grant Permits

The authority to approve, approve with conditions, or deny a special use shall be with the Planning Commission. Its decision shall be final and may not be appealed to the Zoning Board of Appeals.

SECTION 11.03

Application Requirements

The applicant shall submit a complete and accurate Special Use Application. A Special Use Application shall contain the following information:

- A. *Application and Fee.* A signed and completed site plan application and fee in accordance with [Section 14.06](#). No fee shall be required of any governmental body or agency.
- B. *Applicant Information.* The applicant's name, address, telephone number.
- C. *Proof of Ownership.* Names and addresses of all record owners and proof of ownership.
- D. *Interest in the Property.* The applicant's interest in the property. If the applicant is not the fee simple owner, the applicant shall also submit a signed, notarized authorization from the owner(s) for the application.
- E. *Legal Description.* Legal description, address, and tax parcel number of the property.
- F. *Site Survey.* A scaled and accurate survey drawing, correlated with the legal description and showing all existing and proposed buildings, and types thereof and their uses.
- G. *Description of Use.* A detailed description of the proposed use and statement supporting data, exhibits, information and evidence regarding required findings set forth in this Ordinance.
- H. *Site Plan.* A Preliminary Site Plan as provided in [Section 12.02](#) herein. If no exterior or site modifications are proposed, only a sketch plan shall be required.
- I. *Vicinity Map.* A vicinity map showing the surrounding land use and zoning.
- J. *Additional Materials.* Any additional information the Planning Commission finds necessary to make the determinations required herein.

SECTION 11.04

Public Hearing Notice

The Planning Commission shall hold a public hearing on each application for a special use permit. Notice of the public hearing shall be made in accordance with [Section 14.05A](#).

SECTION 11.05

Planning Commission Review

- A. *Preliminary Review.* The applicant may request a preliminary working session to review plans with the Planning Commission before submitting an application. The Planning Commission shall take no formal action during the preliminary review.

- B.** *Planning Commission Action.* The Planning Commission shall review the Special Use Application in consideration of all information received and compliance with the standards of [Section 11.06](#) and other applicable standards of this Ordinance. The Planning Commission shall approve, approve with conditions, or deny the application by resolution. The resolution shall contain the Planning Commission's findings on the applicable ordinance standards. If conditions are imposed, plans or other information illustrating compliance with the conditions shall be submitted and approved by the Planning and Zoning Administrator prior to the issuance of a Zoning Compliance Permit.

SECTION 11.06

Standards for Review

The Planning Commission shall make findings with respect to the following standards in making a determination on a Special Use Application. The planning Commission shall approve a Special Use Permit if all the following standards are met.

- A.** All information required in [Section 11.03](#) has been provided.
- B.** The proposed special use shall be compatible with and in accordance with the policies and objectives of the City's Master Plan.
- C.** The proposed special use shall promote the intent and purpose of this Ordinance, ensure that the use is consistent with the public health, safety, and welfare of the City, and comply with all applicable regulations and standards of this Ordinance.
- D.** The proposed special use shall be designed, constructed, operated and maintained to be compatible with existing or planned uses of surrounding areas.
- E.** The location and design of the proposed special use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
- F.** The effects of the proposed special use on the natural environment shall be within acceptable limits in comparison to the effects that would result from uses permitted by right in the district.
- G.** The proposed special use shall be adequately served by public facilities and services. The special use shall not create additional public costs for facilities and services.
- H.** The proposed special use shall comply with all other applicable ordinances and State and Federal statutes and regulations.

SECTION 11.07

Action Required

- A.** Within 35 days of the public hearing date, the Planning Commission shall approve, approve with conditions, or deny a Special Use Application.
- B.** If the Planning Commission approves a Special Use Application, a Special Use Permit shall be issued to the applicant by the Planning and Zoning Administrator.
- C.** The Planning and Zoning Administrator shall not issue a Zoning Compliance Permit until the Special Use Permit has been approved by the Planning Commission.

SECTION 11.08

Effect of Approval

An approved Special Use Permit shall run with the land, unless the use is specifically determined to be temporary in nature. The approved Special Use Permit shall apply only to the land described in the permit application.

SECTION 11.09

Site Plan Approval

Preliminary Site Plan Review may be conducted simultaneously with review of a special use permit application. An approved Preliminary Site Plan shall be a part of the approved Special Use Permit.

SECTION 11.10

Maintenance

The property owner shall maintain the property in accordance with the approved Special Use Permit and site plan on a continuing basis until the property is razed, or until a new use or site plan is approved. A property owner who fails to maintain the property in accordance with the approved Special Use Permit and accompanying site plan shall be deemed to be in violation of this Ordinance, subject to [ARTICLE 14](#).

SECTION 11.11

Expansions and Changes in Use

An expansion of a use or a change in use of any approved Special Use Permit shall require a new Special Use Permit. The procedure for an expansion or change of use shall be the same as for the original application.

SECTION 11.12

Voiding or Discontinuance of a Special Use

- A. *Establishment of Use.*** An approved Special Use Permit shall become null and void unless:
- (1) The use is established within six (6) months of the date of issuance; or
 - (2) Construction is commenced within six (6) months and completed within one (1) year of the date of issuance.
- B. *Conditions Not Met.*** If the applicant has failed to comply with all conditions imposed by the Special Use Permit within the required time period, the Planning Commission may hold a public hearing to review the Special Use Permit. Should the Planning Commission determine that the applicant has not met the conditions of the Special Use Permit, it may take action to ensure compliance with the conditions or revoke the Special Use Permit.
- C. *Changes to Special Use.*** The Planning Commission may declare the Special Use Permit void after the hearing if the Commission finds that the special use has changed to the extent that it no longer meets the standards in [Section 11.06](#) and any of the conditions attached to its approval.
- D. *Operations Ceased.*** The Planning Commission may require a public hearing for an approved Special Use Permit if the use has ceased to operate continuously for at least a one (1) year period.

ARTICLE 12.

SITE PLAN REVIEW

SECTION 12.01

Site Plan Review Required

- A. Site Plan Review Required.** Except as provided elsewhere in this Ordinance, site plan approval under this Article is required for the following buildings, structures, and uses. A Zoning Compliance Permit shall not be issued nor any construction of improvements commence for any of the following activities until the Planning Commission has approved a final site plan for the application.
- (1) All multi-family and economy efficient dwellings.
 - (2) All permitted uses, principal buildings, and structures in an office, mixed-use, recreation-conservation, institutional, or industrial district.
 - (3) Any principal non-residential building or structure permitted in a residential district.
 - (4) All public uses and public utility buildings and structures, regardless of the zoning district in which the use is located.
 - (5) Any parking lot or parking lot addition containing five (5) or more parking spaces.
 - (6) Manufactured housing parks ([Section 3.10](#)).
 - (7) A principal building or structure in a Planned Events District ([Section 3.11](#)).
 - (8) Special Uses ([ARTICLE 11](#)).
 - (9) Planned Unit Developments ([Section 10.01](#)).
 - (10) Cluster Developments ([Section 10.02](#)).
 - (11) Site Condominium Developments ([Section 10.03](#)).
 - (12) Any alteration, addition, or expansion of an existing use, building, or structure that requires a site plan under the above criteria, unless otherwise specified in this Ordinance as only requiring administrative site plan or Zoning Compliance Permit review.

- B. Administrative Review.** The Planning and Zoning Administrator shall have the authority to review and approve minor site plans administratively. Administrative site plans shall be limited to the following:
- (1) A change in use, provided that no site improvements are proposed that require review by the Planning Commission.
 - (2) Change in building height that does not create new floor area.
 - (3) Decrease in building size.
 - (4) Minor changes to accommodate barrier-free regulations.
 - (5) The relocation or addition of accessory structures, including, but not limited to: fences, signs, sidewalks, refuse collection stations and enclosures, and bus stops.
 - (6) Additions to or substitutions of approved or existing landscaping.
 - (7) Change of location or type of landscape materials or site lighting.
 - (8) Internal rearrangement of parking lot that does not reduce the number of spaces.
 - (9) New fire escape.
 - (10) Accessory structure, or deck, porch, patio, or balcony without utility services.
 - (11) The Planning and Zoning Administrator may refer site plans for any of the above to the Planning Commission for review and approval.

SECTION 12.02

Application Procedures

- A. Site Plan Application Requirements.** Every site plan required by this Zoning Ordinance shall be in accordance with the requirements of this Article to ensure that a proposed use or activity is in compliance with local, state, and federal statutes.
- B. Public Notice.** Upon receipt of an application for site plan approval, public notice shall be given in accordance with [Section 14.05B](#).
- C. Reviewing Authority.** The Planning Commission shall have authority to review and approve, approve with conditions, or deny Preliminary and Final Site Plans.
- D. Conditions of Approval.** Approval of site plans may be subject to conditions imposed by the Planning Commission which are deemed reasonably necessary to meet the purpose, intent, or requirements of this Ordinance or to protect public health, safety, and welfare.

- E. Record of Approval.** The Site Plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Planning Commission.
- F. Phasing of Development.** The applicant may divide the proposed development into two or more phases. In such cases, the Preliminary Site Plan shall cover the entire property involved and shall clearly indicate the location, size and character of each phase. A Final Site Plan shall be submitted for review and approval for each phase.

SECTION 12.03

Preliminary Site Plan

- A. Application.** Any person with legal interest in a property may apply for Preliminary Site Plan approval by filing completed forms, the review fee, and a minimum of five (5) hard copies and one (1) digital copy of the Preliminary Site Plan drawing(s) with the Planning and Zoning Administrator. The Planning and Zoning Administrator upon receipt of a complete application shall transmit the Preliminary Site Plan drawings to the Planning Commission prior to its next regular meeting.
- B. Information Required.** Every Preliminary Site Plan submitted for review shall provide the information listed below:
- (1) **Application and Fee.** A signed and completed Site Plan Application and fee in accordance with [Section 14.06](#).
 - (2) **Scale, North Arrow, and Date of Plans (including revisions).** The Site Plan shall be at a scale between 1" = 20' and 1" = 200' and of such accuracy that the Planning Commission can readily interpret the plan.
 - (3) **Applicant and Owner Information.** Property owner's name and address; applicant's name, address, and interest in property; and owner's signed consent if applicant is not the owner.
 - (4) **Professional Seal.** All plans shall be prepared and sealed or signed by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
 - (5) **Vicinity Map and Legal Description.** A vicinity map, legal description of site, and dimensions and lot area. Where a metes and bound description is used, lot line angle or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor.
 - (6) **Surrounding Area.** Existing use and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots other improvements on adjacent properties.
 - (7) **Existing Zoning.** Zoning classification of property; required yards; required parking; required accessible parking spaces; and required lot and impervious coverage.

- (8) *Existing Improvements.* Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches, bridges, and culverts; clear indication of all improvements to remain and to be removed; and deed restrictions, if any.
- (9) *Existing Streets.* Name and right-of-way of existing streets on or adjacent to the property; surface type and width of streets; and spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
- (10) *Existing Utilities.* Existing public utilities on or serving the property; location and size of water lines and hydrants; location size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields and location of exterior HVAC equipment.
- (11) *Proposed Improvements.* Proposed use(s); proposed parking; proposed accessible parking spaces; dwelling unit schedule, density of development, proposed lot area and impervious coverage; lot area per dwelling unit for residential projects; and location and size of required buffers, if applicable.
- (12) *Proposed Building and Structures.* Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or a common base point; height in feet and stories; distances between buildings; finished floor elevations and contact grade elevations.
- (13) *Architectural Details.* Architectural floor plans and elevation drawings shall be submitted that illustrate the building design and height, and describe construction materials for all proposed structures. Elevations shall be provided for all sides. The Planning Commission may require color renderings of the building. Proposed materials and colors shall be specified on the plan and color chips or samples shall be provided at the time of Final Site Plan Review. These elevations, colors and materials shall be considered part of the approved Site Plan and may not be changed without approval by the Planning Commission.
- (14) *Proposed Streets and Drives.* Location and alignment of all proposed streets and drives; right-of-way where applicable; dimensions, and slopes; location and typical details of curbs; turning lanes with details where applicable; location, width surface elevations and grades of all surface type and width and typical cross section of same showing base and sub-base materials, entries and exits; curve-radii.
- (15) *Proposed Parking.* Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces, and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- (16) *Pedestrian Circulation.* Location, width, and surface of proposed sidewalks and pedestrian ways.
- (17) *Open Space.* Location, use, size, and proposed improvements of open spaces and recreation areas; maintenance. provisions for such areas.
- (18) *Trash.* Location of proposed outdoor trash container enclosures; size, typical elevations, and vertical sections of enclosure, showing materials and dimensions.
- (19) *Landscape Plan.* Landscape plan in accordance with [Section 7.03](#).

- (20) *Rights-of-Way and Easements.* Location and width of easements and rights-of-way on the site.
- (21) *Water, Sewer, and Stormwater.* General description of proposed water, sanitary sewer, and storm drainage systems.
- (22) *Natural Features.* Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; soil information. The plan shall clearly show natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of 6-inch diameter or larger and individual evergreen trees 12 feet in height or higher that are not a part of a group of trees shall be accurately located on the plan.
- (23) *Drainage Plan.* Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degree of slope of sides of points; calculations for sizing of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone service; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks and drains fields, if on-site facilities are to be used.
- (24) *Filling and Cutting.* Areas of intended filling and cutting, including all buildings and drives; existing natural and man-made features to be retained or removed.
- (25) *Phasing.* Location and area of development phases; building program for each phase; and projected schedule of development, by phase.
- (26) *Traffic Impact Study.* A traffic impact study which evaluates current and future traffic operations at site access points and major intersections in proximity to the site may be required for any proposed development which can reasonably be expected to generate over 100) vehicle trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day.

C. Standards for Review. In reviewing a Preliminary Site Plan the Planning Commission shall consider the following standards:

- (1) That all required information has been provided.
- (2) That the applicant is legally authorized to apply for Site Plan Review.
- (3) That the proposed development as shown in the Preliminary Site Plan conforms to all regulations of the zoning ordinance for the district(s) in which it is located.
- (4) That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
- (5) That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.

- (6) That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.
- (7) That the proposed development is adequately coordinated with improvements serving the subject property and with other developments.
- (8) The proposed Site Plan and building(s) comply with the form-based development standards of [ARTICLE 5](#), if applicable.

D. Planning Commission Action. The Planning Commission shall study the plan and shall, within 100 days of its receipt of such plan approve or reject the Preliminary Site Plan. The Planning Commission may require changes in the plan, and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on a Preliminary Site Plan. The time limit may be extended upon mutual consent of the applicant and Planning Commission.

E. Effect of Approval. Approval of a Preliminary Site Plan by the Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Planning Commission may, at its discretion, and with appropriate conditions attached, authorize issuance of permits by the Chelsea Area Construction Agency for grading and foundation work on the basis of an approved Preliminary Site Plan.

F. Expiration of Approval.

- (1) Approval of a Preliminary Site Plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a Final Site Plan for all or part of the area included in the approved Preliminary Site Plan is filed with the Planning and Zoning Administrator within that time period.
- (2) If a Final Site Plan is submitted for only a part of the area included in the approved Preliminary Site Plan, successive Final Site Plans shall be filed at intervals no longer than two years from the approval of the previously approved Final Site Plan. If such period is exceeded, the approved Preliminary Site Plan will become invalid with respect to the remaining parts of the site, unless the applicant requests and is granted, by the Planning Commission, a one-year extension. The Planning Commission may grant more than one extension for good cause shown.

SECTION 12.04

Final Site Plan

A. Application. Following approval of a Preliminary Site Plan, the applicant shall submit an application form and a minimum of five (5) hard copies and one (1) digital copy of the Preliminary Site Plan drawing(s) with the Planning and Zoning Administrator. Upon receipt of a complete application, the Planning and Zoning Administrator shall transmit the Final Site Plan to the Planning Commission prior to its next regular meeting.

- B. Information Required.** Each Final Site Plan submitted for review shall provide the following information and shall meet the following specifications:
- (1) *Application.* A signed and completed Final Site Plan Application.
 - (2) *Scale, North Arrow, and Date of Plans (including revisions).* The site plan shall be at a scale between 1" = 20' and 1" = 200' and of such accuracy that the Planning Commission can readily interpret the plan.
 - (3) *Applicant and Owner Information.* Property owner's name and address; applicant's name, address, and interest in property; and owner's signed consent if applicant is not the owner.
 - (4) *Professional Seal.* All plans shall be prepared and sealed or signed by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
 - (5) *Vicinity Map and Legal Description.* A vicinity map, legal description of site, and dimensions and lot area. Where a metes and bound description is used, lot line angle or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor.
 - (6) *Surrounding Area.* Existing use and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots other improvements on adjacent properties.
 - (7) *Existing Zoning.* Zoning classification of property; required yards; required parking; required accessible parking spaces; and required lot and impervious coverage.
 - (8) *Existing Improvements.* Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches, bridges, and culverts; clear indication of all improvements to remain and to be removed; and deed restrictions, if any.
 - (9) *Existing Streets.* Name and right-of-way of existing streets on or adjacent to the property; surface type and width of streets; and spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
 - (10) *Existing Utilities.* Existing public utilities on or serving the property; location and size of water lines and hydrants; location size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields and location of exterior HVAC equipment.
 - (11) *Proposed Improvements.* Proposed use(s); proposed parking; proposed accessible parking spaces; dwelling unit schedule, density of development, proposed lot area and impervious coverage; lot area per dwelling unit for residential projects; and location and size of required buffers, if applicable.
 - (12) *Proposed Building and Structures.* Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or a common base point; height in feet and stories; distances between buildings; finished floor elevations and contact grade elevations.

- (13) *Architectural Details.* Architectural floor plans and elevation drawings shall be submitted that illustrate the building design and height, and describe construction materials for all proposed structures. Elevations shall be provided for all sides. The Planning Commission may require color renderings of the building. Proposed materials and colors shall be specified on the plan and color chips or samples shall be provided at the time of Final Site Plan review. These elevations, colors and materials shall be considered part of the approved site plan and may not be changed without approval by the Planning Commission.
- (14) *Proposed Streets and Drives.* Location and alignment of all proposed streets and drives; right-of-way where applicable; dimensions, and slopes; location and typical details of curbs; turning lanes with details where applicable; location, width surface elevations and grades of all surface type and width and typical cross section of same showing base and sub-base materials, entries and exits; curve-radii.
- (15) *Proposed Parking.* Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces, and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- (16) *Pedestrian Circulation.* Location, width, and surface of proposed sidewalks and pedestrian ways.
- (17) *Open Space.* Location, use, size, and proposed improvements of open spaces and recreation areas; maintenance. provisions for such areas.
- (18) *Fencing and Walls.* Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
- (19) *Trash.* Location of proposed outdoor trash container enclosures; size, typical elevations, and vertical sections of enclosure, showing materials and dimensions.
- (20) *Signs.* Location, type, size, area, and height of proposed signs.
- (21) *Lighting.* Lighting plan in accordance with [Section 6.07D](#).
- (22) *Landscape Plan.* Landscape plan in accordance with [Section 7.03](#).
- (23) *Natural Features.* Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; soil information. The plan shall clearly show natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of 6-inch diameter or larger and individual evergreen trees 12 feet in height or higher that are not a part of a group of trees shall be accurately located on the plan.
- (24) *Grading Plan.* Grading plan, showing finished contours at minimum interval of 2 feet, and correlation with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines, unless grading easements off-site are obtained.

- (25) *Drainage Plan.* Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degree of slope of sides of points; calculations for sizing of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone service; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks and drains fields, if on-site facilities are to be used.
- (26) *Engineering Plans.* Final engineering plans for all site improvements, such as but not limited to water, sanitary sewer systems, streets, drives, and parking lots, retention ponds and other ponds or lakes, retaining walls, are to be submitted to and approved by the City Engineer prior to Planning Commission approval of the Final Site Plan.
- (27) *Soil Erosion.* Plan for the control of soil erosion and sedimentation during grading and construction of operations and until a permanent ground cover is established. Such plan shall be approved by the designated Soil Erosion and Sedimentation Control Enforcing Agent.
- (28) *Retaining Walls.* Location of proposed retaining walls, and dimensions and materials of same, fill materials, typical vertical sections; and restoration of adjacent properties where applicable.
- (29) *Rights-of-Way and Easements.* Location and width of easements and rights-of-way on the site; Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same prior to approval of the Final Site Plan by the Planning Commission.
- (30) *Maintenance.* Management and maintenance plan for stormwater systems, open space, and landscaping.

C. Standards for Review. In reviewing the Final Site Plan, the Planning Commission shall determine whether the plan meets the following specifications and standards:

- (1) That all required information is provided.
- (2) That the Final Site Plan conforms to the Preliminary Site Plan as approved.
- (3) That the plan complies with all applicable zoning ordinance regulations.
- (4) That the plan, including all engineering drawings, meet specifications of the City for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
- (5) That any grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring property. Any erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities and services.

- (6) The proposed site plan and building(s) comply with the form-based development standards of [ARTICLE 5](#), if applicable.

D. Planning Commission Action. The Planning Commission shall study the Final Site Plan and within 100 days of its receipt of said plan shall approve, approve with conditions, or deny the Final Site Plan. This time limit may be extended upon mutual consent of the applicant and the Planning Commission.

- (1) The Planning Commission may include in its study of the site plan, consultation with the Planning and Zoning Administrator, the City Fire Chief, the City Engineer, other governmental officials and departments, and public utility companies that might have an interest in areas being affected by the proposed development. All engineering drawings and plans shall be approved by the City Engineer before a Final Site Plan shall be approved.
- (2) The Commission may suggest and/or require changes or modifications in the proposed site plan as are needed to gain approval.
- (3) If the Final Site Plan is denied, the Planning Commission shall notify the applicant in writing of such action and reasons therefore, within 10 days following such action.

E. Approved Plans. After Planning Commission approval of a Final Site Plan, the applicant shall submit the required number sets of the Final Site Plan to the Planning and Zoning Administrator which show all the changes required by the Planning Commission for approval.

- (1) The Planning and Zoning Administrator shall review the plan for compliance with all conditions and design criteria.
- (2) If the plan is approved after review, the Planning and Zoning Administrator shall stamp and sign the plans.

F. Effect of Approval.

- (1) *Sites with Buildings.* Approval of a Final Site Plan authorizes issuance of a Zoning Compliance Permit and building permits, provided all conditions of approval and other requirements for a building permit have been met.
- (2) *Sites without Buildings or Structures.* In the case of uses without buildings or structures, approval of a Final Site Plan authorizes issuance of a Zoning Compliance Permit and a Certificate of Occupancy, provided all other requirements for such certificate have been met.

G. Expiration of Approval.

- (1) *Building Permits.* Approval of a Final Site Plan shall expire and be of no effect 180 days following the date of approval, unless the applicant has obtained a building permit.
- (2) *Construction Initiated.* Approval of a Final Site Plan shall expire and be of no effect 545 days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved Final Site Plan.

- (3) **Extensions.** The approval period may be extended by the Planning Commission for a period not to exceed one (1) year, upon written application for an extension by the applicant. The Planning Commission may approve more than one extension for good cause shown.

H. Violations. Any development that does not comply with the approved Final Site Plan, except as provided in [Section 12.07](#) or [Section 12.06C](#), shall be in violation of this Zoning Ordinance as described in [Section 14.09](#).

SECTION 12.05

Combining Preliminary and Final Site Plans

- A.** An applicant may, at their discretion and risk, and with approval of the Planning Commission, combine a Preliminary and Final Site Plan in application for approval. The Planning Commission shall have the authority to require submittal of a Preliminary Site Plan separate from a Final Site Plan, where, in its opinion, the complexity and/or size of the proposed development is so warranted.
- B.** A Preliminary and Final Site Plan shall not be combined for any development consisting of two or more phases.

SECTION 12.06

Amendments to Approved Site Plans

- A.** All site improvements shall conform to the Final Site Plan. A site plan may be amended upon application and in accordance with the procedures and requirements of [Section 12.03](#) for a Preliminary Site Plan or [Section 12.04](#) for a Final Site Plan.
- B. Major and Minor Amendments.** The Planning and Zoning Administrator shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved preliminary or Final Site Plan.
 - (1) All major amendments shall be reviewed by the Planning Commission.
 - (2) Minor amendments may be reviewed administratively in accordance with [Section 12.06C](#).
 - (3) Minor changes in a Preliminary Site Plan may be incorporated into a Final Site Plan without an amendment to the approved Preliminary Site Plan, at the discretion of the Planning Commission.
- C. Administrative Approval of Site Plan Amendments.**
 - (1) A minor amendment to a site plan may be approved administratively if the change will not significantly alter or will not conflict with the condition of the site plan approval and complies with the zoning ordinance, which includes, but is not limited to:

- a) Any activity listed in [Section 12.01B](#).
 - b) Minor changes, as determined by the Planning and Zoning Administrator, that are required during construction due to the requirements of other governmental agencies.
 - c) Moving a building no more than 10 feet or five percent (5%) of the distance to the closest property line, whichever is smaller, from its location in an approved site plan.
 - d) Minor changes to the design of the building or structure that do not result in the need for a waiver, as identified in [ARTICLE 5](#).
 - e) The Planning and Zoning Administrator shall have the authority to determine if a proposed change is substantially similar to the above and may be reviewed administratively.
- (2) If the amendment is not approved administratively, the applicant shall have the right to appeal to the Planning Commission.

SECTION 12.07

Modifications During Construction

- A.** All site improvements shall conform to the Final Site Plan. "Improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission in the granting of approval for special use, Planned Unit Developments, or site plans, to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project areas, including roadways, lighting, utilities, sidewalks, screening, landscaping, grading and drainage.
- B.** If the applicant makes any changes during construction in the development in relation to the approved Final Site Plan, they shall do so at their own risk, without any assurance that the Planning Commission will approve the changes.
- (1) It shall be the responsibility of the applicant to notify the Planning and Zoning Administrator and the Chelsea Area Construction Agency of any such changes.
 - (2) Upon finding by the Planning and Zoning Administrator or Chelsea Area Construction Agency that such changes do not represent substantial conformance with the approved site plan, the applicant shall be referred to the Planning Commission for approval of the changes.
 - (3) The Planning Commission may give the applicant approval to proceed or may require the applicant to correct the changes so as to conform to the approved Final Site Plan, and shall notify the applicant within 30 days of any required corrections.

SECTION 12.08

Inspection

- A.** The Planning and Zoning Administrator shall be responsible for inspecting all improvements for conformance with zoning regulations. All other improvements shall be inspected by the appropriate department, inspector or agency as needed. The Planning and Zoning Administrator may obtain inspection assistance from the Chelsea Area Fire Authority, Chelsea Area Construction Agency, City Engineer, and other departments as needed.
- B.** Fees for required inspections shall be provided as established by resolution of City Council, in accordance with [Section 14.06](#).

SECTION 12.09

As-Built Drawings

- A.** The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a Final Site Plan was approved. The drawings shall be in the form of dimensionally stable originals and electronic files. The drawings shall be submitted to the Planning and Zoning Administrator and shall be approved by the City Engineer prior to the release of any performance guarantee or part thereof covering such installations or prior to issuance of a Certificate of Occupancy.
- B.** The as-built drawings shall show, but not be limited to, such information as:
 - (1) The exact size, type and location of pipes, location and size of manholes, and catch basins.
 - (2) Location and size of valves, fire hydrants, tees and crosses.
 - (3) Depth and slopes of retention basins.
 - (4) Location and type of other utility installations.
- C.** The drawings shall show plan and profile views of all sanitary, storm sewer lines and plan views of all water lines.
- D.** The as-built drawings shall show all work as actually installed and as field verified by a registered engineer or his/her representative. The drawings shall be identified as "as-built drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's representative and shall bear the seal and signature of a professional engineer.

ARTICLE 13. NONCONFORMITIES

SECTION 13.01

General Provisions

- A.** Lots, structures, and uses of land and structures that were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or its future amendments, may continue until they are discontinued, damaged, or removed, subject to the provisions of this Article.
- B.** These nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land, lots, and structures in the district in which they are located. Nonconformities shall not be enlarged, expanded, or extended except as provided in this Article. Nonconformities shall not be used as grounds for adding other lots, structures, or uses prohibited elsewhere in the same district.
- C.** Any nonconformity that cannot be proved to have legally existed prior to the Effective Date of this Ordinance shall be in violation of this Ordinance as specified in [Section 14.09](#) and shall be brought into compliance or discontinued.

SECTION 13.02

Nonconforming Uses of Land

Where, on the Effective Date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permitted by this Ordinance, such use may be continued, subject to the following provisions:

- A.** No nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the Effective Date of adoption or amendment of this Ordinance. No accessory use or structure shall be established as incidental to a nonconforming use.
- B.** No nonconforming use of land shall be moved in whole or in part to any other portion of the land on which it is located.

- C. If a nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such land shall conform to the regulations and provisions of this Ordinance for the district in which such land is located.

SECTION 13.03

Nonconforming Structures

- A. A nonconforming structure shall be a structure that was lawful prior to the date of adoption or amendment of this Ordinance and which, as a result of the adoption or amendment, does not conform to the regulations for lot area, lot width, lot coverage, height, buffers, off-street parking or loading, setbacks, or impervious coverage.
- B. Single-Family Dwellings and Accessory Structures.**
- (1) Nonconforming single-family dwellings and their accessory structures may be continued, replaced, repaired, or remodeled.
 - (2) A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards:
 - a) The dwelling is a permitted use in the district in which it is located.
 - b) Any expansion shall meet required yard/setback, lot coverage, and impervious surface requirements of the zoning district in which it is located.
- C. Nonconforming Structures in All Other Zoning Districts.**
- (1) *Continuation.* A nonconforming structure in any zoning district may continue after the date of adoption or amendment of this ordinance, subject to the following standards.
 - a) A nonconforming structure that is damaged by any means to an extent of more than 50 percent (50%) of its replacement cost, shall not be reconstructed except in conformity with the regulations of the district in which it is located.
 - b) Any nonconforming structure that is damaged to an extent of 50 percent (50%) or less of its replacement cost, may be reconstructed in its location existing prior to such damage, provided reconstruction is commenced within one year of date of damage and is diligently pursued to completion. Failure to commence reconstruction within one (1) year shall result in the loss of legal nonconforming status.
 - (2) *Alteration or Expansion.* All other nonconforming structures in any zoning district may be altered or expanded if the modifications do not increase the nonconformity. If the proposed modifications increase the nonconformity of the structure, it shall be permitted only if a variance is granted by the Zoning Board of Appeals.

- D.** A nonconforming structure may be altered to fix its nonconformity. Any nonconforming conditions that are removed may not be re-established.
- E.** A nonconforming structure that is moved shall conform to the regulations of the district in which it is located.

SECTION 13.04

Nonconforming Uses of Structures

A lawful use of a structure that existed on the date of adoption or amendment of this Ordinance that is no longer permissible under the regulations of this Ordinance may continue so long as it remains otherwise lawful subject to the following provisions.

- A.** A nonconforming use of a structure may be expanded into a part of a structure that was originally designed and constructed for such use, provided that no structural alterations are made, the floor area of the structure is not increased, and the use is not extended to occupy any land outside the structure. No other enlargement, expansion, extension, or alteration of a nonconforming use of a structure shall be permitted. When a nonconforming use of a structure is discontinued or abandoned for more than 180 consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- B.** Ordinary repairs or replacement of nonbearing walls, fixtures, wiring or plumbing, may be performed on a structure or building devoted to any nonconforming use under the following conditions:
 - (1) The cost of the work, within a 12-month period, does not exceed 10 percent (10%) of the current replacement value of the structure or building.
 - (2) The volume of the structure or building shall not be increased.
 - (3) The number of dwelling units, if it is a residential structure, shall not increase.
- C.** If a structure containing a nonconforming use is moved for any reason and of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- D.** If a structure devoted in whole or in part to a nonconforming use is destroyed by any means to an extent of more than 50 percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed or devoted to any use except in conformity with the regulations of the district in which it is located.
- E.** A nonconforming use that is replaced by a use that is permitted in the district in which is located shall not be resumed.

SECTION 13.05

Nonconforming Lots

The following regulations shall apply to any lot which was lawful at the time of the Effective Date of adoption or amendment of this Ordinance, but does not comply with all the provisions of this Ordinance.

- A.** A nonconforming lot may be used for a use that is permitted in the zoning district in which it is located, provided:
 - (1) The use complies with the applicable yard/setback, floor area, lot coverage, and impervious surface regulations of the district in which it is located.
 - (2) The applicant submits evidence that the lot was not under contiguous single ownership with other lots that could have been combined to create a conforming lot.
- B.** If a use cannot comply with [Section 13.05A](#), the use may be permitted only if a variance is granted by the Zoning Board of Appeals.
- C.** Any nonconforming lot of record that is contiguous and in the same ownership as another lot shall be considered to be an undivided lot and one (1) zoning lot. If the contiguous lots, treated as one (1) zoning lot, are still nonconforming, that lot may be used for a permitted use in the district in which is located, subject to the standards in [Section 13.05A\(1\)](#). Such zoning lot may be divided only if each lot that would result from the division complies with all regulations of the zoning district in which it is located.

SECTION 13.06

Nonconformities and Site Plan Review

The Planning Commission may require, as part of its review of a site plan, the applicant to bring the site into partial or complete compliance with standards such as, but not limited to, landscaping, building design, drainage, or exterior lighting standards in this Ordinance. The extent of compliance shall be reasonable in relation to the size and cost of the building or other site improvements proposed in the site plan.

SECTION 13.07

Change of Tenancy or Ownership

An existing nonconforming use, building, or structure may have a change of tenancy, ownership, or management, provided there is no change in the nature or character of such nonconforming use, building or structure.

SECTION 13.08

Unsafe Structures

Nothing in this Ordinance shall be deemed to prevent the improvement, maintenance or reinforcement of a building or structure declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.

SECTION 13.09

Nonconformities Created by Form-Based Development Standards

- A.** Buildings or lots existing prior to the Effective Date of adoption of the Form-Based Development Standards might have become nonconforming with respect to one or more provisions of [ARTICLE 5](#) Such buildings may be expanded, and such sites improved, subject to the provisions of [Section 5.02](#).
- B.** A building or site that became nonconforming as a result of adoption of the Form-Based Development Standards in [ARTICLE 5](#) may be expanded or improved, subject to the Site Plan Review procedures and requirements of [ARTICLE 12](#).
- C.** In reviewing a site plan for a nonconforming building or lot, the Planning Commission may require the applicant to bring the building and/or site into partial or complete compliance with the requirements of the Form-Based Development Standards, in accordance with the standards of [Section 5.02](#).

ARTICLE 14.

ADMINISTRATION AND ENFORCEMENT

SECTION 14.01

Office of Planning and Zoning Administrator

The office of Planning and Zoning Administrator is hereby created.

SECTION 14.02

Duties of Planning and Zoning Administrator

- A.** The Planning and Zoning Administrator shall administer this Ordinance.
- B.** The Planning and Zoning Administrator or their appointed designee may enforce this Ordinance make such orders and decisions as may be necessary to carry out the intent thereof.
- C.** The Planning and Zoning Administrator shall maintain records of all certificates and permits issued under this Ordinance and the records shall be open for public inspection.
- D.** The Planning and Zoning Administrator shall have all the powers, duties, and responsibilities assigned to that office elsewhere in this Ordinance.

SECTION 14.03

Zoning Compliance Permit

- A.** No use, construction, work, excavation, movement of earth, or any activity associated with a permanent improvement or change of use, land or building, alteration, addition, demolition, or similar activity, other than preliminary testing, boring, soil samples, surveying and investigative work or activity shall be commenced, performed, or done without the issuance of a Zoning Compliance Permit.

- B.** No permit shall be issued by any City, County, or State official or agency for any use, building, construction, work, alteration, addition, or improvement to land, as above described, until a Zoning Compliance Permit has been issued by the Planning and Zoning Administrator as required by this Ordinance. The issuance of any other approval or certification of a Site Plan, variance, Special Use Permit, Planned Unit Development, or other discretionary permit by any board or body under this Ordinance, shall not supersede or lessen compliance with this Article of the Ordinance and that any use, development, construction, improvement, or work allowed under such discretionary permit, shall in all cases be further conditioned on compliance with this Article and shall not be allowed until the issuance of the Zoning Compliance Permit in accordance with this Article.
- C.** An application for a Zoning Compliance Permit shall be accompanied by a Site Plan, where required under the provisions of this Ordinance, or a Sketch Plan that provides the following information:
- (1) *Application and Fee.* A signed and completed Zoning Compliance Application and fee in accordance with [Section 14.06](#). The application shall be signed by the owner of the land, or the owner's duly authorized agent.
 - (2) *Applicant and Owner Information.* Property owner's name and address; applicant's name, address, and interest in property; and owner's signed consent if applicant is not the owner.
 - (3) *Lot Information.* Location, shape, and dimensions of the lot.
 - (4) *Legal Description.* Legal description, tax parcel number, and address of the lot.
 - (5) *Existing and Proposed Structures.* Location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
 - (6) *Existing and Proposed Uses.* A clear description of existing and intended uses of all structures.
 - (7) Additional information as required by the Planning and Zoning Administrator for purposes of determining compliance with this Ordinance.
- D.** A Zoning Compliance Permit shall be signed and issued by the Planning and Zoning Administrator. The application and all supporting documentation shall be considered a part of the Permit.
- E.** A Temporary Zoning Compliance Permit may be issued for any temporary use or structure that is not erected or operated permanently, as described in this Ordinance. Only one (1) Temporary Zoning Compliance Permit may be issued per property within a calendar year and permits may not be renewed or extended within 365 days of issuance. The duration of the Temporary Zoning Compliance Permit shall be determined based on the type of use or structure.
- F.** Any alteration, false statement, change or other variation between the application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void.

- G.** Any such change, variation, or alteration of the application and supporting documents shall require resubmission to the Planning and Zoning Administrator and the issuance of a new Zoning Compliance Permit.
- H.** All fees required under this Ordinance must be paid in full prior to the issuance of the Zoning Compliance Permit, unless exception is made by the appropriate board authorized to waive or delay the payment of such fees.
- I.** The applicant shall furnish to the Planning and Zoning Administrator, upon request, a title insurance policy or other acceptable evidence of ownership.
- J.** A Zoning Compliance Permit shall be null and void unless the construction, work, alteration, addition and/or use is completed or established within 180 days of the date of issuance of the Permit.
- K.** The Planning and Zoning Administrator is authorized to prepare and make public application forms for a Zoning Compliance Permit. The Planning and Zoning Administrator is authorized attach conditions pertaining to the use, work, or occupancy of the land and premises to the Zoning Compliance Permit as authorized by this or other City Ordinances, or under any discretionary permit issued by any City decision-making body. Failure to comply with any such condition shall render the Zoning Compliance Permit null and void.

SECTION 14.04

Certificate of Occupancy

- A.** No land or building shall be occupied or used in whole or part for any purpose until a Certificate of Occupancy has been issued by the Planning and Zoning Administrator. The Certificate of Occupancy shall state that the premises or building complies with all the provisions of this Ordinance.
- B.** A Certificate of Occupancy shall be issued within 10 days after notification from the permit holder that the premises are ready for occupancy.
- C.** The holder of a permit for construction, erection, alteration, repair, or moving of a building, structure, or part thereof, shall notify the Planning and Zoning Administrator immediately upon the completion of the work authorized by such permit for final inspection. The Planning and Zoning Administrator shall sign the Certificate of Occupancy within three (3) days of the application date if they find that the building or structure, the use of the building or land, and lot complies with the provisions of this Ordinance and with the approved site plan.
- D.** If the Planning and Zoning Administrator refuses to issue a Certificate of Occupancy, they shall notify the applicant in writing of such refusal and the reasons thereof, within the three (3) day period.

SECTION 14.05

Public Notice Requirements

- A. Public Hearings.** The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the provisions of this Ordinance.
- (1) *Publication in a Newspaper of General Circulation.* Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date of the public hearing.
 - (2) *Personal and Mailed Notice.* All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
 - a) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - b) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 - c) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
 - d) The City shall prepare a list of property owners and occupants to whom notice was mailed.
 - (3) *Content.* Any notice published in a newspaper and/or delivered by mail for a public hearing shall:
 - a) Describe the nature of the request.
 - b) Indicate the property that is the subject of the request.
 - c) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
 - d) State when and where the public hearing will occur.
 - e) State when and where written comments may be submitted concerning the request.
- B. Site Plan Approval.** Upon receipt of an application for Site Plan Approval, one (1) notice that a request for a Site Plan Approval has been received shall be published in a newspaper which circulates in the City not less than 15 days prior to the meeting at which the plan will be reviewed. The notice shall:
- (1) Indicate the property which is the subject of the site plan approval request.

- (2) Describe the improvements and/or alterations shown on the Site Plan Approval request.
- (3) State when and where the application(s) will be considered.
- (4) State when and where written comments may be submitted concerning the application.
- (5) Indicate that a public hearing on the Site Plan Approval will be held if requested in writing by any person who owns or occupies property within 300 feet of the boundary of the site under review.

SECTION 14.06

Fees

A schedule of fees as required to administer this Ordinance shall be established and may be amended from time to time by a resolution of the City Council. The schedule of fees shall be posted on public display in the office of the Planning and Zoning Administrator and may be changed only by resolution of the City Council.

SECTION 14.07

Performance Guarantees

- A.** Cash bonds or reasonable alternatives acceptable to the City shall be provided by the applicant where required by this Zoning Ordinance or the City of Chelsea General Code of Ordinances. The guarantee shall be provided after a Final Site Plan is approved by the Planning Commission, but prior to issuance of a Certificate of Occupancy for any building that is covered by the site plan. The guarantee shall cover site improvements shown on the approved Final Site Plan that were not completed prior to issuance of the Certificate of Occupancy. Site improvements shall include, among other items: streets and drives, parking lots, sidewalks, grading, required landscaping, required visual screens, storm drainage facilities, exterior lighting, and utilities.
- B.** The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to the amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C.** If the applicant fails to provide any site improvement according to the approved plans within the time specified in the guarantee, the City Council shall be entitled to enter upon the site and complete the improvements. The City Council may defray the cost thereof by the use of the deposited security, or may require performance by the bonding company.
- D.** If a cash deposit is used, the applicant and the Planning and Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed. At no time shall the amount of deposit remaining be less than 125 percent (125%) of the estimated cost of completing. The inspections for improvements for which the cash deposit is to be rebated shall have been completed before funds are rebated.

- E. The Planning and Zoning Administrator may refuse to sign a Certificate of Occupancy until compliance with the approved Final Site Plan and approved engineering plans related thereto is achieved, or until adequate security is deposited as provided in this section.

SECTION 14.08

Compliance with Plans and Applications

Building permits and Zoning Compliance Permits issued on the basis of plans and applications approved by the Planning and Zoning Administrator and the Chelsea Area Construction Agency or other designated Building Inspector shall authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different than that authorized is a violation of this Ordinance and punishable as provided in [Section 14.09](#).

SECTION 14.09

Violations

- A. **Notice of Violation.** The Planning and Zoning Administrator or their appointed designee shall serve a Notice of Violation to the person responsible for the erection, construction, alteration, extension, repair, use, or occupancy of a structure or lot in violation of the provisions of this Ordinance, a site plan or application approved hereunder, or a Zoning Compliance Permit issued hereunder. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation within a specified timeframe. Should the person responsible for the violation not remedy the situation within the specified timeframe, they may be found responsible for a Municipal Civil Infraction.
- B. **Municipal Civil Infraction.** Any person violating any of the sections of this Ordinance or the owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a Municipal Civil Infraction and upon a determination or admission of responsibility thereof shall be subject to a civil fine as established in this Section, the costs of prosecution, and such other costs, damages, expenses, sanctions and remedies authorized by law.
- C. **Nuisance per se.** In addition to all other remedies, including the penalties provided in this Section, the City may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction to restrain or prevent any noncompliance with or violation of any of the sections in this ordinance or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any section of this ordinance or in violation of any regulations made under the authority of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

- D. Presumption/Party to Violation:** The owner of record or tenant of any structure, property, or part thereof, and any architect, contractor, agent, or other person(s) who commits, participates in, assists, aids, or maintains such violation may each be found guilty or responsible for each separate offense and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as disclosed in the City's current assessment roll, has authorized all structures and uses.
- E. Stop-Work Order.** If a violation of this Ordinance concerning the construction of any structure or improvement of any property is determined to exist after an inspection, a Stop-Work Order may be issued in the form of a written notice ordering an immediate stop of the work being done in violation of this Ordinance. A Stop-Work Order shall be effective once it has been posted on the property where the violation occurs. Copies of the Stop-Work Order may also be sent to the last known address of the property owner.
- F. Fines.** Any person or other entity who violates the provisions of this Ordinance shall be subject to a civil fine as required by the City of Chelsea General Code of Ordinances. The fine schedule is determined on the basis of the date of violation(s). Additionally, the violator shall pay costs, which shall include all direct or indirect expenses to which the City has been put in connection with the violation.
- G. Each Day of Violation a Separate Offense.** Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- H. Cumulative Rights and Remedies.** The rights and remedies provided in this Ordinance are cumulative and in addition to any other remedies provided by law.
- I. Forbearance Not Condoned.** Forbearance of enforcement of this Ordinance shall not be deemed to condone any violation thereof.

ARTICLE 15. ZONING BOARD OF APPEALS

SECTION 15.01

Zoning Board of Appeals Established

A Zoning Board of Appeals, separate and distinct from the Chelsea City Council, is hereby established. The Zoning Board of Appeals shall perform the duties and exercise the powers provided by the Michigan Zoning Enabling Act 110 of 2006, as amended, in such a way that the objectives of this ordinance shall be observed, public health and safety secured, and substantial justice done.

SECTION 15.02

Membership

There shall be not less than five (5) members of the Zoning Board of Appeals, one of which may be a member of the Planning Commission. All persons serving on the Zoning Board of Appeals shall be residents of the City. The City Council may increase or decrease the membership of the Zoning Board of Appeals, but not below five (5) members.

SECTION 15.03

Appointments

The City Council shall appoint the members of the Zoning Board of Appeals. Each member shall be appointed for a term of three (3) years. The appointments of the first members shall be for terms of one (1), two (2), and three (3) years respectively, so as near as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three (3)-year term. The term of a Planning Commission member appointed to the Zoning Board of Appeals shall not be longer than the member's term on the Planning Commission.

SECTION 15.04

Alternate Members

- A. The City Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals.
- B. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meeting(s).
- C. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest.
- D. The alternate member shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 15.05

Authority of Zoning Board of Appeals

- A. **Appeals.** An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Planning and Zoning Administrator, the Planning Commission, or other administrative officer or body charged with enforcement of this chapter, with the exception of decisions to approve or deny a special use. An appeal from any decision or action shall be filed not later than 30 calendar days after the decision or action being appealed has been taken.
- B. **Variations.** The Zoning Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property.
- C. **Nonconforming Structures.** When required by [ARTICLE 13](#), the Zoning Board of Appeals shall have the authority to review and approve or deny expansions or alterations of nonconforming buildings or structures.
- D. **Interpretation of Ordinances.** The Zoning Board of Appeals has the power to make an interpretation of the provisions of this title when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon the request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this chapter and the chapter in which the language in question is contained.
- E. **Limitations of Authority.**

- (1) *PUDs and Special Use Permits.* The Zoning Board of Appeals shall not have authority to reverse or modify a Planning Commission decision to approve or deny a Special Use Permit or the City Council's decision to approve or deny a Planned Unit Development, nor waive or modify any conditions of approval. The Zoning Board of Appeals shall not have authority to grant variances to special uses or Planned Unit Development regulations or standards, or to any site plan approved as part of a Special Use Permit or a PUD.
- (2) *Use Variances.* The Zoning Board of Appeals shall not have the authority to grant a use variance to permit a use that is not permitted in a zoning district by the Zoning Ordinance.

SECTION 15.06

General Regulations

- A. Rules and Procedures.** The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Zoning Board of Appeals may adopt, amend, modify, and revoke its rules from time to time. The rules of procedure shall at a minimum include those items required by the Michigan Zoning Enabling Act 110 of 2006, as amended. In the absence of adopted rules of procedure, the rules of procedure established by the Chelsea City Council in its resolution establishing the Zoning Board of Appeals shall govern until the Zoning Board of Appeals adopts its own rules of procedure.
- B. Open Meetings Act.** All provisions of the Michigan Open Meetings Act, as amended, shall apply to the proceedings of the Zoning Board of Appeals.
- C. Public Hearing Notice.** The Zoning Board of Appeals shall hold a public hearing on each action requested of the Zoning Board of Appeals. Notice shall be given in accordance with [Section 14.05A](#).
- D. Decision of Zoning Board of Appeals.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the Planning and Zoning Administrator, and administrative official or an administrative body, or to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Chelsea City Zoning Ordinance, or to effect a variation in the Ordinance.
- E. Meetings.** A majority of the members of the Zoning Board of Appeals shall comprise a quorum for the purpose of conducting a meeting of the Board. Meetings shall be held once a month on a regular schedule.
- F. Records.** Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Zoning Board of Appeals including all documents and material submitted by any person or entity with respect to the application, findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, together with the votes of the members and final disposition of each case. Such minutes shall be filed with the City Clerk and shall be available to the public. The Record of Proceedings shall contain the following information when applicable:
 - (1) The application for an appeal, variance, interpretation.

- (2) Any reports, plans, surveys, or photos.
 - (3) Letter from the Planning and Zoning Administrator, officer or body granting or denying the application or referring it to the Zoning Board of Appeals and all other relevant records related to the case.
 - (4) Affidavit of publication of Notice of Hearing.
 - (5) Notice of Public Hearing to affected parties in the newspaper.
 - (6) A copy of the notice to property owners within 300 feet of the subject parcel as well as a list of all property owners who were notified.
 - (7) Record of testimony heard and evidence presented in transcribed or electronically taped form.
 - (8) A copy of zoning ordinance article(s) and section(s) in question.
 - (9) Briefs, correspondence or other communication made to the Zoning Board of Appeals.
 - (10) Statement of facts found by the Zoning Board of Appeals, of its own knowledge, regarding the request including any information gained from personal inspection.
 - (11) Findings based on standards set forth in this Article.
 - (12) Decision of the Zoning Board of Appeals.
 - (13) A copy of any other correspondence to the appellant or other parties regarding the request.
- G. Fees.** Fees for any petition to the Zoning Board of Appeals shall be established from time to time by the City Council sufficient to cover all costs incurred by the City in the processing of any appeal.
- H. Counsel to the Zoning Board of Appeals.** Legal counsel may be retained by the Zoning Board of Appeals for the purpose deemed necessary by the Zoning Board of Appeals provided that such appointment or retainer shall be approved in advance by the City Council.

SECTION 15.07

Appeals

- A. Who May Take an Appeal.** An appeal may be taken by a person aggrieved by any decision of any officer, bureau, board, or commission of the City of Chelsea which arises in the administration of the Zoning Ordinance subject to the limitations of this Article.

- B. Time for Appeal, Filing, Grounds.** An appeal shall be taken to the Zoning Board of Appeals within 30 days from the date of the order, requirement, decision, or determination which is the subject of the appeal. A Notice of Appeals specifying the grounds for the appeal shall be filed with the Planning and Zoning Administrator and transmitted to the Zoning Board of Appeals along with all information constituting the record upon which the action appealed was taken.
- C. Stay of Proceedings.** An appeal to the Zoning Board of Appeals stays all proceedings in the furtherance of the action appealed. However, the stay may be vacated if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. The certification shall be made after the notice of appeal is filed and shall state all reasons for vacating the stay. In such cases proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or the Circuit Court.
- D. Form of Decision, Effect and Time.** The Zoning Board of Appeals' decision on such appeals shall be in the form of a resolution containing a full statement of the findings of fact, conclusions, and the determination of the Zoning Board of Appeals in each particular case. The resolution, in written form, shall be approved by the Zoning Board of Appeals and file with the minutes of the Zoning Board of Appeals. The date of filing of the approved written resolution shall be the Effective Date of the decision. Further appeal from the decision of the Zoning Board of Appeals to the Washtenaw County Circuit Court shall be in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended and [ARTICLE 12](#).
- E. Disposition of Appeal.** The Zoning Board of Appeals shall decide the appeal within a reasonable time, but not more than 60 days after the date the appeal was filed, unless an extension of time is requested by a majority of the members of the Zoning Board of Appeals. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in the Zoning Board of Appeals' opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance, the Zoning Board of Appeals may, in passing upon appeals, vary or modify any of its rules or provisions relating to the construction, structural changes in equipment, or alteration of buildings or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.
- F. Conditions on Affirmative Decision.** The Zoning Board of Appeals may impose conditions upon an affirmative decision on an appeal.
- (1) The conditions may include conditions necessary to:
 - a) Ensure that public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - b) Protect the natural environment and conserve natural resources and energy.
 - c) Ensure compatibility with adjacent uses of land.
 - d) Promote the use of land in a socially and economically desirable manner.

- (2) Conditions imposed shall do all of the following:
- a) Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of: those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and community as a whole.
 - b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c) Be necessary to meet the intent and purpose of the zoning regulations.
 - d) Be related to the standards in the Zoning Ordinance for the land use or the activity under consideration and necessary to ensure compliance with those standards.

SECTION 15.08

Administrative Review

- A.** All questions concerning administrative decisions under this ordinance shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the applicable City official or agency.
- B.** The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.
- C.** The Planning and Zoning Administrator shall transmit to the Zoning Board of Appeals, copies of all papers constituting the record upon which the action appeal was taken.
- D.** The Zoning Board of Appeals may, so long as such action is in conformity with this Ordinance, wholly or partly reverse or affirm or modify the order, requirements, decision, or determination appealed.

SECTION 15.09

Site Plan Review

- A.** If an appeal to the Zoning Board of Appeals involves a lot, structure, or a use for which site plan approval is required by this ordinance, the applicant or appellant shall first apply for Preliminary Site Plan approval as set forth in [Section 12.03](#) herein.
- B.** The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Zoning Board of Appeals.

- C. The Zoning Board of Appeals shall review and decide upon the appeal and return the plan and its decision to the Planning Commission for Commission action on the Preliminary Site Plan.

SECTION 15.10

Variances

A. Information Required. An application for a variance shall provide the following information:

- (1) *Parcel Information.* Legal description, address, and tax ID parcel number of the property.
- (2) *Scaled Plot Plan.* An accurate, scaled drawing of the property, showing:
 - a) All property lines, dimensions, and bearings or angles, correlated with the legal description.
 - b) All existing and proposed structures and uses on the property.
 - c) Dimensions of structures and their dimensioned locations.
 - d) Lot area and all lot coverage and impervious surface calculations.
 - e) Location of all adjacent buildings, driveways, parking areas, and structures.
- (3) *Application Information.* Name and address of the applicant, property owner(s), and the interest of the applicant in the property.
- (4) *Variations Requested.* A list and description of each section of the zoning ordinance for which the variance is requested.

B. Findings Required. A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until the following are met.

- (1) *Application.* A written application for a variance is submitted, demonstrating the following:
 - a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c) That the special conditions and circumstances do not result from the actions of the applicant.
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - e) That no nonconforming use of neighboring lands, structures, or buildings in the same district, and

no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- (2) **Board Determination.** In its review, the Zoning Board of Appeals shall determine that:
- a) The requirements of the Ordinance for a variance have been met by the applicant.
 - b) The reasons set forth in the application justify the granting of the variance.
 - c) The variance is the minimum variance that will make possible a reasonable use of the land, building, or structure.
 - d) Granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- C. Conditions.** In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.
- D. Voiding of Variance.** Each variance granted under the provisions of this ordinance shall become null and void unless:
- (1) The construction authorized by such variance has been commenced within 180 days after the granting of such variance and pursued diligently to completion; or,
 - (2) The occupancy of land or buildings authorized by such variance has taken place within 180 days after the granting of such variance.
- E. Re-application.** No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 15.11

Nonconforming Structures

- A. Requirements.** Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the following provisions shall apply:
- (1) The reasons for the nonconformity shall be limited to minimum lot area, lot width, required yards, off-street parking and loading requirements, and buffer requirements of the zoning district in which the nonconforming structure is located. A structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height limits shall not be expanded without removing the nonconformity.
 - (2) The existing and proposed uses of such structures shall be permitted in the district in which located.

(3) The proposed improvements shall conform to all regulations of the district in which it is located.

B. Determination. In its review, the Zoning Board of Appeals shall determine that:

(1) Retention of the nonconforming structure is reasonably necessary for the proposed improvement, or that requiring the removal of such structure would cause undue hardship.

(2) The enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety, and welfare.

(3) The proposed improvement is reasonably necessary for continuation of the use on the lot.

C. Conditions. The Zoning Board of Appeals shall have authority to require reasonable modifications of the nonconformity as a condition of approval. The Board of Appeals may attach other conditions of its approval that it deems necessary to protect the public health, safety, and welfare.

SECTION 15.12

Stay of Decision and Appeals to Court

A. Automatic Stay of Zoning Board of Appeals Decision. No Zoning Compliance Permit, building permit or Certificate of Occupancy shall be issued for 21 days after the date of filing proof of an appeal.

B. Time for Appeal to Court. Within the 21-day period, any aggrieved party may file an appeal or complaint with the Washtenaw County Circuit Court, or any other Court of competent jurisdiction. Unless stayed by Order of a Court, an applicant shall be entitled to receive permits and certificates after the 21-day period.

C. Indemnification. During said 21-day appeal period, the applicant may receive a Zoning Compliance Permit, building permit, or Certificate of Occupancy pursuant to the applicant's request notwithstanding the provisions of this section, if the applicant submits to the Zoning Board of Appeals, the applicant's written agreement and undertaking to indemnify the Board, the City of Chelsea, its officers, officials and employees from any and all liability for claims, damages costs including attorney fees and costs of litigation with respect to any litigation threatened or asserted concerning the decision of the Zoning Board of Appeals, together with sureties, individual or corporate and amount of security to be determined by the Board and in a form approved by the City Attorney.

D. Provision for Security. If the applicant requests a waiver of the 21-day stay as part of the applicant's appeal to the Zoning Board of Appeals, the Zoning Board of Appeals, in its resolution, shall establish the amount of security to be given. Upon the filing of the security established by the Board, the requested Zoning Compliance Permit, building permit or Certificate of Occupancy, as the case may be, shall be issued.

(1) In no case shall the amount of security be less than \$5000.00 in the form of cash, irrevocable letter of credit from a commercial bank, or corporate bond.

(2) If litigation is instituted during the 21-day period, the form of security shall provide that the security shall continue until the litigation is determined by final judgment.

- (3) If litigation is instituted after an amount of security has been determined, the Zoning Board of Appeals shall have the right to predetermine and increase the amount of security from time to time, as it believes necessary to protect the interest of the City of Chelsea.

ARTICLE 16. AMENDMENTS

SECTION 16.01

Amendment Procedures

- A.** The procedure for amending this ordinance shall be in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B.** The City of Chelsea may, from time to time, amend, modify supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment.
- C.** Amendments may be initiated by resolution of the City Council, the Planning Commission, or by petition by one or more persons acting on behalf of a property owner in the City of Chelsea.
- D.** All proposed amendments shall be referred to the Planning Commission for review, public hearing, and recommendation for action to the City Council.
- E.** The Planning Commission shall report its findings and recommendations for action on the proposed amendment to the City Council following the public hearing but within 125 days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission.

SECTION 16.02

Public Hearing

The Planning Commission shall hold a public hearing on each proposed amendment. Public notice for the hearing shall be given in accordance with [Section 14.05A](#).

SECTION 16.03

Information Required

A. Map Amendments. If a petition involves an amendment to the official zoning map, the petitioner shall submit the following:

- (1) *Fee.* Required fee for amendment petition in accordance with [Section 14.06](#).
- (2) *Legal Description.* A legal description of the property, including the street address and tax code number(s).
- (3) *Scaled Plot Plan.* A scaled map of the property, (correlated) with the legal description, clearly showing the property's location and adjacent land use and zoning districts, and all existing improvements on the property, such as buildings and driveways.
- (4) *Existing and Requested Zoning Districts.* Identification of the zoning district requested and the existing zoning of the property.
- (5) *Petitioner Information.* The name, address, and telephone number of the petitioner(s).
- (6) *Interest in the Property.* The nature of each petitioner's interest in the property. If the petitioner is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the petition.
- (7) *Signatures.* Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information.
- (8) *Additional Information.* The Planning Commission may require additional information that it deems necessary to make the findings required in [Section 16.05](#).

B. Text Amendments. A petition that is filed for an amendment to the text of the zoning ordinance shall provide the following information.

- (1) *Amendment Description.* A detailed statement that, clearly and completely sets forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
- (2) *Reason for Request.* Reasons for the proposed amendment.
- (3) *Petitioner Information.* Name and address of the petitioner.

SECTION 16.04

Findings Required for a Zoning Map Amendment

The Planning Commission shall identify and evaluate all factors relevant to the proposed amendment. The Planning Commission shall consider the following standards in preparing its report and recommendation to the City Council. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A.** Whether the requested zoning change is justified by a change in conditions since the original ordinance.
- B.** The precedents, and possible effects of such precedents, which might result from approval or denial of the petition.
- C.** The capacity of the City of Chelsea or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D.** Effect of approval of the petition on the condition and/or value of property in the City of Chelsea or in adjacent municipalities.
- E.** Relationship of the petition to the adopted Master Plan and general development plan(s) of other government units, where applicable.
- F.** Whether the petition is consistent with the zoning classification of surrounding land.
- G.** Whether the property in the petition complies with the regulations of the zoning district requested.
- H.** Whether the property is suitable in terms of its physical features and location for all uses that are permitted in the zoning district requested.

SECTION 16.05

Findings Required for a Text Amendment

The Planning Commission shall consider the following in preparing its report and recommendation to the City Council.

- A.** The proposed amendment is consistent with the intent and purpose of the Zoning Ordinance.
- B.** The proposed amendment will be consistent with the City's adopted Master Plan.
- C.** The petition is supported by a change in conditions since the Zoning Ordinance was adopted, or by a mistake in the Zoning Ordinance.
- D.** The proposed amendment is supported by problems or conflicts in implementation or interpretation of the Ordinance, as documented by City staff or the Zoning Board of Appeals.

- E. The proposed amendment is needed to accommodate changes in State legislation, by recent case law, or opinions rendered by the Attorney General of the State of Michigan.
- F. The proposed amendment will promote compliance with changes in other City Ordinances or County, State, or Federal regulations.

SECTION 16.06

Publication

Following City Council adoption of an amendment to the zoning ordinance, notice of the amendment shall be published in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

SECTION 16.07

Conformance to Court Decree

Any amendment for the purpose of conforming a provision to the decree of a court of competent jurisdiction shall be adopted by the City of Chelsea and the amendments published without referring the same to any other board or agency.

SECTION 16.08

Rehearing on Amendments

Whenever a proposed amendment, supplement or change has not been approved by the City Council, such amendment, supplement or change shall not be resubmitted to the City of Chelsea for at least one (1) year from the Effective Date of final action unless it is established that there has been a material change in circumstances and attested thereto.

chelsea

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