



Shaping the Future

September 10, 2014

CITY OF ANN ARBOR
CITY CLERK

Cardno ATC

46555 Humboldt Drive
Suite 100
Novi, MI 48377

**City of Ann Arbor
Larcom City Hall
Second Floor
301 E. Huron St.
Ann Arbor, MI 48104
Attention: City Clerk**

SEP 12 2014

Phone 248 669 5140
Fax 248 669 5147
www.cardno.com

TIME: _____

www.cardnoatc.com

Re: NOTICE TO IMPACTED PARTIES OF CORRECTIVE ACTION

To Whom It May Concern:

Cardno ATC (ATC), on behalf of Speedway LLC (Speedway), has prepared the following Notice to Local Units of Government of Land Use Restriction for the active Speedway located at 1300 N. Maple Road, Ann Arbor, Michigan 48103 (Site). This notice has been prepared to facilitate notification requirements pursuant with the Michigan Department of Environmental Quality (MDEQ) as required under Sections 213010a(5) and 21316 of Part 213, Leaking Underground Storage Tanks (LUST), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Should you have any additional questions or require additional information, please contact the undersigned at (248) 669-514 ext. 122.

Respectfully submitted,
Cardno ATC

Joshua Schuyler
Project Manager

cc: Scott J. Fleming (Speedway Environmental Representative)



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
 REMEDIATION AND REDEVELOPMENT DIVISION
 PO BOX 30426, LANSING, MI 48909-7926, Phone 517-284-5087, Fax 517-241-9581

NOTICE TO LOCAL UNIT(S) OF GOVERNMENT OF LAND USE RESTRICTIONS

This information and form is required under Sections 21310a(5) and 21316 of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

INSTRUCTIONS: A person that implements corrective action activities that relies on land use restrictions shall provide notice of the land use restrictions that are part of the corrective action plan to the local unit of government in which the site is located within 30 days of filing of the land use restrictions with the county register of deeds.

- (1) Use this form to provide notice of land use restrictions that are part of the corrective action plan to the Local Unit(s) of Government (LUG).
- (2) Send the notice to the city, village, or township clerk. Provide a copy to the County/District Health Department if groundwater exceeds Tier 1 residential screening levels.
- (3) Submit a copy of the notice and proof of providing the notice with the Closure Report (EQP4452) to the appropriate RRD District Office. See www.michigan.gov/deqrrd_officemap for a complete list of RRD District and Field Offices.

This notice does not constitute a warranty or representation of any kind by the State of Michigan that the corrective actions performed in accordance with this notice will result in the achievement of the remedial criteria established by law, or that the property is suitable for any particular use.

City of Ann Arbor

Name of Local Unit of Government Name of Local Unit of Government Name of Local Unit of Government

Notice to the Local Unit of Government Receiving this Form:

A corrective action plan for the site named below has been developed as a result of a release of regulated substances from an underground storage tank. This form and the attachments are to provide the local unit(s) of government notice of the land use restrictions that are part of the corrective action plan. A copy of the institutional control mechanism(s) in the form of a Corrective Action Notice to Register of Deeds, and/or Restrictive Covenant, and/or alternate mechanism is/are attached. The attached institutional control mechanism(s) describes the land use restrictions and the land where the restrictions apply.

Facility ID:

Owner or Operator: *Speedway LLC*

Site Name: *Speedway Store #7867*

Site Address: *1300 N. Maple Road*

City: *Ann Arbor*

State: *MI* Zip:

Contact Person *Brandie K. Lehman*

Phone Number: *(937) 863-7071* email: *bklehman@speedway.com*

Mailing Address: *500 Speedway Drive*

City: *Eron*

State *Ohio*

Zip:

Qualified Underground Storage Tank Consultant: *Cardno ATC*

Address: *46555 Humboldt Drive, Suite 100*

City: *Novi*

State *Michigan*

Zip:

Contact Person *Joshua Schuyler*

Phone Number: *(248) 669-5140* email: *joshua.schuyler@cardno.com*

I hereby attest to the accuracy of the statements in this document and all attachments. I further certify that the language on this form has not been modified.

Brandie K. Lehman

9/5/14

Owner or Operator Signature

Date



**DECLARATION OF RESTRICTIVE COVENANT
FOR A RESTRICTED NONRESIDENTIAL CORRECTIVE ACTION**

MDEQ Reference No. RC-RD-214-14-142

This Declaration of Restrictive Covenant (Restrictive Covenant) has been recorded with the Washtenaw County Register of Deeds to protect public health, safety, and welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to regulated substances present at the Property located at 1300 North Maple Road, Ann Arbor, Washtenaw County, Michigan and legally described in the attached Exhibit 1 (Legal Description of Property) that are inconsistent with the environmental conditions at the Property. Exhibit 2 (Survey of the Property and Limits of Land or Resource Use Restrictions) provides a survey of the Property that depicts the area or areas subject to restriction and contains additional legal descriptions that distinguish those portions of the Property that are subject to the land and/or resource use restrictions specified in this Restrictive Covenant.

The Property is associated with Speedway LLC #7867, (Facility ID 00004663) for which a Closure Report (CR) was completed under Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.21301 *et seq.* Corrective actions that were implemented to address environmental contamination are fully described in the CR dated September 9, 2014. A copy of the CR is available from the Michigan Department of Environmental Quality (MDEQ) Remediation & Redevelopment Division Jackson District Office.

The Property described contains regulated substances in excess of the concentrations developed as the unrestricted residential clean up criteria under Section 21304a(2) of the NREPA. The MDEQ recommends that prospective purchasers or users of this Property undertake appropriate due diligence prior to acquiring or using this Property, and undertake appropriate actions to comply with the requirements of Section 21304c of the NREPA.

Part 213 requires the recording of this Restrictive Covenant with the Washtenaw County Register of Deeds based upon the corrective action measures for the site to: 1) restrict unacceptable exposures to regulated substances located on the Property; 2) assure that the use of the Property is consistent with the exposure assumptions used to develop cleanup criteria under Section 21304a(2) of the NREPA; 3) assure the exposure control measures relied upon in the CR are effective; and 4) to prevent damage or disturbance of any element of the corrective action constructed on the Property.

The restrictions contained in this Restrictive Covenant are based upon information available at the time the corrective action was implemented by Speedway LLC. Failure of the corrective action to achieve and maintain the cleanup criteria, exposure controls, and requirements

7
Time Submitted for Recording
Date 9-9-2014 Time 2:40 AM
Lawrence Kestenbaum
Washtenaw County Clerk/Register

specified in the CR; future changes in the environmental condition of the Property; changes in the cleanup criteria developed under Section 21304a(2) of the NREPA; the discovery of environmental conditions at the Property that were not accounted for in the CR; or use of the Property in a manner inconsistent with the restrictions described herein may result in this Restrictive Covenant not being protective of public health, safety, and welfare, and the environment. The adequacy of the corrective action undertaken pursuant to the CR may not have been reviewed by the MDEQ.

Definitions

For the purposes of this Restrictive Covenant, the following definitions shall apply:

"MDEQ" means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

"Owner" means at any given time the then-current title holder of all or any portion of the Property.

"Property" means the real property as described in Exhibit 1 (Legal Description of Property) of this Restrictive Covenant that is subject to the restrictions, terms and conditions described herein.

All other terms used in this document which are defined in Part 3, Definitions, of the NREPA and Part 213 of the NREPA, shall have the same meaning in this document as in Part 3 and Part 213 of the NREPA, as of the date this Restrictive Covenant is filed.

Summary of Environmental Conditions and Corrective Action.

Hazardous substances including unleaded gasoline compounds were released from the underground storage tank (UST) system at Speedway store #7867 resulting in contamination of the Property. Confirmed release number C-0169-09, dated October 12, 2009, was assigned to the release. Soil contamination remains present at levels that do not allow unrestricted (residential land) use of the Property. Public health will be protected by preventing the potential use of groundwater for ingestion or irrigation purposes; prohibiting the construction of structures in certain limited area depicted and legally described on the attached survey; and requiring proper characterization and disposal of contaminated soils, if soils are to be disturbed.

NOW THEREFORE,

1. Declaration of Land and Resource Use Restrictions.

Speedway LLC, as Owner of the Property, hereby declares and covenants that the Property shall be subject to the following restrictions and conditions:

- a. Prohibited Land Uses: The Owner shall prohibit all uses of the Property as described in Exhibit 2 (Survey of Property and Limits of Land or Resource Use Restrictions) that are not compatible with or are inconsistent with the assumptions and basis for the nonresidential cleanup criteria established pursuant to Section 21304a(2) of the NREPA. Uses that are compatible with nonresidential cleanup criteria are generally described in Exhibit 3 (Description of Allowable Uses). At the time of recording of this Restrictive Covenant, the City of Ann Arbor Zoning, Chapter 55: Ann Arbor Unified Development

Code – Draft August 12, 2012 C3 Fringe Commercial District Permitted Uses and Table 5-15: Permitted Use Table (Exhibit 4), allowed for the following residential uses that are not compatible with the nonresidential clean up criteria and are therefore prohibited by this Restrictive Covenant:

- All uses listed in Residential: Household Living (Adult Foster Care; Dwelling, Assisted Living; Dwelling, Multi-Family, Dwelling, Single Family, Dwelling, Townhouse, Dwelling, Two Family); Group Living (Emergency Shelter; Fraternities, sororities, and student cooperatives; Group housing; Guest House).
- The following uses listed in Public/Institutional: Day Care (Adult Day Care Center, Child Care Center); Educational (Institutions of Higher Learning-Private and Public, Schools-Private/Public/Trade/Industrial; Health Care (Nursing Care Facility).
- The following uses listed in Commercial: Lodging (Bed and Breakfast, Hotel);
- The following uses listed in Accessory Uses: Family Day Care Home, Group Day Care Home, Home Occupation, and Medical Marijuana Home Occupation (if primary residence).

Cleanup criteria for land use-based corrective actions are located in the Government Documents Section of the State of Michigan Library.

b. Prohibited Activities to Eliminate Unacceptable Exposures to Regulated Substances.

The Owner shall prohibit activities on the Property that may result in exposures above levels established in the CR. These prohibited activities include:

- i.) The construction and use of wells or other devices on the Property to extract groundwater for consumption, irrigation, or any other purpose, except as provided below:
 - (a) Wells and other devices constructed for the purpose of evaluating groundwater quality or to remediate subsurface contamination associated with a release of regulated substances into the environment are permitted, provided the construction of the wells or devices complies with all applicable local, state and federal laws and regulations and does not cause or results in a new release, exacerbation of existing contamination, or any other violation of local, state or federal laws or regulations.
 - (b) Short-term dewatering for construction purposes is permitted provided the dewatering includes management and disposal of the groundwater, is conducted in accordance with all applicable local, state, and federal laws and regulations, and does not cause or result in a new release, exacerbation of existing contamination, or any other violation of local, state, and federal environmental laws and regulations.
- ii.) The construction of new structures or subsurface structures intended for occupancy in the portion of the site designated as "Restricted Area" on the survey map included on Exhibit 2, unless such construction incorporates engineering controls designed to eliminate the potential for subsurface vapor phase hazardous substances to migrate into the new structure at concentrations greater than applicable criteria; or, unless prior to construction of any structure, an evaluation of the potential for any hazardous substances to volatilize into indoor air assures the protection of persons who may be present in the buildings and is in compliance with Section 21304c of the NREPA.

- c. Prohibited Activities to Ensure Effectiveness and Integrity of the Corrective Action. The Owner shall prohibit activities on the Property that may interfere with any element of the CR, including the performance of operation and maintenance activities, monitoring, or other measures necessary to ensure the effectiveness and integrity of the CR.

2. Contaminated Soil Management. The Owner shall manage all soils, media, and/or debris located on the Property in accordance with the applicable requirements of Sections 21304b and 20120c of the NREPA; Part 111, Hazardous Waste Management, of the NREPA; Subtitle C of the Resource Conservation and Recovery Act, 42 USC Section 6901 *et seq.*; the administrative rules promulgated thereunder; and all other relevant state and federal laws.

3. Access. The Owner grants to the MDEQ and Speedway LLC, and their designated representatives, the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with the CR, including the right to take samples, inspect the operation and maintenance of the corrective action measures and inspect any records relating to them, and to perform any actions necessary to maintain compliance with Part 213 and the CR. The right of access provided to Speedway LLC above is not required under Part 213 for the corrective action to be considered approved. This provision was agreed to by the Owner at the time the Restrictive Covenant was recorded. Accordingly, the MDEQ will not enforce the Owner's obligation to provide access to Speedway LLC.

4. Conveyance of Property Interest. A conveyance of title, easement, or other interest in the Property shall not be consummated by the Owner without adequate and complete provision for compliance with the terms of the CR and this Restrictive Covenant. A copy of this Restrictive Covenant shall be provided to all future owners, heirs, successors, lessees, easement holders, assigns, and transferees by the person transferring the interest in accordance with Section 21310a(2)(c) of the NREPA.

5. Audits Pursuant to Section 21315 of the NREPA. This Restrictive Covenant is subject to audits in accordance with the provisions of Section 21315 of the NREPA, and such an audit may result in the finding by the MDEQ that this Restrictive Covenant is not protective of the public health, safety, and welfare, and the environment.

6. Term of Restrictive Covenant. This Restrictive Covenant shall run with the Property and is binding on the Owner; future owners; and their successors and assigns, lessees, easement holders, and any authorized agents, employees, or persons acting under their direction and control. This Restrictive Covenant shall continue in effect until it is determined that the regulated substances no longer present an unacceptable risk to the public health, safety, or welfare, or the environment. Improper modification or rescission of any restriction necessary to prevent unacceptable exposure to regulated substances may result in the need to perform additional corrective actions by those parties responsible for performing corrective action at the Property or to comply with Section 21304c of the NREPA.

7. Enforcement of Restrictive Covenant. The State of Michigan, through the MDEQ, and Speedway LLC may individually enforce the restrictions set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction.

8. Severability. If any provision of this Restrictive Covenant is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other

provision of this Restrictive Covenant, which shall continue unimpaired and in full force and effect.

9. Authority to Execute Restrictive Covenant. The undersigned person executing this Restrictive Covenant is the Owner, or has the express written permission of the Owner, and represents and certifies that he or she is duly authorized and has been empowered to execute and record this Restrictive Covenant.

IN WITNESS WHEREOF, Speedway LLC has caused this Restrictive Covenant, RC-RD-213-14-142, to be executed on this 4th day of September, 2014.

Speedway LLC

By: [Signature]

Name: John M. Helms

Its: Corporate Manager, Environmental

[Handwritten initials]
9/3/14

STATE OF OHIO
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this 4th day of September, 2014 by John M. Helms, Corporate Manager, Environmental of Speedway LLC, a Delaware Limited Liability Company, on behalf of the company.

[Signature: Sally A. Scheuermann]
Notary Public Signature

Notary Public, State of Ohio

County of Champaign

My commission expires: June 16, 2017

Acting in the County of Clark



Sally A. Scheuermann
Notary Public, State of Ohio
My Commission Expires
June 16, 2017
Champaign County

Prepared by: JB Return to:
Joshua Schuyler
Cardno ATC
46555 Humboldt Drive
Suite 100
Novi, MI 48377

EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY

Property commonly known as:

1300 N Maple Road, City of Ann Arbor, Washtenaw County, Michigan

Parcel ID: 09-09-19-214-028

Legal Description of Entire Parcel: Lot 106 Garden Homes Park Subdivision, as recorded in Liber 20, Pages 92-94, inclusive of Plats, Washtenaw County Records

Legal Description of Restriction Area: Being part of Lot 106, Garden Homes Park Subdivision, as recorded in Liber 20, Pages 92 to 94, inclusive of Plats, Washtenaw County Records, described as follows:

Commencing at the southwest corner of said Lot 106; Thence along the west line of said lot 106, N06°13'35"W 35.38 feet to the point of beginning; thence continuing along said west line, N06°13'35"W 72.00 feet; thence S89°22'25"E 67.39 feet; thence S00°02'23"W 71.49 feet; thence N89°22'25"W 59.52 feet to the point of beginning. Containing ± 4,536 square feet of land.

EXHIBIT 2

**SURVEY OF THE PROPERTY
AND LIMITS OF LAND OR RESOURCE USE RESTRICTIONS**

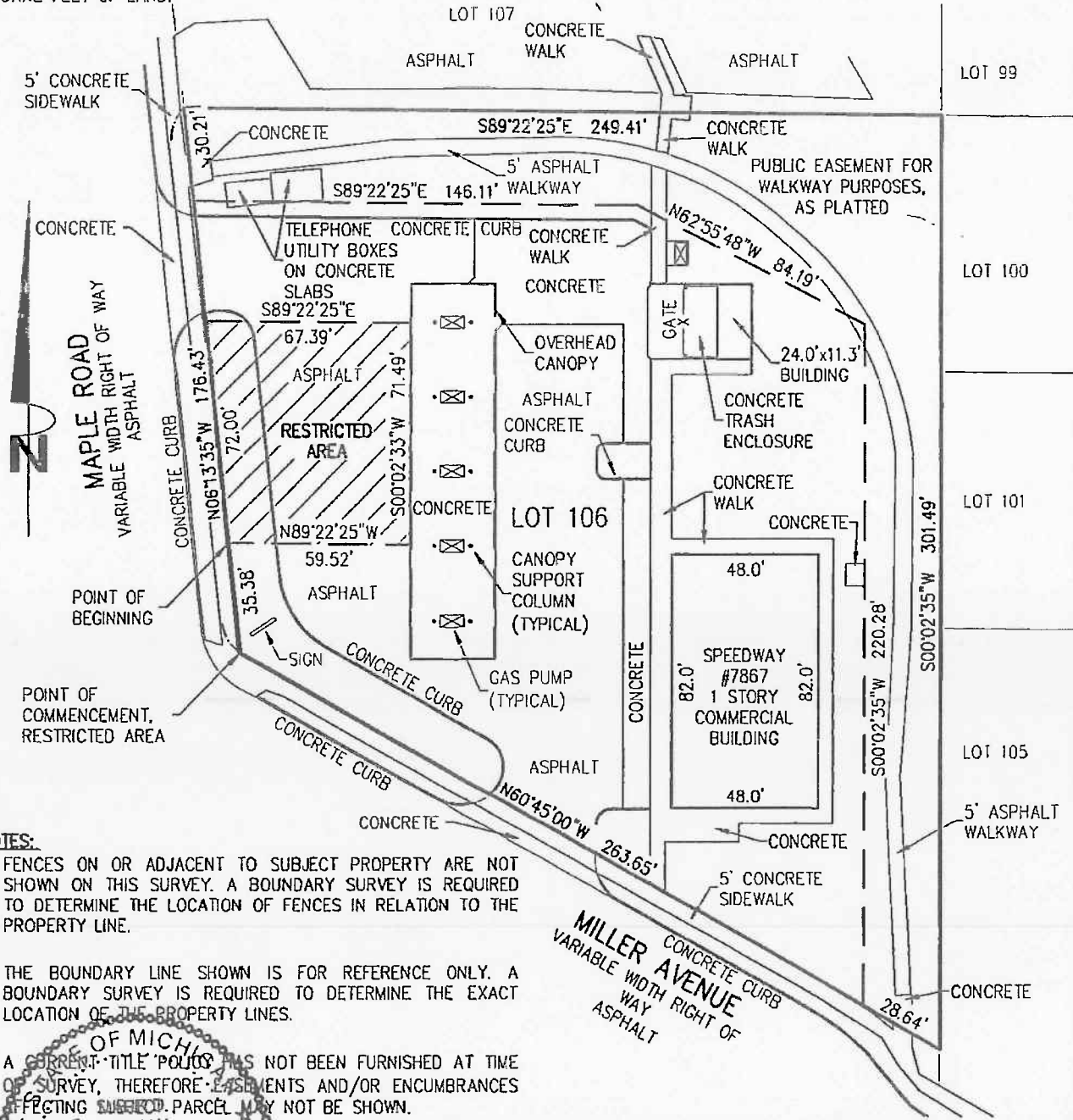
LEGAL DESCRIPTION

LOT 106, GARDEN HOMES PARK SUBDIVISION, AS RECORDED IN LIBER 20, PAGES 92 TO 94, INCLUSIVE OF PLATS, WASHTENAW COUNTY RECORDS.

RESTRICTED AREA

BEING A PART OF LOT 106, GARDEN HOMES PARK SUBDIVISION, AS RECORDED IN LIBER 20, PAGES 92 TO 94, INCLUSIVE OF PLATS, WASHTENAW COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 106; THENCE ALONG THE WEST LINE OF SAID LOT 106, N06°13'35"W 35.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N06°13'35"W 72.00 FEET; THENCE S89°22'25"E 67.39 FEET; THENCE S00°02'23"W 71.49 FEET; THENCE N89°22'25"W 59.52 FEET TO THE POINT OF BEGINNING. CONTAINING ±4,536 SQUARE FEET OF LAND.



NOTES:

1. FENCES ON OR ADJACENT TO SUBJECT PROPERTY ARE NOT SHOWN ON THIS SURVEY. A BOUNDARY SURVEY IS REQUIRED TO DETERMINE THE LOCATION OF FENCES IN RELATION TO THE PROPERTY LINE.
2. THE BOUNDARY LINE SHOWN IS FOR REFERENCE ONLY. A BOUNDARY SURVEY IS REQUIRED TO DETERMINE THE EXACT LOCATION OF THE PROPERTY LINES.
3. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



EXHIBIT - STORE #7867	
Maple Road & Miller Avenue, Ann Arbor, MI	
Client: L&R Construction	
Date: 06/30/2014	Project No: 2532-03
Drawn By: NEM	Revision No:
Scale: 1" = 50'	Page 1 of 1

CORE LAND CONSULTING
 PROFESSIONAL SURVEYING
 29193 Northwestern Hwy., Suite 693
 Southfield, MI 48034
 Phone: (248) 932-7120
 Fax: (248) 932-7124
 www.corelandconsulting.com

EXHIBIT 3

DESCRIPTION OF ALLOWABLE USES

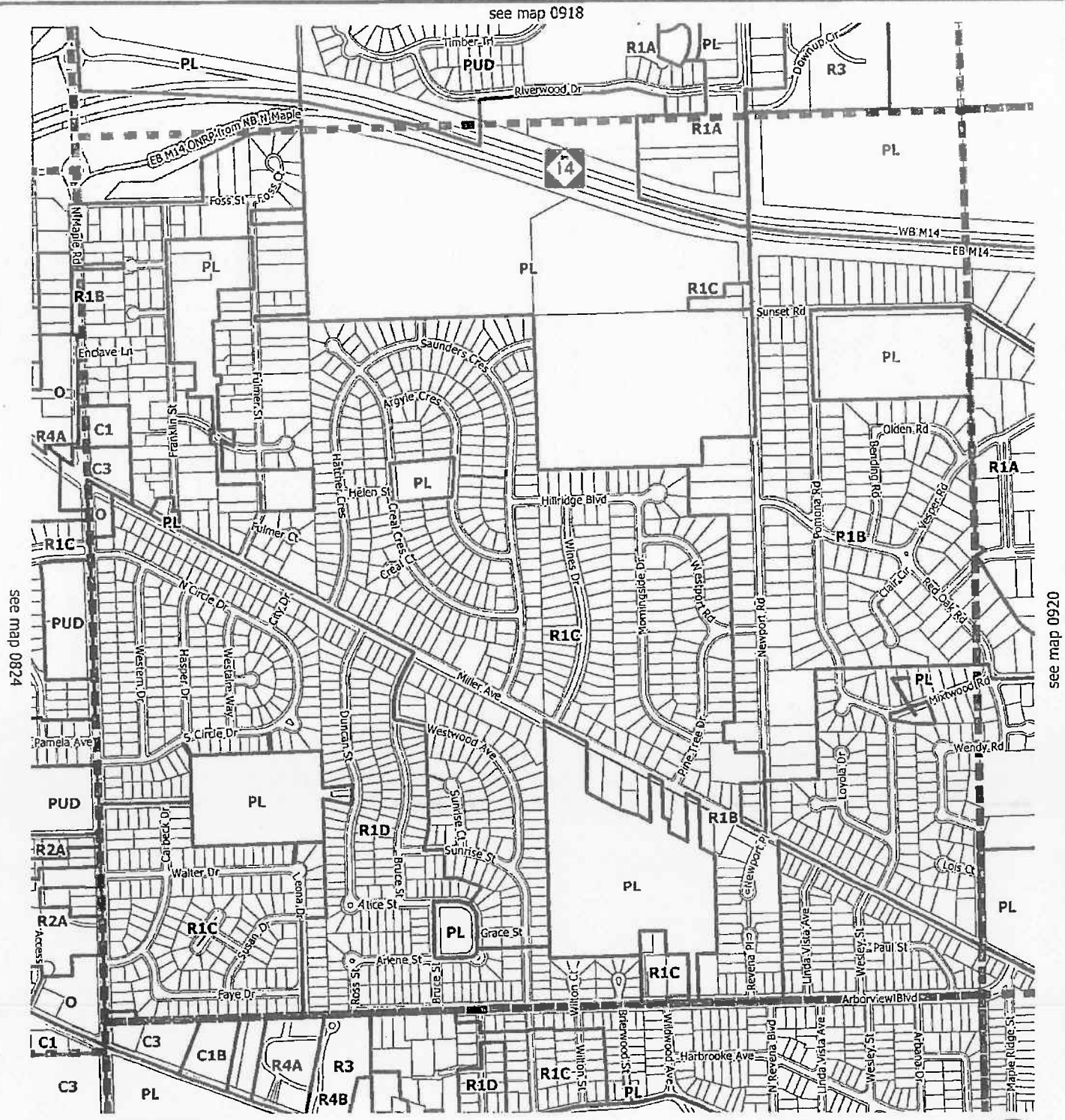
Non-Residential Land Use: This land use is characterized by any use which is not residential in nature and is primarily characterized by industrial and commercial uses. Industrial uses typically involve manufacturing operations engaged in processing and manufacturing of materials or products. Other examples of industrial uses are utility companies, industrial research and development, and petroleum bulk storage. Commercial uses include any business or income-producing use such as commercial warehouses, lumber yards, retail gas stations, auto dealerships and service stations, as well as office buildings, banks, and medical/dental offices (not including hospitals). Commercial uses also include retail businesses whose principal activity is the sale of food or merchandise within an enclosed building and personal service establishments which perform services indoors such as health clubs, barber/beauty salons, photographic studios, etc.

Any residential use is specifically prohibited from the non-residential land use category. This would include the primary use of the Property for human habitation and includes structures such as single family dwellings, multiple family structures, mobile homes, condominiums, and apartment buildings. Residential use is also characterized by any use which is intended to house, educate, or provide care for children, the elderly, the infirm, or other sensitive populations, and therefore could include day care centers, educational facilities, hospitals, elder care facilities, and nursing homes. The use of any accessory building or portion of an existing building as a dwelling unit permitted for a proprietor or storekeeper and their families, located in the same building as their place of occupation, or for a watchman or caretaker is also prohibited. Any authority that allows for residential use of the Property as a legal non-conforming is also restricted per the prohibitions contained in this restrictive covenant.

EXHIBIT 4



**CHAPTER 55: ANN ARBOR UNIFIED DEVELOPMENT CODE - DRAFT AUGUST 12, 2012
C3 FRINGE COMMERCIAL DISTRICT PERMITTED USES**

Ann Arbor City Zoning Map



0 250 500 1,000 Feet

see map 0930

 Township Zoning
 Section Boundary



Prepared By: City of Ann Arbor, Community Services, GIS; Assessor's Office maintains parcel data.

City of Ann Arbor Map Disclaimer

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1" = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information represented on this map.



SECTION 0919

Map Printed: December 20, 2012

Article II – Zoning Districts

5.13 Nonresidential and Special Purpose Zone Districts | 5.12.8 C3 Fringe Commercial District

commercial district.²⁸ In this district the customer may come to the particular establishment either by automobile or as an extension of downtown pedestrian shopping activity. Since there is little essential interdependence of activities, each establishment can have its own automobile parking area. Good traffic accessibility is essential to this district, particularly for trucks and other freight carriers. The uses permitted, because of their required contact with auto and truck traffic, would be incompatible in the central Business district.

5.12.8. C3 Fringe Commercial District

The design and regulations of this district are set up to provide for certain types of commercial activities that have characteristics in common. In this district, the customer usually comes directly to the particular establishment by automobile, making a separate stop for each errand. Comparison shopping activity is less than in the downtown area. Since there is little essential interdependence of activities, establishments can be dispersed over considerable areas with each establishment having its own automobile parking. Good automobile accessibility is essential to these districts. The uses permitted, because of their lack of intense pedestrian activity and their required contact with auto access, would be incompatible in the downtown area.

5.13. Nonresidential and Special Purpose Zone Districts

5.13.1. R5 ⁹⁹Hotel District

This district is intended to permit hotels and certain institutional housing uses that provide nursing care for convalescence from illness or special care for the elderly along with uses that are accessory to these Principal Uses.

5.13.2. P-Parking District

This district provides for off-street storage of noncommercial vehicles where no repair, sales or services are rendered from the parking lot.³⁰

5.13.3. PL Public Land District

This district is designed to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services.

²⁸ We deleted a sentence reading as follows to avoid the risk of inconsistency between specific uses listed in an intent statement and those in the permitted use tables: "Such activities will include wholesale suppliers retail and supply warehouses, motor vehicle major repair and service agencies, carports and other parking establishments, equipment and machinery dealers, building materials dealers, food processing plants, farm and garden supply stores, places of entertainment or Recreation, Public Utility facilities and retail establishments related in a peripheral manner to those of the central business district."

²⁹ Texts edits per ORD-10-34-Ch.55.

³⁰ Deleted language reading "This district will be located, in many instances, within 500 feet of a Principal Use to provide the parking required by chapter 59 (or as modified by central area high-rise and parking report)" to reduce risks of inconsistency with zoning map.

Article III – Use Regulations³⁶

5.15. Permitted Use Table³⁷

Abbreviations in Table 5-15 shall have the following meanings.

5.15.1. Permitted Uses

These uses are permitted by right in the district. Permitted uses are identified with a "P".

5.15.2. Special Exception Uses

These uses may be allowed in a district subject to review and approval by the Planning Commission. Special Exception Uses are identified with an "E". A Special Exception Use is subject not only to the minimum requirements for that use in the zoning district in which it is located, but also to the applicable standards and requirements found in section 5.29.6. Special conditions may be imposed by the Planning Commission in order to make the use compatible with the uses permitted by right in that zoning district.

5.15.3. Accessory Use

Accessory Uses. Any Accessory Use incidental to the permitted Principal Use is permitted, unless otherwise permitted or restricted by this Chapter. Accessory Uses are identified with an "A".

5.15.4. Prohibited Uses

These uses are not permitted in the district. Prohibited uses are identified with a blank cell.

³⁶ All text came from Article II: Use Regulations, unless otherwise noted. The contents of current Chapter 56 Prohibited Land Uses have been relocated to use specific standards. The table on the following pages consolidates numerous uses that had similar names and definitions (or no definitions) in different zoning districts, which city staff have interpreted as the same use, in order to simplify and reduce the length of the table. The table reflects staff's reading of the use controls in the current zoning ordinance.

³⁷ Text from Sec. 5:6, except that portions of subsections (1) that were repetitive of material in Article I were not carried over, and (2) provisions subsections (2) – (5) were incorporated into the use table and so are not included here.

Article III – Use Regulations
5.15 Permitted Use Table | 5.15.4 Prohibited Uses

TABLE 5-15: PERMITTED USE TABLE

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE										NON-RESIDENTIAL AND SPECIAL PURPOSE							USE-SPECIFIC STANDARDS		
	AG	R1A	R1B	R1C	R1D	R1E	R5A	R5B	R5	R4A	R4B	R4C	R4D	R4E	R5	O	Q1	C1A	C1B	C1A/R ²	D1	D2	C9B-	C9	R3	P	PL	RE ³	ORL ⁴	M1	M1A	M2				
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16
Group Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6.A; 5.16.6.F;
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6.A; 5.16.6.G;
Incidental Services																									A										5.16.6.A; 5.16.6.H;	
Management/Maintenance Office and Storage ⁵¹																									A										5.16.6.A; 5.16.6.I;	
Medical Marijuana Home Occupation ⁵²	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6.A;	
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.3.H	
Office, Administrative/Executive ⁵³																																			5.16.3.H	
Outdoor Display and Vending Machines ⁵⁴																																			5.16.6.A;	
Outdoor Sales, Seasonal ⁵⁵																																			5.16.6.A; 5.16.6.J;	
Parking Attendant Building ⁵⁶																																			5.16.6.A; 5.16.6.K;	
																																			5.16.6.A;	

⁵¹ Formerly "Dwelling Unit."
⁵² Formerly "Storage/maintenance building, enclosed."
⁵³ New use added by Ord. 10-37.
⁵⁴ Formerly "Office, executive and administrative" and relocated from Principal Use category to Accessory Use category.
⁵⁵ This is a new Accessory Use.
⁵⁶ This is a new Accessory Use.
⁵⁷ Formerly "Shelter building for attendants."

