

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS		
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Health Care																																	
Hospital											E	E	E	E		E	E	E	E	E							P			E	E		5.16.2D
Nursing Care Facility											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P	5.16.2F
COMMERCIAL																																	5.16.35.16.3
Lodging																																	
Bed and Breakfast																					P	P	P	P	P								
Hotel																P	P	P	P	P	P	P	P	P	P								
Recreation, Entertainment, and Arts																																	
Adult Entertainment Business																														P		P	5.16.3A
Artist Studio																P	P	P	P	P	P	P	P	P						P	P	P	5.16.3B
General Entertainment																	P	P	P	P	P	E	P	P									5.16.3D
Indoor Recreation																E	P	P	P	P	P	P	P	P			P		E	E	E	E	5.16.3F
Outdoor Recreation	P	E	E	E	E	E	E	E	E	E	E	E	E	E									P	P			P		E				5.16.3K5.16.3L ¹

Formatted

¹ Ordinance No. ORD-19-15, effective June 16, 2019.

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE		RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS		
		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Sales																																		
	Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																				E	E	P	P						P	P			
	<u>Designated Marijuana Consumption Facility</u>																		P	P	P	P	P	P	P									<u>5.16.3.G</u>
	Fueling Station																				E	E	E	P								P	5.16.3E	
	Outdoor Sales, Permanent																	P	P	P	P	P	P	P	P								<u>5.16.3L</u> 5.16.3J ²	
	Medical Marijuana Provisioning Center, <u>Marijuana Retailer</u>																	E	E	E	E	E	E	E						E	E	E	5.16.3G	
	Mobile Food Vending Service																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>5.16.3I</u> 5.16.3H ³	
	Restaurant, Bar, Food Service																	P	P	P	P	P	P	P	P								<u>5.16.3P</u> 5.16.3M ⁴	
	Retail Sales, General Merchandise																	P	P	P	P	P	P	P	P									
	Wholesale, Resale, Building Material and Supplies																						P	P						P	P	P		

² Ordinance No. ORD-19-15, effective June 16, 2019.³ Ordinance No. ORD -19-16, effective June 16, 2019.⁴ Ordinance No. ORD -19-15, effective June 16, 2019.

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL															MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS	
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Services and Repair																																	
Automobile, Truck, Construction Equipment Repair																					E	E	P	P						P	P	P	5.16.3C
Contractors, General Construction, and Residential Building																						P	P	P						P	P	P	
Laundry, Cleaning, and Garment Services																	P	P	P	P	P	P	P	P						P	P	P	
Parking Lot or Structure																					E	E				P	P						5.16.3M5.16.3K ⁵
Personal Services																P	P	P	P	P	P	P	P										5.16.3N5.16.3L ⁶
Vehicle Wash																					E	E	E	P									
Veterinary, Kennel, and Animal Boarding																E	E	E	E	E	P	P	P	P						P	P	P	5.16.3O5.16.3N ⁷

⁵ Ordinance No. ORD -19-15, effective June 16, 2019.⁶ Ordinance No. ORD -19-15, effective June 16, 2019.⁷ Ordinance No. ORD -19-16, effective June 16, 2019.

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS			
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
OFFICE AND RESEARCH																																		5.16.45.16.4
Office-Type																																		
Bank, Credit Union, Financial Services																P	P	P	P	P	P	P	P	P						P	P			
Office, General																P	P	P	P	P	P	P	P	P				P	P	P	P		5.16.4C	
Medical/Dental																P	P	P	P	P	P	P	P	P						P	P		5.16.4C	
Nonprofit Corporations		E	E	E	E	E	E	E	E	E	E	E	E	E		P	P	P	P	P	P	P	P	P				P	P	P	P		5.16.4B	
Research and Development																																		
Laboratory																												P	P	P	P	P		5.16.4A
Medical Laboratory																					P	P	P	P			P	P	P	P	P			
Medical Marijuana Safety Compliance Facility																												P	P	P				5.16.3G
Research/Development																												P	P	P	P	P		
TRANSPORTATION																																		
Medical Marijuana Secure Transporter																							P	P						P			5.16.3G	
Railroad and Public Transportation Rights-of-Way																					P	P	P	P			P			P	P	P		
Transit Center, Station, or Depot																					P	P	P	P			P			P	P	P		
Transportation Facilities																											P							

Formatted

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS	
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
INDUSTRIAL																																		5.16.55-16.5
Agricultural																																		
Agriculture/Greenhouse	P																																	
Barns	P																																	
Borrow Pits	E																																	
Marijuana Microbusiness																							P				E	E	P	P	P	P		
Medical-Marijuana Grower																	P	P	P	P				P				E	E	P	P	P		5.16.3G
Manufacturing, Processing, Assembly, and Fabrication																																		
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																E		
Coal and Coke Dealer																																P		
Food and Beverages																															P	P	P	
Heavy Manufacturing																																P		5.16.5A
Laundry and Dry Cleaning Plant																															P	P	P	
Light Manufacturing																													P	P	P			5.16.5B
Medical-Marijuana Processor																												E	E	P				5.16.3G
Marijuana-Infused ⁸ Product Processor																							E	E									5.16.3G	

⁸ Ordinance No. ORD-18-22, effective November 4, 2018.

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE		RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS			
		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
	Oil and Gas Wells																																	5.16.5C	
	Pilot Manufacturing																											P	P	P	P	P			
	Scrap and Waste Material																																E		
	Slaughterhouse																																E		
Utilities and Communications																																			
	Broadcasting Facility																				P	P	P	P							P	P	P		
	Data Processing and Computer Centers																P	P	P	P	P	P	P	P					P	P	P	P	P		
	Electric, Gas, and Sanitary Services																															P	P	P	
	Power and Fuel Rights-of-Way																																P		
	Wireless Communication Facilities	P															P	P			E	E	E	P	P	E		P	P	P	P	P	P	5.16.5D	

TABLE 5-15: PERMITTED USE TABLE

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE		RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS		
		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Warehousing and Storage																																		
	Medium Term Car Storage																										E							5.16.3J5.16.3H ⁹
	Short Term Car Storage																										P							5.16.3O5.16.3N ¹⁰
	Outdoor Storage																														P	P	P	
	Warehousing and Indoor Storage																							P	P						P	P	P	
ACCESSORY USES																																		5.16.6
	All Accessory Buildings																																	5.16.6A;
	Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A
	Community Recreation								A	A	A	A	A	A																				5.16.6A;
	Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A; 5.16.6A.3; 5.16.6B
	Drive-Through Facility															E						E	E	E	E								5.16.6A; 5.16.6A.3; 5.16.6C	
	Dwelling Unit, Accessory		A	A	A	A																												5.16.6A; 5.16.6D

⁹ Ordinance No. ORD -19-15, effective June 16, 2019.¹⁰ Ordinance No. ORD -19-15, effective June 16, 2019.

- g. No lessee or sublessee of any property shall convert that property from any other use to an Adult Entertainment Business without the express written permission of the owner of the property for such use.

B. Artist Studio

1. O District

No more than 25% of the total Floor Area of the studio shall be used for the display and sale of articles that are produced in the studio.

C. Automobile, Truck, Construction Equipment Repair

1. C2B District

Storage and Repair of Automobiles, Trucks, and Construction Equipment must be located in an enclosed Building.

D. General Entertainment

1. Theaters, Enclosed

a. C1B District

The total seating capacity shall not exceed 600 seats.

2. Pinball Parlor

Allowed only in the C1A District.

E. Fueling Station

A Fueling Station shall employ berms or 30 inch high opaque walls between the Vehicular Use Area and the Public Right-of-Way unless the landscape buffer strip provided is 15 feet in width or greater. If the landscape buffer strip provided is 15 feet in width, then a landform berm, hedge and/or dense planting combination at least 30 inches in total height is acceptable. If a wall is used, it shall be set back at least four feet from the Lot Line with one 30 inch high shrub provided for every four linear feet, planted on the street side of the wall. The Site design, planting scheme, and materials used in these areas shall comply with the requirements set forth in this chapter.

F. Indoor Recreation

1. C1 District

Special Exception Use approval pursuant to Section 5.29.5 shall be required when adjacent to any R district.

2. C1A, C1A/R, C1B Districts

Special Exception Use approval pursuant to Section 5.29.5 shall be required when adjacent to any R district.

G. ~~Medical~~ Marijuana Facility

1. Intent

- a. It is the intent of this section to provide appropriate locations and reasonable restrictions for ~~Medical~~ Marijuana ~~facilities~~ Facilities allowed

by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district regulations.

- b. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of Marijuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq. and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. ~~This is a unique land use with ramifications not addressed by more traditional zoning district and Home Occupation regulations.~~
- c. It is the intent of this section to protect the health, safety, and general welfare of Persons and property by limiting land uses related to Marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of Persons in the district, or other uses allowed in each district.

2. Words and Phrases

Words and phrases contained in the Michigan Medical ~~Marijuana~~ Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq., ~~or the Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq., or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.~~ (“MRTMA”) shall have the same meanings in this Code. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA, ~~or the MMMA, or the MRTMA,~~ but if any definition in Article VIII conflicts with the definition in the ~~MMFLA, MMFLA, or MMMA, or MRTMA,~~ then the definition in the ~~MMFLA or MMMA~~ state acts shall apply.

3. Additional ~~Medical~~ Marijuana Facility Location Restrictions

- a. A Marijuana Retailer may co-locate with an approved Medical Marijuana Provisioning Center so long as all conditions of original Medical Marijuana Provisioning Center approval are satisfied by both facility types.
- ~~a.b.~~ A Medical Marijuana Provisioning Center or Marijuana Retailer may only be located within a PUD in compliance with the standards in this Section 5.16.3G and where retail use is permitted in the PUD Supplemental Regulations.
- ~~b.c.~~ No Lot containing a Medical Marijuana Provisioning Center, Marijuana Microbusiness, or Marijuana Retailer shall be located within 600 feet of ~~a-any~~ Lot on which ~~another either a~~ Medical Marijuana Provisioning Center, Marijuana Microbusiness, or Marijuana Retailer is located.

Formatted

~~e.d.~~ A maximum of one State Operating License shall be utilized per Lot. For the purposes of this section, a jointly operating Marijuana Provisioning Center and Marijuana Retailer shall be considered as a single License.

- i) Exceptions: In the M1, M1A and M2 districts, a maximum of five Marijuana Facilities with State Operating Licenses may co-locate on a single Lot, and in the RE and ORL districts, a maximum of two Marijuana Facilities with State Operating Licenses may co-locate on a single Lot. No two facilities of the same type of ~~Medical~~-Marijuana use (Grower, Processor, Secure Transporter, Provisioning Center/~~Marijuana Retailer~~ as accessory Retail Sales, and Safety Compliance Facility) may be located on the same Lot.

e. No Lot containing a Medical Marijuana Provisioning Center, Marijuana Retailer, Grower, Microbusiness or Processor shall be located within 1,000 feet of a Lot on which a Public School or Private School, but excluding dance or art schools, is located.

~~d.f.~~ No approvals under this Chapter shall be granted for any Marijuana Facilities in excess of any limits on facilities in the City established by Chapter 96 of the City Code or other actions of the City.

4. Standards for Medical Marijuana Home Occupations

Cultivation or other Medical Use of Marijuana as a Medical Marijuana Home Occupation in Single-Family Dwellings.

- a. Medical Marijuana Home Occupations are not permitted in Two-Family or other Multiple-Family Dwellings.
- b. In a Single-Family dwelling in any zoning district, no more than 72 Marijuana plants shall be grown on the Premises, regardless of the number of registered Primary Caregivers and/or registered Qualifying Patients residing in the dwelling. The Principal Use of the Single-Family Dwelling shall be a Residential Occupancy and shall be in actual use as such.
- c. All other performance standards for Home Occupations as provided in Section 5.16.6H shall be required.
- d. A zoning permit shall be required, consistent with Section 5.29.1.

5. Standards for Medical Marijuana Use or Cultivation

When the cultivation or other Medical Use of Marijuana in Dwelling Units is not a Medical Marijuana Home Occupation, it shall comply with the following standards.

- a. The Principal Use of the Dwelling Unit shall be Residential Occupancy and shall be in actual use as such.

- b. No more than 12 plants for each registered Qualifying Patient who resides in the Dwelling Unit shall be grown.
 - c. No Equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary.
 - d. All aspects of the Medical Use of Marijuana shall comply at all times with the provisions of the MMMA.
6. ~~Medical~~ Marijuana Facility Regulations
- a. No Person shall reside in or permit any Person to reside in a Marijuana Facility, except as allowed in the M1 and M2 zoning districts.
 - b. No smoking, inhalation, or consumption of Marijuana shall take place on the Premises of any Marijuana Facility.
 - b.i) Exception: A Designated Marijuana Consumption Facility shall permit smoking, inhalation, or consumption of Marijuana on the premises.
 - c. All activities of a Marijuana Facility shall be conducted indoors.
 - d. No equipment or process shall be used in any Marijuana Facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the Premises, or use area devoted to Facility in a multiple use building.
7. Special Exception Use Regulations for ~~Medical~~ Marijuana Facilities
- a. In addition to the requirements in Section 5.29.5, the following information shall be provided to the Planning Commission for consideration of an application for Special Exception use. Additional information may be requested by staff or the Planning Commission.
 - i) For Provisioning Centers, Marijuana Retailers, Growers, and Processors
 - (a) ~~An operations statement that describes, but is not limited to, the life-cycle of Marijuana and Marijuana-Infused Products entering, stored on, grown, dried, and leaving the site. This may include A~~ description of how deliveries are handled, methods of storage, ~~cash handling~~, a business floor plan, or other pertinent information.
 - (b) A detailed safety and security plan that addresses Marijuana, customers, employees, and neighboring residents, offices, or businesses.
 - (c) A description of methods to be used to contain all odors within the building.
 - (d) A waste disposal plan specific to Marijuana, Marijuana plant waste, and Marijuana-Infused Products.
 - (e) Days and hours of operation.

ii) For Growers or Microbusinesses

(a) A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment, permits required for wastewater disposal, and the expected volume of wastewater based on the maximum number of plants allowed in that facility's Grower class or Microbusiness status.

(b) An energy use plan, with any necessary planned improvements, that demonstrate a minimum of 25% of the Facility's anticipated energy usage will be provided via the installation of solar panels on site.

iii) For Designated Marijuana Consumption Facilities

(a) A Consumption Facility must be contained fully in a permanently enclosed building. No outdoor seating, patio, or other associated use may accompany a Consumption Facility.

(a)

b. A Site Plan that meets the requirements of this chapter shall be provided. For sites that require City Council approval of a Site Plan, approval of the Special Exception use by the Planning Commission shall be contingent upon Site Plan approval by City Council.

c. An application for a Medical Marijuana Provisioning Center and/or Marijuana Retailer in the M1, M1A, or M2 zoning district may only be approved if the Provisioning Center is incidental to the Principal Activity or Principal Use and the Floor Area devoted to Provisioning Center and/or Retailer does not exceed 10% of the Floor Area of the Site/Principal Marijuana Facility Use.

H. Mobile Food Vending Services

Mobile Food Vending Services shall meet the following requirements:

1. The Mobile Food Vending Service and associated fixtures shall not be located less than 10 feet from any Public Right-of Way or within any required sight distance triangle. A Mobile Food Vending Service is permitted in any Mixed Use Zoning District or any Nonresidential and Special Purpose Zoning District.

On a property adjacent to any Residential Zoning District, a Mobile Food Vending Service shall not be located within the required setback established by the zoning district immediately adjacent to the residentially zoned district.

2. Any operator of a Mobile Food Vending Service must receive a Zoning Compliance Permit annually and display at service. All applications for Zoning Compliance Permit shall include documentation of property owner permission for any proposed location, which may be amended over course of

occupied by features such as seating, permanent planting areas, water features or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:

- i) Have a minimum dimension of ten feet; and occupy not less than 500 square feet; and
- ii) Be at the same Grade as the adjacent public Sidewalk or not more than 24 inches above or below the Grade of adjoining public Sidewalk for no more than 50% of either length of the sides adjoining and measured at the Lot Line; and
- iii) Be readily identifiable from the public Sidewalk; and
- iv) A portion of a plaza may be used for the parking of bicycles, provided the square footage of the plaza is increased beyond the minimum requirement at the rate of 96 square feet for each two bicycles parked, and permanently-installed bicycle facilities are provided; and
- v) When seating and/or tables are provided, they shall be available for use by the general public at all times the space is open.

7. Public Parking Premium Option

In the D1 district, the Floor Area of above-Grade Parking Structures reserved for vehicular Parking Spaces in excess of the minimum requirement shall not be counted toward the maximum Floor Area Ratio, up to a maximum of 200% of the Lot Area, if the following conditions are met:

- i) The Parking Spaces are made available to the general public;
- ii) The number, location, size, access, layout and design of the Parking Spaces meet standards for public parking, as determined by the Downtown Development Authority;
- iii) The property owner signs and records a Development Agreement or other document approved by the City Attorney outlining the operating conditions for this parking.

5.19 Parking Standards

5.19.1 Applicability

- A. No new Building shall be erected unless the parking for bicycles and motor vehicles required by this Section 5.19 is provided.
- B. No Building shall be altered so the Floor Area is increased unless the minimum required parking for the entire Building is provided.

- C.** The minimum parking required by this chapter shall be provided for the entire Building if the use classification or number of Dwelling Units in the Building is changed and the Parking Space required for the new use exceeds that required for the previous use.
- D.** The area outside a Building occupied by Bicycle Parking Spaces shall be considered Open Space and be included in the calculation of Open Space of a Site. When Bicycle Parking Spaces are provided within a Building, the Floor Area used for Bicycle Parking Spaces shall not be included in the Floor Area used for calculating off-street parking requirements.

5.19.2 Required Parking

Each land use listed in Table 5-19-1 shall provide the amount of off-street parking indicated in that table, unless those requirements are modified by another provision of this chapter, in which case the modifications shall apply. Parking for vehicles and bicycles in the amount specified in this section shall be provided on the same Lot as the Principal Use or on a separate Lot within 500 feet of the Principal Building if zoned "P" or zoned for the same uses as allowed on the property of the Principal Use. No Lot zoned other than "P" shall have parking as its Principal Use, excepting Lots containing approved Parking Lots or Structures in the D1 or D2 districts. An off-site permanent parking easement must be recorded if required parking is provided on another Lot. An off-site parking easement may not include Parking Spaces or Bicycle Parking Spaces required to keep another property in compliance with this chapter. Any fraction of a required Parking Space or Bicycle Parking Space shall be considered a full space. Required bicycle parking shall meet the design requirements for Class A, B and C facilities provided in Section 5.19.8 Property owners may provide a higher class of bicycle parking facility than is required by this section.

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED

USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]		REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
RESIDENTIAL USES				
Household Living	Adult Foster Care	1 space per Dwelling Unit	None	None
	Dwelling, Assisted Living	For R4A: 2 spaces per Dwelling Unit For R4B, R4C, R4D and R4E: 1 ½ spaces per Dwelling Unit For any Nonresidential District: 1 space per Dwelling Unit	1 space per 5 Dwelling Units	A 50% C 50%
	Dwelling, Multi-Family	For R4A: 2 spaces per Dwelling Unit For R4B, R4C, R4D, and R4E: 1 ½ spaces per Dwelling Unit In any Nonresidential District: 1 space per Dwelling Unit	1 space for 5 Dwelling Units	A 50%, C50%
	Dwelling, Single-Family	1 space per Dwelling Unit	None	None
	Dwelling, Townhouse	2 spaces per Dwelling Unit	1 space per 5 Dwelling Units	A 50%, C 50%

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED

USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]		REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
	Dwelling, Two Family	1 ½ spaces per Dwelling Unit	None	None
	House Trailer Park	1 space per Dwelling Unit	None	None
Group Living	Emergency Shelter	None	None	
	Fraternities, sororities, student cooperatives	1 space for each 5 beds	1 space per 2 beds	A 50% B 50%
	Group Housing	1 space for each 3 beds	1 space per 5 beds	A 50% B 50%
	Guest House	1 space for each 3 beds	1 space per 5 beds	A 50% B 50%
PUBLIC/INSTITUTIONAL USES				
Airports, Municipal		Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
Community and Cultural	Cemetery	None	None	
	Club Headquarters or Community Center	1 space per 200 sq. ft. of Floor Area	1 space per 1,000 sq. ft. of Floor Area	C 100%
	Conference Center	1 space per 100 sq. ft. of Floor Area	1 space per 1,000 sq. ft. of Floor Area	C 100%
	Correctional Facility	Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area used for Office and administration purposes, none for Floor Area used for any other purpose [1]	1 space per 3,000 sq. ft. of Floor Area used for Office and Administrative purposes, none for Floor Area used for any other purpose	A 30% C 70%
	<u>Designated Consumption Facility</u>	<u>Maximum of 1 space per 100 square feet of Floor Area</u>	<u>Minimum of 1 space per 500 sq. ft. of Floor Area</u>	<u>B 50%</u> <u>C 50%</u>
	Museum, Art Gallery	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Funeral Services	1 space per 100 sq. ft. of Floor Area used for viewing or services. Site must provide a separately designated off-street assembly area for the lead car, hearse, and Family vehicle to be used in funeral processions so that these vehicles do not interfere with off-site traffic or access to required Parking Spaces	None	None
	Government Offices and Courts	Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
	Library	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Park, Recreation and Open Space	None	None	

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED

USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]		REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
	Religious Assembly	1 space per 3 seats or 1 space per 6 feet of pew. Public off-street spaces within 1,000 feet of the Site may be counted if approved as part of a site plan	1 space per 50 seats or 100 feet of pew	C 100%
Day Care	Adult Day Care Center	1 off-street space per caregiver required to staff facility at the state-licensed capacity, and 2 drop off spaces (off-street or on street within 250 feet of the Lot) for the first 20 adults that the facility is licensed to care for plus 1 space for each additional 20 adults.	1 space per 10 caregivers	B 100%
	Child Care Center	1 off-street space per caregiver required to staff facility at the state-licensed capacity, and 2 drop off spaces (off-street or on street within 250 feet of the Lot) for the first 20 children that the facility is licensed to care for plus 1 for each additional 20 children.	1 space per 10 caregivers	B 100%
Educational	Institutions of Higher Learning, Private	5 spaces per classroom	5 spaces per classroom	C 100%
	Institutions of Higher Learning, Public	None	None	
	School, Private	High School: 5 spaces per classroom Elementary and Middle Schools: 3 spaces per classroom	5 spaces per classroom	C 100%
	School, Public	As required by the State	As required by the State	
	School, Trade/Industrial	5 spaces per classroom	5 spaces per classroom	C 100%
Health Care	Hospital	1 space for each 6 beds	1 space per 60 beds	B 100%
	Nursing Care Facility	1 space for each 6 beds	1 space per 60 beds	B 100%
COMMERCIAL USES				
Lodging	Bed and Breakfast	1 space per room	1 space per 4 rooms	B 100%
	Hotel	1 space per room	1 space per 30 rooms	A 100%
Recreation, Entertainment, and Arts	Adult Entertainment Business	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Artist Studio	1 space per 600 sq. ft. of Floor Area	1 space per 6,000 sq. ft. of Floor Area	B 100%
	General Entertainment	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Indoor Recreation	Athletic Club/Roller Rink = 1 space per 200 sq. ft. of Floor Area	1 space per 1,000 sq. ft. of Floor Area	B 100%

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED

USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]		REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
		Bowling Alley = 5 spaces per alley	1 space per 5 alleys	C 100%
		Indoor Court Game Facilities = 1 space per 1,000 sq. ft. of Floor Area	1 space per 2,000 sq. ft. of Floor Area	B 100%
	Outdoor Recreation	Swimming Club, Private (Building) = 1 space per 200 sq. ft. of Floor Area	1 space per 1,000 sq. ft. of Floor Area	C 100%
		Stadia Auditorium = 1 space per 3 seats or 1 space per 6 feet of bench	1 space per 100 seats or 200 feet of bench	C 100%
		Enclosed Theater = 1 space for each 3 seats	1 space per 150 seats	C 100%
Sales	Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)	1 space per 310 sq. ft. of Floor Area	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Fueling Station	1 space per 200 sq. ft. of Floor Area	1 space.	C
	Outdoor Sales, Permanent	Minimum of 1 space per 310 sq. ft. of area devoted to outdoor sales, maximum of 1 space per 265 sq. ft. of area devoted to outdoor sales [1]	1 space per 3,000 sq. ft. of area devoted to outdoor sales	B 50% C 50%
	Medical Marijuana Provisioning Center, Marijuana Retailer	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Restaurant, Bar, Food Service	1 space for each 100 sq. ft. of Floor Area	1 space per 750 sq. ft. of Floor Area	B 50% C 50%
	Retail Sales, General Merchandise	Retail stores and Retail Centers less than 300,000 sq. ft. of Floor Area = Minimum of 1 space per 310 sq. ft. of Floor Area; maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
		Retail stores and Retail Centers between 300,000 – 600,000 sq. ft. of Floor Area = Minimum of 1 space per 285 sq. ft. of Floor Area; maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
		Retail stores and Retail Centers more than 600,000 sq. ft. of Floor Area = Minimum of 1 space per 265 sq. ft. of Floor Area; maximum of 1 space per 235 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
		Furniture, Home Furnishings and Appliance Stores = 1 space per 600 sq. ft. of Floor Area	1 space per 7,500 sq. ft. of Floor Area	C 100%
	Wholesale, Resale, Building Material and Supplies	1 space per 600 sq. ft. of Floor Area	1 space per 6,000 sq. ft. of Floor Area	C 100%

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED

USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]		REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
Service and Repair	Automobile, Truck, Construction Equipment Repair	1 space per 200 sq. ft. of Floor Area	1 space.	C
	Contractors, General Construction, and Residential Building	1 space per 333 sq. ft. of Floor Area	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
	Laundry, Cleaning, and Garment Services	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
	Parking Lot or Structure	None	1 space per 10 parking stalls	A 30% C 70%
	Personal Services	1 space per 100 sq. ft. of Floor Area	1 space per 750 sq. ft. of Floor Area	C 100%
	Vehicle Wash	Automatic: 1 space per 500 sq. ft. of Floor Area Self-serve: 1 space per bay	1 space.	C
	Veterinary, Kennels and Animal Boarding	Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
Office and Research				
Office-Type	Bank, Credit Union, Financial Services	Minimum of 1 space for each 220 sq. ft. of Floor Area and maximum of 1 space per 180 sq. ft. of Floor Area [1]	1 space per 2,000 sq. ft. of Floor Area	C 100%
	Office, General	Minimum of 1 space per 333 sq. ft. of Floor Area; maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
	Medical/Dental	Minimum of 1 space per 220 sq. ft. of Floor Area; maximum of 1 space per 180 sq. ft. of Floor Area [1]	1 space per 1,500 sq. ft. of Floor Area	A 30% C 70%
	Nonprofit Corporations	Minimum of 1 space per 333 sq. ft. of Floor Area; maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
Research and Development	Laboratories	1 space per 600 sq. ft. of Floor Area	1 space per 6,000 sq. ft. of Floor Area	B 100%
	Medical Laboratory	1 space per 600 sq. ft. of Floor Area	1 space per 6,000 sq. ft. of Floor Area	B 100%
	Research/Development	1 space per 600 sq. ft. of Floor Area	1 space per 6,000 sq. ft. of Floor Area	B 100%
TRANSPORTATION				
	Railroad and Public Transportation Rights-of-Way	None	None	None
	Transit Center, Station, or Depot	1 space per 333 sq. ft. of Floor Area used for Offices or administration of center, Station or Depot	1 space per 3,000 sq. ft. of Floor Area used for Offices or administration of center Station or Depot	A 30% C 70%
	Transportation Facilities	None	None	None
Industrial				

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED

USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]		REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
Agricultural	Agriculture/ Greenhouse	None	None	None
	Barns	None	None	None
	Borrow Pits	None	None	None
	<u>Marijuana Microbusiness</u>	<u>None</u>	<u>1 space for each 750 sq. ft. of Floor Area</u>	<u>A 30% C 70%</u>
	Medical Marijuana Grower	Minimum of 1 space per 333 sq. ft. of Floor Area used for Offices, maximum of 1 space per 250 sq. ft. of Floor Area used for Offices. 1 space per 2,000 sq. ft. of Floor Area used for cultivation.	1 space per 3,000 sq. ft. of Floor Area	B 100%
Manufacturing, Processing, Assembly, and Fabrication	Asphalt, Concrete Mixing Plant, Sand and Gravel Pit	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft. of Floor Area	B 100%
	Coal and Coke Dealer	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft. of Floor Area	B 100%
	Heavy Manufacturing	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft.	B 100%
	Laundry and Dry Cleaning Plant	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft. of Floor Area	B 100%
	Light Manufacturing	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft.	B 100%
	Oil and Gas Well	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft. of Floor Area	B 100%
	Pilot Manufacturing	1 space per 600 sq. ft. of Floor Area	1 space per 6,000 sq. ft. of Floor Area	B 100%
	Scrap and Waste Material	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft. of Floor Area	B 100%
	Slaughterhouse	1 space per 1,500 sq. ft. of Floor Area	1 space per 25,000 sq. ft. of Floor Area	B 100%
Utilities and Communications	Broadcasting Facility	Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
	Data Processing and Computer Centers	Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
	Electric, Gas, and Sanitary Services	None	None	None
	Power and Fuel Rights-of-Way	None	None	None
	Wireless Communication Facilities	None	None	None
Warehousing and Storage	Outdoor Storage	None	None	None
	Warehousing and Indoor Storage	1 space for 2,000 sq. ft. of Floor Area	1 space per 30,000 sq. ft.	B 100%
ACCESSORY USES				
Bed and Breakfast, Accessory		1 space, plus that required for the Principal Use	1 space, plus that required for the Principal Use	B 100%

TABLE 5:19-1 OFF-STREET PARKING SPACES REQUIRED			
USE [SEE SEC. 5.19.3 FOR USES IN D1 AND D2 DOWNTOWN DISTRICTS:]	REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
Community Recreation	1 space per 200 sq. ft. of Floor Area	1 space per 1,000 sq. ft. of Floor Area	C 100%
Dwelling Unit, Accessory	3 spaces on the Lot	None	None
Dwelling Unit, Manager's	1 space per Dwelling Unit	None	None
Family Day Care Home	None	None	None
Group Day Care Home	1 space per caregiver not living in the dwelling, plus that required for the Principal Use and 2 off-street or on-street Parking Spaces within 250 feet of the Lot for drop off and pick up.	None	None
Home Occupation	None	None	None
Management/Maintenance Office and Storage	Minimum of 1 space per 333 sq. ft. of Floor Area, maximum of 1 space per 250 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	A 30% C 70%
Restaurant, Bar, Food Service	1 space per 100 sq. ft. of Floor Area	1 space per 750 sq. ft. of Floor Area	B 50% C 50%
Retail Sales, General Merchandise	Minimum of 1 space per 310 sq. ft. of Floor Area, maximum of 1 space per 265 sq. ft. of Floor Area [1]	1 space per 3,000 sq. ft. of Floor Area	B 50% C 50%
Roadside Stand	Two spaces.	None	None
TEMPORARY USES			
Christmas Tree Sales	None.	None	None
Outdoor Sales, Temporary by Others	By Special Exception		
Special Event Sales	By special ordinance		
NOTES:			
[1] Additional parking may be provided if it does not increase Impervious Surfaces beyond that which would be provided by meeting the maximum parking required. Examples of additional parking may include, but not be limited to, under-Structure parking, Rooftop parking, or Structured parking above a surface Parking Lot.			
[2] Other uses: parking and bicycle spaces for uses not specified shall be determined by the Planning Manager, Based upon requirements for similar use.			

5.19.3 Special Parking Districts

Lots located in the D1 or D2 downtown zoning districts are considered a special parking district and are subject to the following standards:

- A. No off-street motor vehicle parking is required in the special parking district for Sites that do not exceed the normal maximum permitted Floor Area Ratio or for Sites zoned PUD with Floor Area that does not exceed 300% of the Lot Area. Structures that exceed the normal maximum Floor Area by providing Floor Area premiums, or PUD-zoned Sites that exceed 300% of Lot Area, shall provide Parking Spaces for the Floor Area Ratio in excess of the normal maximum permitted. This parking shall be provided at a rate of one off-street Parking Space for each 1,000 square feet of Floor Area.
- B. Each Parking Space reserved, signed and enforced for a car-sharing service may count as four required motor vehicle Parking Spaces. For the purpose of this

Correctional Facility

A publicly or privately operated facility to house Persons awaiting trial or Persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, and adult or juvenile detention center.

Critical Root Zone

The circular area surrounding a tree that is considered to contain tree roots within 18 inches of the ground surface. The radius of the Critical Root Zone is, in feet, the same numerical value as the tree's Diameter at Breast Height (DBH) in inches, and is measured outward from the center of the tree. For example, the Critical Root Zone of a 12-inch DBH tree has a radius of 12 feet.

CSA

Community Services Area.

Cultural Services

A facility, such as a Museum, art gallery, or similar public or semi-public use, that displays, preserves, and exhibits objects of community, cultural, or scientific interest.

Curb Cut

That section of curb removed to permit ingress and egress from the pavement to the adjacent property and shall be measured between the points of tangency of the Opening radii with the normal street curbing.

Cut or Excavation

Any act, by which soil or rock is Cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting there from.

Data Processing and Computer Center

An establishment that conducts computer programming, software development, and training, and services and maintains electronic data Processing Equipment.

DDA

The Ann Arbor Downtown Development Authority.

Debris

Loose refuse or earth material not suitable for use as presently situated or constituted.

Designated Marijuana Consumption Facility

As defined by the Michigan Regulation and Taxation of Marihuana Act, a State Licensed Facility where customers may consume, via smoking, ingestion, or other means, marijuana individually purchased through a State Licensed Provisioning Center, Marijuana Retailer, or Marijuana Microbusiness.

Development

Any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, Clearing, Grubbing, or Grading of land, and structural improvements (e.g., Buildings, walls, Fences, Signs, and vehicular areas).

Diameter at Breast Height (DBH)

The diameter of a tree measured 4.5 feet above the existing Grade.

Affiliation shall be through the recognition of membership of the resident fraternity or sorority in associations or councils recognized by a college or university.²¹

Fueling Station

A facility for the sale or distribution of gasoline or equally inflammable fuel oils. This use does not include any services other than distributing the fuel or sales of any other goods except those directly related to fuel sales and distribution. Other services or sales shall be considered separately.

Funeral Services

A Building or place where ceremonies for the deceased are conducted.

Functional Family

A group of people plus their Offspring, having a relationship which is functionally equivalent to a Family. The relationship shall be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional Family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the Housekeeping Unit is temporary.

Government Offices and Courts

An Office of a governmental agency that provides Administrative and/or direct services to the public, such as, but not limited to: City hall, post Office, Courts, employment Office, Library, waste treatment facilities, Correctional Facility, public assistance Office, or motor vehicle licensing and registration services.

Grade or Grading

Any Stripping, excavating, filling, Stockpiling or any combination those activities, and shall include the land in its excavated or filled condition.

Grading Permit

A soil Erosion and Sedimentation control permit issued to authorize work to be performed under this Ordinance.

Group Day Care Home

An Accessory Use of a private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.

Group Housing

A Building containing a group of rooms forming a single habitable unit used or intended to be used for living and sleeping. Separate kitchen and dining facilities may or may not be provided within the Building. Also known as a Rooming House or Boarding House. See also "Family living arrangement" in 5.16.1.A.2.

Grower

As used in the context of Marijuana, a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a ~~processor~~ Processor, Per provisioning center Center, or Marijuana Retailer.

²¹ Ordinance No. ORD-18-06, effective July 29, 2018.

Lot Width

The length of a straight line drawn between the points where the Required Front Setback Line cuts the Side Lot Lines.

Management/Maintenance Building

Use within a principal or Accessory Building for storage of maintenance supplies to be used on the Site of the Principal Use, or occupied by a Person for day-use for the purpose of managing a property, Building, or facility.

Marihuana

That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

~~Marihuana-Marijuana~~ Facility

A location at which a license holder is licensed to operate under the Medical Marihuana Facilities Licensing Act (“MMFLA” or the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”).

Marihuana Plant

Any plant of the species Cannabis sativa L.

Marihuana-Infused Product

A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

Marijuana

Marihuana, as defined in the Medical Marihuana Licensing Facilities Act or Michigan Regulation and Taxation of Marihuana Act.

Marijuana Microbusiness

As defined in the Michigan Regulation and Taxation of Marihuana Act, a State Licensed Facility that cultivates, processes, and sells or transfers marijuana directly to customers.

Marijuana Retailer

A licensee that is a commercial entity located in this state that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to customers in compliance with the Michigan Regulation and Taxation of Marihuana Act.

Massing Articulation

The way in which a Building wall surface is broken down into vertical modules, sub-parts or major elements, which are distinguished by changes in materials, texture or surface plane (see Figure 3).

Formatted

Formatted

Formatted

Pilot Manufacturing

The production of a product, process, or piece of Equipment on a simulated factory basis, and, limited to Pilot Manufacturing of engineering, Laboratory, scientific, electronic and research instruments and associated Equipment.

Pinball Parlor

A pinball facility meeting all requirements of Chapter 87, Section 7:327.

Planning Manager

The Manager of the PDSU.

Plant

Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

Power and Fuel Rights-of-Way

All lines and facilities related to the provision, collection, distribution, and transmission of Power and Fuel Rights-of-Way.

Premises

The contiguous land in the same ownership or control that is not divided by a public street or Alley.

Primary Caregiver

As used in the context of Marijuana, a person who is at least 21 years old and who has agreed to assist with a patient's Medical Use of Marijuana and who has never been convicted of a felony involving illegal drugs.

Principal Activity

A use accounting for more than 20% of a Business' stock in trade, display space, Floor space, live entertainment time or movie display time per year.

Principal Use

The primary use of any Lot.

Principal Building

A Building or group of Buildings in which the main or Principal Use is conducted on a Lot.

Prior Zoning and Development Regulations

The provisions of each of those chapters of the Code listed in Section 5.9.1 as they existed immediately prior to the adoption of this chapter.

Processor, Marijuana-Infused Product

A licensee that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale marijuana-infused products to licensed Provisioning Centers, [Marijuana Retailers](#) or other Processors.²⁴

²⁴ Ordinance No. ORD-18-22, effective November 4, 2018.

Professional Engineer

A person licensed by the State of Michigan to engage in the practice of Professional Engineering as defined by Act 299 of the Public Acts of 1980 (as amended), being Section 2001 of the Michigan Compiled Laws of 1979.

Project Completion

The point at which all permitted improvements for a project have been completed consistent with all permit approvals, as well as with any approved amendments or modifications, and for which all final inspections have been made and approved by the City.

Provisioning Center

A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. This use includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a Provisioning Center.

Formatted

PSA

Public Services Area.

Public Right-of-Way or Right-of-Way

For purposes of this chapter only, all public streets, Highways, Sidewalks and Alleys.

Public Utility

Private enterprise with a franchise for providing a public service.

PUD Development Program

A written document or portion of a document describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district.

Qualifying Patient

As used in the context of Marijuana, a person who has been diagnosed by a physician as having a debilitating medical condition.

Railroad and Public Transportation Rights-of-Way

A public or private Right-of-Way on which tracks for trains are constructed.

Religious Assembly

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other Structure, together with its accessory Structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory Uses may include religious education classes, meeting rooms, and childcare provided for persons while they are attending assembly functions.

Research/Development

A Structure or complex of Structures designed or used for research Development intended to advance knowledge and develop technology related to academia or industry and similar fields of

Safety Compliance Facility

A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility or caregiver.

Formatted

School, Private

A private institution intended for the purpose of elementary or secondary education, but also including dance schools, and art schools, but not trade schools, and which does not secure the major part of its funding from public sources.

School, Public

A public institution intended for the purposes elementary or secondary education, including Public School academies (commonly known as charter schools) and similar institutions as recognized by state regulations.

Secure Transporter

A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Security

For non-Warranty purposes, cash or certified check or money order made payable to the City. For Warranty purposes, surety bond, cash or certified check or money order made payable to the City.

Sediment

Any solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been moved from its site of origin by the process of soil Erosion.

Short Term Car Storage

Parking of personal, privately owned vehicles in parking lots for up to 14 days. The use is typically associated with car sharing services or park-n-ride services.²⁵

Sign

A name, identification, description, display, light, balloon, banner, or illustration that is affixed to, or painted, or otherwise located or set upon or in a Building, Structure or piece of land and that communicates information or directs attention to an object, product, place, activity, Person, institution, organization, or Business and that is visible from any Public Right-of-Way, Parks, Recreation, and Open Space, or other public property. The definition includes any support Structure, lighting, or other accessory features. The definition does not include goods displayed in a window. The definition does not include religious symbols or paintings that do not display lettering and do not advertise a Business, product or service.

Sign Area (or other reference to square measure)

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing representation, emblem, or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which

²⁵ Ordinance No. ORD -19-15, effective June 16, 2019.