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November 10, 2021

HONORABLE CITY COUNCIL

RE: The request of the Planning and Development Department and the Eastern Market Partnership to amend Chapter 50 of the 2019 Detroit City Code, Zoning, to repeal the SD3 Special Development District, Technology and Research zoning classification to renumber regulations for the SD1 Special Development District, Small-Scale, Mixed-Use and the SD2 Special Development District, Mixed-Use zoning classifications and to create an MKT (Market and Distribution District) zoning classification, to set intensity and dimensional standards to preserve the historic character of the area, define screening and setback requirements, provide for a site plan review processes, and, to adopt provisions to implement the Eastern Market Neighborhood Framework and Stormwater Management Network Plan.

Additionally, the request is to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, *Zoning District Maps*, Section 50-17-5, *District Map 4* and Section 50-17-13 *District Map No. 12*, of the Detroit Zoning Ordinance to show an SD1 (Special Development District, Small Scale, Mixed-Use) SD2 (Special Development District, Mixed-Use), MKT (Market and Distribution District) zoning classification where the R2 (Two-Family Residential District), R3 (Low Density Residential District), B4 (General Business District), B6 (General Services District), M3 (General Industrial District), and M4 (Intensive Industrial District) zoning classifications are currently shown on the area bounded by Superior Street, Joseph Campau Street, Gratiot Avenue and the I-75 Chrysler Freeway (**RECOMMEND APPROVAL**).

REQUEST

The aforementioned request that is before this Honorable Body is complimentary to a proposed Master Plan amendment for the subject area.

The proposal seeks to accomplish the following:

- Eliminate the current SD3 (Special Development District, Technology and Research District) zoning classification provisions
- Replace the SD3 district with the MKT (Market and Distribution District) zoning classification
- Set building height limits to preserve the historic character of Eastern Market
- Define screening and setback requirements
- Provide for a site plan review process

- Set forth other provisions to implement elements of the Eastern Market Neighborhood Framework and Stormwater Management Network Plan
- Show an SD1 (Special Development District, Small Scale, Mixed-Use), SD2 (Special Development District, Mixed-Use), and MKT zoning classification where the R2 (Two-Family Residential District), R3 (Low Density Residential District), B4 (General Business District), B6 (General Services District), M3 (General Industrial District), and M4 (Intensive Industrial District) zoning classifications are currently shown for the area bounded by Forest Avenue, Joseph Campau Street, Gratiot Avenue and the I-75 Chrysler Freeway.

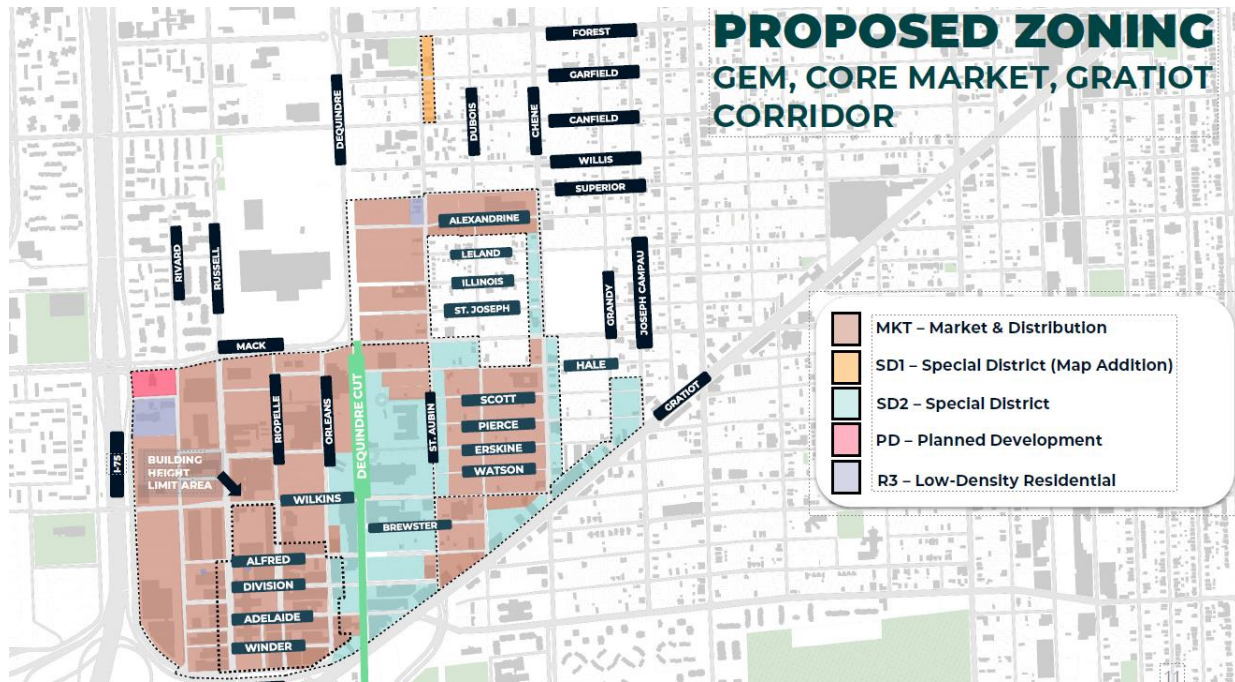


Image from updated PDD Eastern Market presentation

BACKGROUND

In 2011, the ¹Food Security and Modernization Act was enacted. Due to this act, many existing Eastern Market businesses are now out of compliance with food safety and production standards and are unable to modernize or expand at existing sites.

A 2019 Eastern Market Framework Study was conducted through a partnership of the Planning and Development Department (PDD), the Detroit Economic Growth Corporation (DEGC), The Nature Conservancy (TNC) and Eastern Market Partnership (EMP). The framework plan put forth recommendations regarding land use, stormwater management, design guidelines, and historic preservation for the study area.

As a result of the framework study, the area east of Eastern Market has been identified as a location in which these food production businesses should expand. The study team identified this area because of its proximity to Eastern Market, easy access, and established freight routes. The

¹ The Food Safety Modernization Act (FSMA) was signed into law by President Barack Obama on January 4, 2011. The FSMA has given the Food and Drug Administration (FDA) new authorities to regulate the way foods are grown, harvested and processed. The law grants the FDA a number of new powers, including mandatory recall authority, which the agency has sought for many years. The FSMA requires the FDA to undertake more than a dozen rulemakings and issue at least 10 guidance documents, as well as a host of reports, plans, strategies, standards, notices, and other tasks.

goal is to accommodate food-related businesses and establish a model where residents in the neighborhood may work in proximity to their residence. The plan is to help ensure Detroit remains a center of the food industry in the region and preserve a source of significant employment within the city. The neighborhood framework plan for Eastern Market has a vision with three goals for the area and are as follows: create jobs for Detroiters; improve the quality of life for residents; and retain the authenticity and function of Eastern Market.

PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

The zoning classification and land uses surrounding the subject area are as follows:

North: R3 & PD; Residential apartments and homes; McDonald’s restaurant

South: B2 & B4; Commercial and retail development; some underutilized parcels

East: R2 & B4; Residential; Detroit Edison Public School Academy field

West: I-75 Chrysler Freeway

Zoning

The proposed zoning districts for the subject area are the SD1, SD2, and the newly envisioned MKT. The proposed districts would replace the R2, R3, B4, B6, M4 and M5 zoning districts. The two maps included in this report show where the new zoning classifications are proposed.

SD1 Special Development District – Small-Scale Mixed Use zoning classification “is designed to encourage a complementary mixture of small-scale, pedestrian- and transit-oriented uses that are compatible in a neighborhood setting. It is intended to ensure a neighborhood character and place a proper balance of activities within walking distance of one another while serving the day-to-day needs of residents. Parking requirements are reduced in certain circumstances to promote use of transit and non-motorized transportation; shared parking and a district approach to parking are encouraged to lessen demand for off-street parking spaces. Certain establishments that serve alcohol for consumption on the premises are permitted without a spacing requirement in order to attract increased pedestrian traffic to the area.”

The SD2 Special Development District, Mixed-Use zoning classification “is designed to encourage a complementary mixture of more intensive pedestrian and transit-oriented uses that may be compatible with a neighborhood center or with a location along major or secondary thoroughfares. Parking requirements are reduced. Certain establishments that serve alcohol for consumption on the premises are permitted without a spacing requirement in order to attract increased pedestrian traffic to the area.”

The proposed MKT Market and Distribution District zoning classification “is designed to encourage food-related uses such as production, processing and wholesaling, as well as transport, and similar activities essential to the commerce and health of the City. Limited supporting uses such as office, retail, service, and other uses normally desiring to locate in this type of district are also permitted. Within the greater Eastern Market Area, the focus is on the expansion of existing and the attraction of new food-related industries outside the historic Market core.

Provisions are made for vegetative setbacks along certain streets to be used for screening of warehouse and production uses from residential uses, as accessible open space, and to provide areas for possible on-site stormwater management. To avoid visually dominating existing buildings of historical character, building heights are limited around the historic Market core. To

avoid potentially overwhelming existing residential properties, building heights are also limited in areas likely to see large amounts of new construction.

Master Plan Consistency

The subject area is located in Neighborhood Cluster 4, the Middle East Central Neighborhood Area of the Master Plan of Policies. The current future general land use designations are Low/Medium Density Residential (RLM), Light Commercial (CN), and Industrial Port/Distribution (IDP). A master plan amendment is being proposed concurrently with the zoning map and text amendments.

The proposed future general land use designation is Mixed-Residential/Industrial (MRI). The MRI designation, if adopted, will accommodate new mixed-use development, food-related production facilities, and housing opportunities in the Greater Eastern Market area, as well as, allow for the Eastern Market Neighborhood Framework and Stormwater Management Network Plan.

COMMUNITY OUTREACH

There were a series of meetings held for the Eastern Market Framework Study which presented the overall goals and objectives of the project and engaged citizens in the area. Two virtual public meetings were held to present the proposed master plan and zoning ordinance recommendations. Many individual meetings were also held to engage stakeholders. Separate engagements were held for property owners and residents in the area. It should also be noted that two public hearings were held for this matter, one in November 2020 and one in April 2021.

The City, EMP, DEGC and Detroit Land Bank Authority (DLBA) have conducted engagement with community stakeholders specifically regarding the master plan and zoning amendments over the last year. That targeted engagement includes: ***Engagement with residents of the Greater***

Eastern Market (GEM)

Over two dozen meetings were held with the Grassroots Detroit and Kenyetta Block Club neighborhood groups and three residential meetings with the East Canfield community.

Engagement with Core Market property owners

Four business developer stakeholder or meetings were held, as well as numerous one-on-one discussions with individual businesses and stakeholders, and, outreach through multiple meetings at the Eastern Market Partnership and other means of communication.

Response to residents of the GEM

During these recent meetings and past engagements, resident stakeholders expressed that they want the City to provide more opportunities for retail and residential development, limit certain industrial uses and protect existing residential areas, provide access to jobs for residents and returning citizens, allow the sale of side lot parcels, and to create a partnership to help grow the neighborhood.

To address these issues, the City, DEGC, and EMP have:

- added more areas to the map amendment to allow for housing and retail opportunities
- limited the industrial uses allowed in M3 to seven food production and distribution uses in MKT that are low intensity
- required special land use hearings for certain uses that need additional review

- created alternative truck routes and also created height limits in the GEM to protect residents based on community feedback.

This process is also the impetus for Memorandum of Understanding (MOU) agreements that have been initiated between EMP and the various neighborhood groups. The MOUs outline numerous items such as funding for a home repair program, technical assistance, organizational capacity building, access to event space, and representation on the EMP board. Lastly, the City has been working with the Land Bank and residents to help initiate the process of residents obtaining side lots and land in the area for neighborhood-based initiatives.

Response to Core Market property owners

Core market property owners' remaining issues generally fall into two categories: objections to a height limit policy in the core market and the objection to conditional and prohibited uses. Generally, those that have been vocal in the core market do not want the zoning to change as proposed. Some have stated that they would like to keep the current M3 zoning regulations which allow a height limit of 80 feet and more intensive uses.

There is also at least one property owner and another prospective user that are advocating to allow marijuana uses in the core market. The CPC and City Council have heard the request of the marijuana advocates to allow for marijuana in the Core Market, however, due to recent court actions, staff is awaiting clarification and guidance from City Council on how to proceed with the request of adding marijuana uses to the MKT district. Consistent with this understanding the Commission has given staff direction to study this matter separately from the current ordinance that is before this Honorable Body.

To address other issues related to height and conditional uses, the City has attempted to compromise with property owners while still maintaining the original goals of the framework study, one of which is to protect the character of the market.

After the November 19th public hearing, City staff reevaluated the conditional uses and amended several uses that were previously conditional uses to be by-right. However, staff maintains that certain uses still need review, which the MKT ordinance reflects. All uses were evaluated through the scope of whether or not they would be compatible with the nature and character of the market.

Working with the EMP as it relates to height policy, the City has compromised by twice revising the core market's height limit. The first amendment was to modify from 45 ft. to 55 ft. to be consistent with the height of the existing market sheds. At the suggestion of EMP, the City staff provided for an increase in the height limit to 80 ft. if a food production or distribution use comprises 60% of the ground floor of the subject building. Some property owners still object to this compromise and seemingly wish to retain the current provisions of the M3 district. City staff does not recommend maintaining the current M3 provisions because there is a high likelihood that this could lead to the eventual transformation away from Eastern Market being the city's food hub as it is today. Higher rents for other retail users will almost certainly begin to displace the food industry that has existed in the market for over 100 years.

NOVEMBER 19, 2020 PUBLIC HEARING

At the public hearing held for this matter on November 19, 2020, there were 11 speakers. Three of those speakers were in support, seven speakers expressed concerns or questions, and one person spoke in opposition. Many of the speakers had concern or opposition to certain specific

elements of the proposal. A smaller number of speakers spoke in favor of the proposal. It was also noted that the issues which arose fell into two separate categories: those of property owners in the core market; and, those of residents in the GEM area.

APRIL 15, 2021 PUBLIC HEARING

At the April 15, 2021 public hearing on the proposed zoning amendments, 19 people provided public testimony. Out of those who spoke, 13 requested the addition of marijuana uses to the MKT District. There were three property owners of the core market that spoke in opposition, specifically to the height and use limitations. One person spoke in opposition to adding marijuana uses; one person spoke in opposition to the expansion of Eastern Market, and finally another person asked a question about Eastern Market Partnership's development plans for the area.

ANALYSIS

To analyze the major impacts of the proposed MKT district, staff offers the following:

Height Limitations/Restaurant Use

Height limitations near Market Sheds have been put in place for new structures and additions to existing structures to better align with the character of existing structures within the district. In the height restricted area, the height limit is 55 feet, but may be waived if a food products manufacturing, processing, distribution use comprises a minimum of 60% of the ground floor area.

In the discussion at the CPC public hearing, the question of restaurants being permitted became a focal point. It should be noted that restaurants are permitted as a matter of right in the height cap area of MKT regardless of a building's height. If a building is 55' or less, a standard restaurant is permitted as a by-right use.

However, under MKT as proposed, to receive the height bonus to 80 ft., a food products manufacturing, processing, or distribution use must comprise a minimum of 60% of the ground floor area. This means that if a developer wants to take advantage of the height bonus, it would limit the restaurant or other use to 40% of the ground floor area.

The purpose of this is to incentivize food-related uses on the pedestrian level of the market and to maintain the character. It is also being used to prevent the replacement of food industry uses with commercial and retail uses that have a much higher market price point. Developers can seek relief on height limits through the Board of Zoning Appeals if they feel they have no profitable business options due to the height restriction.

Non-conformities-City Recycling

City Recycling, a junkyard located at Mack and St. Aubin, will be rendered non-conforming by this proposal if adopted, because MKT does not permit used auto sales. The primary junkyard use that operates on the site is already non-conforming under the current M3 zoning district. So, a change to MKT would not affect the status of the junkyard use, but would impact the used auto sales activity. It is important to note that non-conforming uses may continue in perpetuity.

The reason for the proposed prohibition is to protect the surrounding residential neighborhood to the east from any of the more intensive M3 uses that are currently permissible if this user were to redevelop or sell the property. Some of the permissible uses such as chemical materials blending or compounding, high-impact manufacturing or processing, waste/scrap materials- indoor

storage- handling, and transfer tank storage of bulk oil or gasoline are uses that this text amendment is intended to protect against.

Marijuana in MKT

As stated previously, CPC is awaiting further updates from the courts and ultimately City Council on direction related to the adult-use marijuana ordinance provisions in order to know how to proceed with studying the practicability of marijuana uses in Eastern Market. It should be noted that marijuana spacing requirements from controlled uses would also have to be revised to allow opportunity for marijuana uses in the core market, because the existing controlled uses in the market eliminate most properties from being eligible.

It is also important to understand that the MKT district is not only proposed in the market core, but also in areas adjacent to residences. Lastly, the CPC voted to recommend approval of the MKT ordinance without including marijuana uses. However, the CPC directed staff to study the feasibility of the matter and to have community engagement specific to this use and possibly to be considered separately, pending the final outcome of the adult-use marijuana ordinance in the courts.

Parking Requirement Elimination

Sec. 50-14-7 of this ordinance adds MKT to the short list of districts that have a parking exemption. Other areas that have a parking exemption include the B5 Major Business District, the Central Business District, and the New Center area.

The parking exemption will be a major incentive to development because of the opportunity to save major costs by providing fewer parking spaces (which can cost \$10-20k per space to develop) or, it can save on time by not having to seek waivers and adjustments if the developer desires variances.

Uses

The goal of the permitted uses that are allowed in MKT is to foster a district that permits the food production and distribution uses of the market to remain and grow. However, the district still allows for many non-food related by-right uses, including, but not limited to: lofts (the renovation of buildings for residential), office uses in a renovated building of any size through expansion of 200% of ground floor area, retail use up to 15,000 sf, and art galleries or museums. Uses that are prohibited are those that generally are not compatible with residential or food-related uses.

APPROVAL CRITERIA

Pursuant to Sec. 50-3-70 Approval Criteria, recommendations and decisions on an amendment of a zoning map in Article XVII of chapter 50 of City Code are based on consideration of all of the following criteria:

(1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;

The proposed rezoning is spurred by the need to give opportunity for retail and housing activity in the Greater Eastern Market area, while providing space for job creating businesses that are currently in the core market. Due to the Food Security and Modernization Act, many Eastern Market businesses are now out of compliance with food safety and production standards. The proposed rezoning and creation of the MKT district will allow these businesses to stay in the area while fostering a workforce to create a sustainable neighborhood.

(2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;

The MRI master plan designation that is being considered concurrently will serve to make the proposed zoning scheme appropriate. The Master Plan amendment will accommodate new mixed-use development, food-related production facilities, and housing opportunities in the Eastern Market and the GEM area as well as the zoning districts that allow for these opportunities. PDD has produced the master plan amendment to accommodate the zoning proposal and the CPC has voted to recommend approval.

(3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;

The proposed amendment aims to protect the health, safety and general welfare of the public in a few ways. The map amendment will rezone land that is currently M3, which allows for intensive industrial activity. The MKT district that is proposed to replace M3 will significantly reduce the intensive activity that is possible and limit it to seven food production and distribution uses, and retail and other commercial uses. The new zoning scheme will incorporate setbacks that will allow for green buffering and stormwater management that will serve to beautify, screen activity and mitigate stormwater run-off. Height limits have been set at 50 feet near residential homes, which will retain solar access for homes in the area. Truck routes have been established based on community feedback and will be a continued conversation.

(4) Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;

Adequate public facilities and services have been considered during the process for this proposal and there are no foreseen difficulties in providing necessary services. The build-out of expected development is projected to happen over 10-20 years which allows for gradual enhancement of public services.

(5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding stormwater management;

The proposed rezoning is not expected to have any significant adverse impacts on the natural environment. CPC and PDD worked extensively with the Buildings and Safety Engineering and Environmental Department (BSEED) in review of the proposal. After several conversations and review, the Environmental section of BSEED resolved any questions or concerns over the proposed rezoning. The department was satisfied that the certain permitted MKT uses would require closer scrutiny through special land use hearings.

BSEED was generally receptive of the proposed setbacks that will serve as a buffer space and other mitigation efforts. Stormwater management practices will not be adversely impacted, but instead should become more prevalent in the area as sites come online and utilize setbacks as an option to satisfy stormwater management requirements.

The goal of the Food Security and Modernization Act is to protect health in the food industry by modernizing facilities. The Food and Drug Administration and other agencies will perform

regular assessments of the food-related businesses that locate in the MKT district. Compared to the intensive uses currently permitted under M3, the industrial uses that are allowed in MKT are comprised of a short list shown below:

- Carbonic Ice manufacture (Dry Ice) – *with conditional approval only*
- Meat Products Manufacturing or Processing – *with conditional approval only*
- Canning Factories (excluding fish products)
- Brewing or Distilling of Liquors
- Brewing of 20,000 or More Barrels of Beer or Malt Beverage Per Year
- Coffee Roasting
- Dog or Cat Food Cannery or Manufacture (excluding rendering or the use of fish)

(6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;

The proposed amendment is not expected to have an adverse impact on surrounding property. The efforts that are supplemental to the rezoning will help to mitigate any negative impacts before they might take place. In addition to the uses that require conditional land use hearings, the City has committed to hold an engagement process with the community for any site where City-owned land is proposed for purchase. Truck routes are being determined based on feedback from community.

(7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and

The proposed MKT district is appropriate for the market as it has been crafted specifically with the unique character of the Eastern Market in mind. The GEM is obviously a more sensitive area since it includes an area that is residential. However, based on the infrastructure that is being planned to create protections for residents, along with zoning protections, the area is suitable for the proposed zoning classification. The limited food-related uses in MKT are far more suitable in proximity to residences than the more intensive uses permitted in M3 today.

(8) Whether the proposed rezoning will create an illegal “spot zone.”

This rezoning will not create the circumstance that could lead to a court finding of an illegal spot zone.

Pursuant to Sec. 50-3-70 Approval Criteria Recommendations and decisions on all proposed text amendments of this chapter shall be based on the following criteria:

Recommendations and decisions on all proposed Zoning Ordinance text amendments shall be based on the following criteria:

(1) Whether the proposed amendment is consistent with the stated purposes of this Zoning Ordinance; (2) Whether the proposed amendment will protect the health, safety, or general welfare of the public; and (3) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.

Staff believes that the proposed text amendment is generally consistent with the stated purposes of the zoning ordinance. The goal is to protect a major asset of the City of Detroit and surrounding region while also protecting the safety and quality of life concerns of property owners. The proposed amendment is seeking to meet the challenge of a changing dynamic in the area while preserving the area’s traditional character. Food-related businesses need appropriate

spaces in which to operate; residential land has sat vacant for many years; stakeholders want to preserve the values of the core market; some residents desire jobs; and there is demand for mixed-use housing and retail in the area. This text amendment seeks to provide the opportunity for all of these things to take place cohesively.

In addition to the general approval criteria, recommendations and decisions on Zoning Ordinance text amendments to add additional regulations or standards shall be based on the following criteria: (1) Whether the problem or issue the proposed amendment is intended to address may be addressed in another, more appropriate fashion; and (2) Whether the proposed amendment is easily enforceable.

The Eastern Market framework study explored many different options and this proposal represents the high-level vision of the study results. City staff have also explored the original concepts and made many modifications based on staff knowledge and community input. So, given the desired goals of this initiative, and taking into account the many differing points of view and interests, the current proposal is the most appropriate. The proposed amendment is enforceable based on similar practices that currently exist and consistency with related regulations.

CONCLUSION AND RECOMMENDATION

CPC believes that the text and map amendments have considered the interests represented by all participating stakeholders. Due to the complexity of the area and stakeholder desires, there may never be a perfect proposal, but all parties will hopefully feel that there are mutual benefits for all as a result of the compromises made on all sides of the issues. City staff, along with DEGC and EMC, have worked diligently to respond to the many concerns, while trying to achieve the goals that were set forth in the study framework. Those goals again are to create jobs for Detroiters; improve the quality of life for residents; and keep the authenticity and function of Eastern Market.

After hearing from dozens of stakeholders including, business owners, residents, developers and community groups, at various points of engagement including two separate public hearings, and based upon the information described in this report the CPC took action on this request on May 6, 2021. The City Planning Commission now recommends approval of this matter to Your Honorable Body.

Respectfully submitted,

LAUREN HOOD, CHAIRPERSON



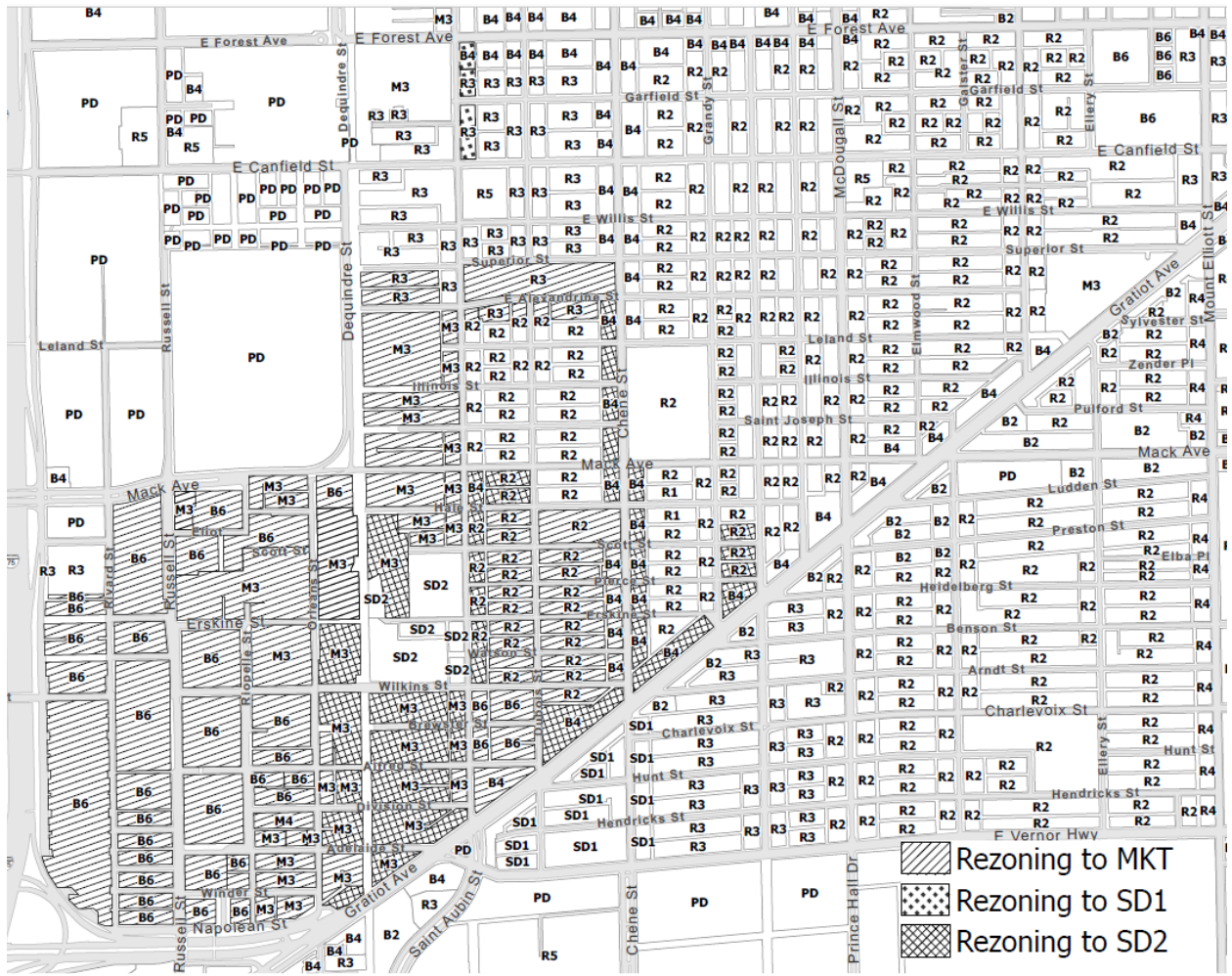
Marcell R. Todd, Jr., Director
Kimani Jeffrey, City Planner

Attachment:

Ordinance
Zoning Map

Cc: Antoine Bryant, Director P&DD
Katie Trudeau, Deputy Director P&DD
Karen Gage, P&DD

David Bell, Director BSEED
Lawrence Garcia, Corp. Counsel
Donald Rencher, Group Executive of Planning Housing and Development
Nicole Sherard-Freeman, Group Executive for Jobs Economy and Detroit At Work
Gail Fulton, Mayor's Liaison



Proposed PD Modification Site

SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by:

repealing Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 11, *SD3–Special Development District, Technology and Research*, Section 50-11-261, *Description*, Section 50-11-262, *Site plan review*, Section 50-11-263, *By-right uses*, Section 50-11-264, *Conditional uses*, Section 50-11-265, *Intensity and dimensional standards*, and Section 50-11-266, *Other regulations*; and Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision G, *Special Purpose Zoning Districts*, Section 50-13-131, *SD3 District*;

renumbering and amending Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 9, *SD1–Special Development District, Small-Scale, Mixed-Use*, Section 50-11-201, *Description*, Section 50-11-202, *Site plan review*, Section 50-11-203, *By-right uses*, Section 50-11-204, *By-right residential uses*, Section 50-11-205, *By-right public, civic, and institutional uses*, Section 50-11-206, *By-right retail, service, and commercial uses*, Section 50-11-207, *By-right manufacturing and industrial uses*, Section 50-11-208, *By-right other uses*, Section 50-11-209, *Conditional uses*, Section 50-11-210, *Conditional residential uses*, Section 50-11-211, *Conditional public, civic, and institutional uses*, Section 50-11-212, *Conditional retail, service, and commercial uses*, Section 50-11-213, *Conditional manufacturing and industrial uses*, Section 50-11-214, *Conditional other uses*, Section 50-11-215, *General intensity and dimensional standards*, and Section 50-11-216, *Accessory uses*, and Division 10, *SD2–Special Development District, Mixed-Use*, Section 50-11-231, *Description*, Section 50-11-232, *Site plan review*, Section 50-11-233, *By-right uses*, Section 50-11-234, *By-right residential uses*, Section 50-11-235, *By-right public, civic, and institutional uses*, Section 50-11-236, *By-right retail, service, and commercial uses*, Section 50-11-237, *By-right manufacturing and industrial uses*, Section 50-11-238, *By-right other uses*, Section 50-11-239, *Conditional uses*, Section 50-11-240, *Conditional residential uses*, Section 50-11-241, *Conditional public, civic, and institutional uses*, Section 50-11-242, *Conditional retail, service, and commercial uses*, Section 50-11-243, *Conditional manufacturing and industrial uses*, Section 50-11-244, *Conditional other uses*, and Section 50-11-245, *Intensity and dimensional standards*; and Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision G, *Special Purpose Zoning Districts*, Section 50-13-129, *SD1 District*, and Section 50-13-130, *SD2 District*, and Subdivision H, *General Intensity and Dimensional Standards for Special Purpose Zoning Districts*, Section 50-13-157, *SD4 District requirements*;

adding Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 9, *MKT Market and Distribution District*, Section 50-11-201, *Description*, Section 50-11-202, *Site plan review*, Section 50-11-203, *By-right uses*, Section 50-11-204, *By-right residential uses*, Section 50-11-205, *By-right public, civic, and institutional uses*, Section 50-11-206, *By-right retail, service, and commercial uses*, Section 50-11-207, *By-right manufacturing and industrial uses*, Section 50-11-208, *By-right other uses*, Section 50-11-209, *Conditional uses*, Section 50-11-210, *Conditional residential uses*, Section 50-11-211, *Conditional public, civic, and institutional uses*, Section 50-11-212, *Conditional retail, service, and commercial uses*, Section 50-11-213, *Conditional manufacturing and industrial uses*, Section 50-11-214, *Conditional other uses*, and Section 50-11-215, *Intensity and dimensional standards*; Article XII, *Use Regulations*, Division 3, *Specific Use Standards*, Subdivision C, *Retail, Service, and Commercial Uses; Generally*, Section 50-12-235, *Barber or beauty shop*, and Section 50-12-236, *Nail salon*, Subdivision E,

Retail, Service, and Commercial Uses; Generally, Section 50-12-324, Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities, and Subdivision F, Manufacturing and Industrial Uses, Section 50-12-365, High-impact manufacturing or processing facilities; and Article XIII, Intensity and Dimensional Standards, Division 1, Tables of Intensity and Dimensional Standards, Subdivision G, Special Purpose Zoning Districts, Section 50-13-129, MKT District, and Subdivision H, General Intensity and Dimensional Standards for Special Purpose Zoning Districts, Section 50-13-157, MKT district requirements; and

amending Article II, Review and Decision-Making Bodies, Division 4, Planning and Development Department, Section 50-2-51, Powers and duties; Article III, Review and Approval Procedures (Part 1), Division 5, Site Plan Review, Subdivision A, In general, Section 50-3-113, Applicability, Subdivision B, Submission Requirements, Section 50-3-131, Expedited review, and Subdivision C, Authority to Review and Approve Site Plans, Section 50-3-151, Planning and Development Department, and Division 8, Regulated Uses, Subdivision A, In General, Section 50-3-323, List of regulated uses; Article IV, Review and Approval Procedures (Part 2), Division 6, Variances and Administrative Adjustments, Section 50-4-124, Review and decision-making authority; Article VII, Zoning Districts (In General), Section 50-7-5, Special districts; Article VIII, Residential Zoning Districts, Division 6, R5 Medium Density Residential District, Section 50-8-142, Conditional retail, service, and commercial uses; Article XII, Use Regulations, Division 1, Use Table, Subdivision B, Residential Uses, Section 50-12-21, Group living, Section 50-12-22, Household living, Section 50-12-23, Institutional living, and Section 50-12-24, Other residential uses, Subdivision C, Public, Civic, and Institutional Uses, Section 50-12-41, Auditorium or stadium, Section 50-12-42, Community service, Section 50-12-43, Day care, Section 50-12-44, Hospital, Section 50-12-45, Library, Section 50-12-46, Museum, Section 50-12-47, Park and open space, Section 50-12-48, Religious institution, Section 50-12-49, Schools, Section 50-12-50, Utility, basic, Section 50-12-51, Utility, major, and Section 50-12-52, Other public, civic, and institutional uses, Subdivision D, Retail, Service, and Commercial Uses, Section 50-12-61, Assembly, Section 50-12-62, Food and beverage service, Section 50-12-63, Office, Section 50-12-64, Parking, commercial, Section 50-12-65, Public accommodation, Section 50-12-66, Recreation/entertainment, indoor, Section 50-12-67, Recreation/entertainment, outdoor, Section 50-12-68, Retail sales and service, occupant-oriented, Section 50-12-69, Retail sales and service, sales-oriented, Section 50-12-70, Retail sales and service, service-oriented, Section 50-12-71, Vehicle repair and service, and Section 50-12-72, Other retail, service, and commercial uses, Subdivision E, Manufacturing and Industrial Uses, Section 50-12-81, Industrial service, Section 50-12-82, Manufacturing and production, Section 50-12-83, Warehouse and freight movement, and Section 50-12-84, Waste-related use, and Subdivision F, Other Uses, Section 50-12-101, Aviation and surface transportation facilities, Section 50-12-102, Public center open uses, Section 50-12-103, Railroad facilities, Section 50-12-105, Telecommunications facilities, Section 50-12-106, Water-related facilities, Section 50-12-107, Other uses not prohibited by law or other ordinances and not specifically mentioned elsewhere in this chapter, Section 50-12-108, Adult uses/sexually-oriented businesses, Section 50-12-109, Agricultural uses, and Section 50-12-110, Medical marijuana facilities and adult-use marijuana establishments, and Division 3, Specific Use Standards, Subdivision A, Residential Uses, Section 50-12-155, Convalescent, nursing, or rest home, and Section 50-12-159, Lofts; residential uses combined in structures with permitted commercial uses, Subdivision C, Retail, Service, and Commercial Uses; Generally, Section 50-12-212, Animal grooming shop, Subdivision E, Retail, Service, and Commercial Uses; Generally,

Section 50-12-298, *Office, business or professional*, Section 50-12-301, *Parking structures*, Section 50-12-315, *Storage or killing of poultry*, Section 50-12-318, *Trade schools, commercial*, and Section 50-12-323, *Printing or engraving shops*, Subdivision F, *Manufacturing and Industrial Uses*, Section 50-12-331, *Abattoirs (slaughterhouses)*, Section 50-12-342, *Lithographing and sign shops*, Section 50-12-352, *Towing service storage yards*, Section 50-12-355, *Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks*, Section 50-12-358, *Wholesaling, warehousing, storage buildings, or public storage facilities*, Section 50-12-361, *Low/medium-impact manufacturing or processing facilities*, and Section 50-12-362, *High/medium-impact manufacturing or processing facilities*, and Subdivision G, *Other Uses—Antennas*, Section 50-12-396, *Permissibility and review; Category D antenna towers*; Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Subdivision A, *In General*, Section 50-14-7, *Off-street parking exemptions, reductions, and allowances*; and Article XVI, *Rules of Construction and Definitions*, Division 2, *Words and Terms Defined*, Subdivision O, *Letters “Q” Through “R”*, Section 50-16-362, *Words and terms (Red—Rm)*;

in order to repeal the SD3 Special Development District, Technology and Research zoning classification, to renumber regulations for the SD1 Special Development District, Small-Scale, Mixed-Use and the SD2 Special Development District, Mixed-Use zoning classifications, to create the MKT Market and Distribution District zoning classification, including the specification of by-right and conditional uses, as well as intensity and dimensional standards thereof, and to adopt various conforming amendments.

1 **BY COUNCIL MEMBER _____** :

2 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by:

3 repealing Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 11,
4 *SD3–Special Development District, Technology and Research*, Section 50-11-261, *Description*,
5 Section 50-11-262, *Site plan review*, Section 50-11-263, *By-right uses*, Section 50-11-264,
6 *Conditional uses*, Section 50-11-265, *Intensity and dimensional standards*, and Section 50-11-266,
7 *Other regulations*; and Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of*
8 *Intensity and Dimensional Standards*, Subdivision G, *Special Purpose Zoning Districts*, Section
9 50-13-131, *SD3 District*;

10 renumbering and amending Article XI, *Special Purpose Zoning Districts and Overlay*
11 *Areas*, Division 9, *SD1–Special Development District, Small-Scale, Mixed-Use*, Section 50-11-
12 201, *Description*, Section 50-11-202, *Site plan review*, Section 50-11-203, *By-right uses*, Section
13 50-11-204, *By-right residential uses*, Section 50-11-205, *By-right public, civic, and institutional*
14 *uses*, Section 50-11-206, *By-right retail, service, and commercial uses*, Section 50-11-207, *By-*
15 *right manufacturing and industrial uses*, Section 50-11-208, *By-right other uses*, Section 50-11-
16 209, *Conditional uses*, Section 50-11-210, *Conditional residential uses*, Section 50-11-211,
17 *Conditional public, civic, and institutional uses*, Section 50-11-212, *Conditional retail, service,*
18 *and commercial uses*, Section 50-11-213, *Conditional manufacturing and industrial uses*, Section
19 50-11-214, *Conditional other uses*, Section 50-11-215, *General intensity and dimensional*
20 *standards*, and Section 50-11-216, *Accessory uses*, and Division 10, *SD2–Special Development*
21 *District, Mixed-Use*, Section 50-11-231, *Description*, Section 50-11-232, *Site plan review*, Section
22 50-11-233, *By-right uses*, Section 50-11-234, *By-right residential uses*, Section 50-11-235, *By-*
23 *right public, civic, and institutional uses*, Section 50-11-236, *By-right retail, service, and*

1 *commercial uses, Section 50-11-237, By-right manufacturing and industrial uses, Section 50-11-*
2 *238, By-right other uses, Section 50-11-239, Conditional uses, Section 50-11-240, Conditional*
3 *residential uses, Section 50-11-241, Conditional public, civic, and institutional uses, Section 50-*
4 *11-242, Conditional retail, service, and commercial uses, Section 50-11-243, Conditional*
5 *manufacturing and industrial uses, Section 50-11-244, Conditional other uses, and Section 50-11-*
6 *245, Intensity and dimensional standards; and Article XIII, Intensity and Dimensional Standards,*
7 *Division 1, Tables of Intensity and Dimensional Standards, Subdivision G, Special Purpose*
8 *Zoning Districts, Section 50-13-129, SD1 District, and Section 50-13-130, SD2 District, and*
9 *Subdivision H, General Intensity and Dimensional Standards for Special Purpose Zoning*
10 *Districts, Section 50-13-157, SD4 District requirements;*

11 *adding Article XI, Special Purpose Zoning Districts and Overlay Areas, Division 9, MKT*
12 *Market and Distribution District, Section 50-11-201, Description, Section 50-11-202, Site plan*
13 *review, Section 50-11-203, By-right uses, Section 50-11-204, By-right residential uses, Section*
14 *50-11-205, By-right public, civic, and institutional uses, Section 50-11-206, By-right retail,*
15 *service, and commercial uses, Section 50-11-207, By-right manufacturing and industrial uses,*
16 *Section 50-11-208, By-right other uses, Section 50-11-209, Conditional uses, Section 50-11-210,*
17 *Conditional residential uses, Section 50-11-211, Conditional public, civic, and institutional uses,*
18 *Section 50-11-212, Conditional retail, service, and commercial uses, Section 50-11-213,*
19 *Conditional manufacturing and industrial uses, Section 50-11-214, Conditional other uses, and*
20 *Section 50-11-215, Intensity and dimensional standards; Article XII, Use Regulations, Division*
21 *3, Specific Use Standards, Subdivision C, Retail, Service, and Commercial Uses; Generally,*
22 *Section 50-12-235, Barber or beauty shop, and Section 50-12-236, Nail salon, Subdivision E,*
23 *Retail, Service, and Commercial Uses; Generally, Section 50-12-324, Stores of a generally*

1 *recognized retail nature whose primary business is the sale of new merchandise, without drive-up*
2 *or drive-through facilities, and Subdivision F, Manufacturing and Industrial Uses, Section 50-12-*
3 *365, High-impact manufacturing or processing facilities; and Article XIII, Intensity and*
4 *Dimensional Standards, Division 1, Tables of Intensity and Dimensional Standards, Subdivision*
5 *G, Special Purpose Zoning Districts, Section 50-13-129, MKT District, and Subdivision H,*
6 *General Intensity and Dimensional Standards for Special Purpose Zoning Districts, Section 50-*
7 *13-157, MKT district requirements; and*

8 *amending Article II, Review and Decision-Making Bodies, Division 4, Planning and*
9 *Development Department, Section 50-2-51, Powers and duties; Article III, Review and Approval*
10 *Procedures (Part 1), Division 5, Site Plan Review, Subdivision A, In general, Section 50-3-113,*
11 *Applicability, Subdivision B, Submission Requirements, Section 50-3-131, Expedited review, and*
12 *Subdivision C, Authority to Review and Approve Site Plans, Section 50-3-151, Planning and*
13 *Development Department, and Division 8, Regulated Uses, Subdivision A, In General, Section*
14 *50-3-323, List of regulated uses; Article IV, Review and Approval Procedures (Part 2), Division*
15 *6, Variances and Administrative Adjustments, Section 50-4-124, Review and decision-making*
16 *authority; Article VII, Zoning Districts (In General), Section 50-7-5, Special districts; Article*
17 *VIII, Residential Zoning Districts, Division 6, R5 Medium Density Residential District, Section*
18 *50-8-142, Conditional retail, service, and commercial uses; Article XII, Use Regulations, Division*
19 *1, Use Table, Subdivision B, Residential Uses, Section 50-12-21, Group living, Section 50-12-22,*
20 *Household living, Section 50-12-23, Institutional living, and Section 50-12-24, Other residential*
21 *uses, Subdivision C, Public, Civic, and Institutional Uses, Section 50-12-41, Auditorium or*
22 *stadium, Section 50-12-42, Community service, Section 50-12-43, Day care, Section 50-12-44,*
23 *Hospital, Section 50-12-45, Library, Section 50-12-46, Museum, Section 50-12-47, Park and open*

1 *space*, Section 50-12-48, *Religious institution*, Section 50-12-49, *Schools*, Section 50-12-50,
2 *Utility, basic*, Section 50-12-51, *Utility, major*, and Section 50-12-52, *Other public, civic, and*
3 *institutional uses*, Subdivision D, *Retail, Service, and Commercial Uses*, Section 50-12-61,
4 *Assembly*, Section 50-12-62, *Food and beverage service*, Section 50-12-63, *Office*, Section 50-12-
5 64, *Parking, commercial*, Section 50-12-65, *Public accommodation*, Section 50-12-66,
6 *Recreation/entertainment, indoor*, Section 50-12-67, *Recreation/entertainment, outdoor*, Section
7 50-12-68, *Retail sales and service, occupant-oriented*, Section 50-12-69, *Retail sales and service,*
8 *sales-oriented*, Section 50-12-70, *Retail sales and service, service-oriented*, Section 50-12-71,
9 *Vehicle repair and service*, and Section 50-12-72, *Other retail, service, and commercial uses*,
10 Subdivision E, *Manufacturing and Industrial Uses*, Section 50-12-81, *Industrial service*, Section
11 50-12-82, *Manufacturing and production*, Section 50-12-83, *Warehouse and freight movement*,
12 and Section 50-12-84, *Waste-related use*, and Subdivision F, *Other Uses*, Section 50-12-101,
13 *Aviation and surface transportation facilities*, Section 50-12-102, *Public center open uses*, Section
14 50-12-103, *Railroad facilities*, Section 50-12-105, *Telecommunications facilities*, Section 50-12-
15 106, *Water-related facilities*, Section 50-12-107, *Other uses not prohibited by law or other*
16 *ordinances and not specifically mentioned elsewhere in this chapter*, Section 50-12-108, *Adult*
17 *uses/sexually-oriented businesses*, Section 50-12-109, *Agricultural uses*, and Section 50-12-110,
18 *Medical marijuana facilities and adult-use marijuana establishments*, and Division 3, *Specific Use*
19 *Standards*, Subdivision A, *Residential Uses*, Section 50-12-155, *Convalescent, nursing, or rest*
20 *home*, and Section 50-12-159, *Lofts; residential uses combined in structures with permitted*
21 *commercial uses*, Subdivision C, *Retail, Service, and Commercial Uses; Generally*, Section 50-
22 12-212, *Animal grooming shop*, Subdivision E, *Retail, Service, and Commercial Uses; Generally*,
23 Section 50-12-298, *Office, business or professional*, Section 50-12-301, *Parking structures*,

1 Section 50-12-315, *Storage or killing of poultry*, Section 50-12-318, *Trade schools, commercial*,
2 and Section 50-12-323, *Printing or engraving shops*, Subdivision F, *Manufacturing and Industrial*
3 *Uses*, Section 50-12-331, *Abattoirs (slaughterhouses)*, Section 50-12-342, *Lithographing and sign*
4 *shops*, Section 50-12-352, *Towing service storage yards*, Section 50-12-355, *Trucking terminals*,
5 *transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking*
6 *of operable trucks*, Section 50-12-358, *Wholesaling, warehousing, storage buildings, or public*
7 *storage facilities*, Section 50-12-361, *Low/medium-impact manufacturing or processing facilities*,
8 and Section 50-12-362, *High/medium-impact manufacturing or processing facilities*, and
9 Subdivision G, *Other Uses—Antennas*, Section 50-12-396, *Permissibility and review; Category D*
10 *antenna towers*; Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading,*
11 *and Access*, Subdivision A, *In General*, Section 50-14-7, *Off-street parking exemptions,*
12 *reductions, and allowances*; and Article XVI, *Rules of Construction and Definitions*, Division 2,
13 *Words and Terms Defined*, Subdivision O, *Letters “Q” Through “R”*, Section 50-16-362, *Words*
14 *and terms (Red—Rm)*;

15 in order to repeal the SD3 Special Development District, Technology and Research zoning
16 classification, to renumber regulations for the SD1 Special Development District, Small-Scale,
17 Mixed-Use and the SD2 Special Development District, Mixed-Use zoning classifications, to create
18 the MKT Market and Distribution District zoning classification, including the specification of by-
19 right and conditional uses, as well as intensity and dimensional standards thereof, and to adopt
20 various conforming amendments.

21 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
22 **THAT:**

- 1 (2) *Identification of district boundaries.* To determine the location of any zoning
2 district boundaries where there is any uncertainty, contradiction, or conflict as to
3 the intent or location of such boundaries ~~(see in accordance with Section 50-1-7 of~~
4 this Code);
- 5 (3) *Site plan review.* To review site plan applications through the site plan review
6 process and take final action to approve, approve with conditions, or deny such
7 applications within the following zoning districts: R1, R2, R3, R4, R5, R6, B1, B2,
8 B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, MKT, SD1, SD2, ~~SD3~~,
9 and SD4 less than three acres. In cases of disposition of City-owned lands, the
10 Planning and Development Department may designate an expanded review process
11 to ensure sufficient coordination of all City departments. ~~(See in accordance with~~
12 Section 50-3-151 of this Code.) Where site plan review involves known
13 "contaminated property," which is defined as a "facility" in Section 20101(1)(s) of
14 the Michigan Natural Resources and Environmental Protection Act, being MCL
15 324.20101(1)(s), the Planning and Development Department shall notify the
16 Building, Safety Engineering, and Environmental Department Environmental
17 Affairs Division of such case;
- 18 (4) *Administrative adjustments.* For applications that do require site plan approval, to
19 review applications for administrative adjustments of any development standard set
20 forth in Articles XIII and XIV of this chapter, and to approve or deny such
21 applications ~~(see in accordance with Article IV, Division 6, of this chapter);~~
- 22 (5) *Development plans.* To serve as custodian of development plans and amendments
23 thereto, to advise the Board of Zoning Appeals regarding any proposed or requested

1 minor deviation from a development plan in accordance with Section 50-2-74 and
2 Section 50-4-2(c) of this Code, and to initiate and prepare amendments to
3 development plans in accordance with Section 50-4-2(c) of this Code;

4 (6) *Special district review.* To participate in the review of permit applications in the
5 PC, PCA, MKT SD3, SD4 and SD5 Districts when site plan review is not otherwise
6 required (~~See Section 50-11-66 and Section 50-11-96 of this Code~~);

7 (7) *Master Plan.* To serve as custodian of the Master Plan, initiate amendments thereto,
8 and provide determinations relative to the Master Plan as may be required of the
9 Planning and Development Department in Section 50-3-46, Section 50-3-68,
10 Section 50-3-96(7), and Section 50-4-82 of this Code; and

11 (8) *Advisory review committees.* To serve as chairperson of the Loft Review
12 Committee and as member of the Industrial Review Committee, Hazardous Waste
13 Facility Review Committee, Solid Waste Facility Review Committee, and
14 Floodplain Management Review Committee, and to review proposals before said
15 committees.

16 **ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)**

17 **DIVISION 5. SITE PLAN REVIEW**

18 **Subdivision A. In General**

19 **Sec. 50-3-113. Applicability.**

20 Applications for proposed developments that meet any one or more of the applicability
21 criteria in this section shall be reviewed through the site plan review process. Developments that
22 do not meet any of the applicability criteria in this section shall be reviewed by the Buildings,
23 Safety Engineering, and Environmental Department through its permitting process, provided, that

1 a site plan review is not required for the construction or alteration of an individual single- or two-
2 family dwelling.

3 (1) New construction that involves any one of the following:

- 4 a. Any new development that has more than 20,000 square feet of gross floor
5 area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for
6 industrial uses shall be 50,000 square feet of gross floor area;
- 7 b. Projects with multiple principal structures on one zoning lot;
- 8 c. Any multiple-family residential or loft development with more than 12
9 dwelling units;
- 10 d. Site condominium developments;
- 11 e. Projects in a 100-year floodplain; or
- 12 f. Any parking structure as defined in Section 50-16-341 of this Code.
- 13 g. Projects in the MKT Market and Distribution District.

14 (2) Additions ~~and~~ or major structural alterations that involve any of the following:

- 15 a. Any development that has not more than 20,000 square feet of gross floor
16 area where the addition or alteration results in a cumulative total of more
17 than 20,000 square feet of gross floor area, considering existing floor area
18 and proposed additions, except that, on land zoned M1, M2, M3, M4 or M5,
19 the threshold for industrial uses shall be 50,000 square feet of gross floor
20 area.
- 21 b. An increase of 25 percent or more in gross square footage to an existing
22 building that contains more than 20,000 square feet of gross floor area,

1 except that, on land zoned M1, M2, M3, M4 or M5, the threshold for
2 industrial uses shall be 50,000 square feet of gross floor area; or

3 c. Projects in a 100-year floodplain.

4 d. Projects in the MKT Market and Distribution District.

5 (3) Any development with a lot area of more than one acre in cumulative total
6 considering existing lot area and any proposed additional lot area, except that, on
7 land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be three
8 acres.

9 (4) Substantial changes in use within any building that has more than 20,000 square
10 feet of gross floor area or of any use with a lot area of more than one acre, except
11 that, on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall
12 be 50,000 square feet of gross floor area and three acres. For purposes of site plan
13 review, a substantial change in use is one that involves the establishment of a use
14 from one of the major land use classifications that are set out in Article XII of this
15 chapter, which are residential, public/civic/institutional, retail/service/commercial,
16 manufacturing/industrial, and other, where the use immediately preceding the new
17 use was from a different major land use classification.

18 (5) Any conditional, regulated, or controlled land use and any case before the Board of
19 Zoning Appeals as the body of first jurisdiction.

20 (6) Any use that has drive-up or drive-through facilities or a walk-up component.

21 (7) Projects within any PD, SD1, SD2, ~~SD3~~ or SD5 District, provided; that; in the SD1,
22 SD2, ~~SD3~~ and SD5 Districts, alterations to an existing structure; that do not involve

1 additions or major structural alterations; qualify for "expedited review" as provided
2 for in Section 50-3-131(b) of this Code.

3 (8) Projects within the SD4 District that involve the following four utility uses: electric
4 transformer station; gas regulator station; telephone exchange building; water
5 works, reservoir, pumping station, or filtration plant.

6 (9) Projects seeking approval under the Alternative Residential Development Options
7 provisions of Article XIII, Division 3, of this chapter.

8 (10) Urban farms and all other agricultural uses specified as a conditional use in Section
9 50-12-109 of this Code.

10 (11) Any new or newly established motor vehicle salesroom or sales lot for the sale of
11 used vehicles.

12 (12) Development projects which meet the post-construction stormwater management
13 applicability thresholds described in Section 48-2-101 of this Code.

14 **Subdivision B. Submission Requirements**

15 **Sec. 50-3-131. Expedited review.**

16 (a) Urban farms and other agriculture uses requiring site plan review are subject only
17 to the submission requirements as specified in Section 50-3-138 of this Code.

18 (b) Plans that are subject to review solely by virtue of the provisions of Section 50-3-
19 113(5) and (6) of this Code may be expedited by review limited to the Planning and Development
20 Department and the Buildings, Safety Engineering, and Environmental Department, with the
21 exception of urban farms and other agricultural uses, which shall always include the City Planning
22 Commission staff. Similarly, in the ~~SD3~~, SD4, and SD5 Districts, plans that relate to alterations to
23 an existing structure, which do not involve additions or major structural alterations, may be

1 expedited by review limited to the Planning and Development Department or City Planning
2 Commission staff, as appropriate. Advisory review by other such departments, as is usually
3 undertaken pursuant to Section 50-3-151 of this Code, is not required in such cases of expedited
4 review. The submittal requirements that apply in cases of expedited review are limited to those
5 specified in Section 50-3-132, Section 50-3-133, Section 50-3-135, and Section 50-3-136 of this
6 Code, with the exception of urban farms and other agricultural uses which shall meet the submittal
7 requirements as specified in Section 50-3-138 of this Code only. The appropriate review body is
8 authorized to tailor the information that is required by this subdivision to the site under
9 consideration.

10 **Subdivision C. Authority to Review and Approve Site Plans**

11 **Sec. 50-3-151. Planning and Development Department.**

12 Within the following zoning districts, the Planning and Development Department shall
13 have the power to review and approve preliminary and final site plans: R1, R2, R3, R4, R5, R6,
14 B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, PI, TM, PR, W1, MKT, SD1, SD2, ~~SD3~~, and SD4
15 with less than three (3) acres. The Buildings, Safety Engineering and Environmental Department
16 is authorized to participate in the review of all site plans. The Water and Sewerage Department is
17 authorized to participate in the review of all site plans. The Planning and Development Department
18 shall involve other such departments as deemed necessary for proper site plan review, including,
19 but not limited to, the Recreation Department; review of agricultural uses shall include the City
20 Planning Commission staff, the Department of Public Works, and other departments and agencies
21 as necessary.

22 **DIVISION 8. REGULATED USES**

23 **Subdivision A. In General**

1 **Sec. 50-3-323. List of regulated uses.**

2 The following use types shall be considered "regulated uses" under this chapter:

- 3 (1) Brewpub, outside the Central Business District, MKT District, and SD2 District,
4 microbrewery outside the Central Business District, MKT District, and SD2
5 District, and small distillery or small winery outside the Central Business District,
6 MKT District, and SD2 District, that serve alcohol for consumption on the
7 premises, except, that brewpubs, microbreweries, small distilleries and small
8 wineries, which operate in conjunction with and are located on the same zoning lot
9 as a standard restaurant as defined in Section 50-16-362 of this Code, shall not be
10 considered regulated uses;
- 11 (2) Cabaret, outside the Central Business District and SD5 District;
- 12 (3) Dance hall, public, outside the Central Business District;
- 13 (4) Establishment for the sale of beer or alcoholic liquor for consumption on the
14 premises, outside the Central Business District and outside the MKT, SD1, SD2,
15 and SD5 Districts; however, such establishments that operate in conjunction with
16 and are located on the same zoning lot as a standard restaurant as defined in Section
17 50-16-362 of this Code shall not be considered regulated uses;
- 18 (5) Lodging house, public;
- 19 (6) Motel;
- 20 (7) Pawnshop; and
- 21 (8) Plasma donation center.

22 **ARTICLE IV. REVIEW AND APPROVAL PROCEDURES (PART 2)**

23 **DIVISION 6. VARIANCES AND ADMINISTRATIVE ADJUSTMENTS**

1 **Sec. 50-4-124. Review and decision-making authority.**

2 (a) *Applications requiring site plan review.* In zoning districts R1, R2, R3, R4, R5, R6,
3 B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, MKT, SD1, SD2, ~~SD3~~, and
4 SD4 with less than three acres, the Planning and Development Department shall have authority to
5 grant administrative adjustments for development proposals that are required to obtain site plan
6 approval, pursuant to the review procedures and approval criteria set forth in this division. In
7 zoning districts PD, PC, PCA, SD4 with three acres or more, and SD5, the City Council shall have
8 authority to similarly grant administrative adjustments. Administrative adjustments shall not be
9 reviewed or approved until technical review comments pertaining to the preliminary site plan
10 review process have been received and reviewed. In cases of permit applications that require site
11 plan review, administrative adjustments shall be granted only during the site plan review process.

12 (b) *Applications not requiring site plan review.* The Buildings, Safety Engineering, and
13 Environmental Department shall have authority to grant administrative adjustments for all
14 development proposals that do not require site plan approval, pursuant to the review procedures
15 and approval criteria set forth in this division and a public hearing shall not be required. Such
16 requests shall be reviewed by a designated officer of the Buildings, Safety Engineering, and
17 Environmental Department who shall grant the administrative adjustment, where the criteria
18 specified in Section 50-4-121 of this Code have been met to the satisfaction of the designated
19 officer. The Buildings, Safety Engineering, and Environmental Department shall involve other
20 such departments as necessary for proper review, including, but not limited to, the Planning and
21 Development Department and the Recreation Department.

22 **ARTICLE VII. ZONING DISTRICTS (IN GENERAL)**

1 **Sec. 50-7-5. Special districts.**

2 Special districts and overlay areas within the City are as follows:

- 3 (1) PD Planned Development District.
- 4 (2) P1 Open Parking District.
- 5 (3) PC Public Center District.
- 6 (4) PCA Public Center Adjacent District (Restricted Central Business District).
- 7 (5) TM Transitional-Industrial District.
- 8 (6) PR Parks and Recreation District.
- 9 (7) W1 Waterfront-Industrial District.
- 10 (8) MKT Market and Distribution District.
- 11 (9) SD1 Special Development District, Small-Scale, Mixed-Use.
- 12 (10) SD2 Special Development District, Mixed-Use.
- 13 ~~(10) SD3 Special Development District, Technology and Research.~~
- 14 (11) SD4 Special Development District, Riverfront Mixed-Use.
- 15 (12) SD5 Special Development District, Casinos.

16 **ARTICLE VIII. RESIDENTIAL ZONING DISTRICTS**

17 **DIVISION 6. R5 MEDIUM DENSITY RESIDENTIAL DISTRICT**

18 **Sec. 50-8-142. Conditional retail, service, and commercial uses.**

19 Conditional retail, service, and commercial uses in the R5 Medium Density Residential
20 District are as follows:

- 21 (1) Bed and breakfast inn.
- 22 (2) Hotel.
- 23 (3) Motel.

- 1 (4) Parking structure.
- 2 (5) Private club, lodge, or similar use, non-profit.
- 3 (6) Retail sales and personal service in multiple-residential structures, as provided for
4 in Section 50-12-312 of this Code.
- 5 (7) School building adaptive reuses—retail, service, and commercial.
- 6 (8) Youth hostel/hostel.
- 7 (9) All of those uses specified in Section ~~50-11-206~~ 50-11-236 of this Code where
8 located on a zoning lot within one-half (~~1/2~~) mile of a high-frequency transit
9 corridor.
- 10 (10) The following uses; occupying not more than 3,000 square feet of gross floor area
11 and not having drive-up or drive-through facilities, where located in a building
12 constructed prior to January 1, 2017, and located on a zoning lot farther than one-
13 half (~~1/2~~) mile from a high-frequency transit corridor, strictly limited to:
- 14 a. Animal-grooming shop.
- 15 b. Art gallery.
- 16 c. Automated teller machine not accessory to another use on the same zoning
17 lot.
- 18 d. Bank.
- 19 e. Bake shop, retail.
- 20 f. Business college or commercial trade school, other than truck driving
21 school.
- 22 g. Office, business or professional.

- 1 h. Personal service establishments, as defined in Section 50-16-341 of this
- 2 Code.
- 3 i. Printing or engraving shops.
- 4 j. Radio, television, or household appliance repair shop.
- 5 k. Restaurants of any type, as each is defined in Section 50-16-362 of this
- 6 Code, without beer or alcoholic liquor for consumption on the premises.
- 7 l. School or studio of dance, gymnastics, music, art, or cooking.
- 8 m. Tattoo and/or piercing parlor.
- 9 n. Veterinary clinic for small animals.

10 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

11 **DIVISION 9. MKT MARKET AND DISTRIBUTION DISTRICT**

12 **Sec. 50-11-201. Description.**

13 (a) The MKT Market and Distribution District provides for and encourages food-
14 related uses such as production, processing, and wholesaling, as well as transport, and similar
15 activities essential to the commerce and health of the City. Limited supporting uses such as office,
16 retail, service, and other uses normally desiring to locate in this type of district are also permissible.

17 (b) In the MKT District within the greater Eastern Market Area, the focus is on the
18 expansion of existing and the attraction of new food-related industries outside the historic Market
19 core. Provisions are made for greenway setbacks along certain streets to be used for vegetative
20 screening of warehouse and production uses from residential uses, and as accessible open space.
21 To avoid visually dominating existing buildings of historical character, building heights are limited
22 around the historic Market core, unless the building contributes to the character of the market by
23 containing a food production use. To avoid potentially overwhelming existing residential

1 properties, building heights are also limited in areas likely to see large amounts of new
2 construction.

3 **Sec. 50-11-202. Site plan review.**

4 All new construction, additions, and major structural alterations in the MKT Market and
5 Distribution District are subject to site plan review, as provided for in Article III, Division 5 of this
6 chapter. In accordance with the Planning and Development Department’s authority set forth in
7 Section 50-3-151 of this Code, the Buildings, Safety Engineering, and Environmental Department
8 must forward to the Planning and Development Department all building permit applications for
9 new construction, additions, or major structural alterations in the MKT Market and Distribution
10 District to ensure compliance with the provisions of Section 50-13-129 of this Code.

11 **Sec. 50-11-203. By-right uses.**

12 Uses that are permissible by-right in the MKT Market and Distribution District are
13 delineated in Section 50-11-204 through Section 50-11-208 of this Code. Such by-right uses are
14 subject to use regulations and standards set forth in Article XII of this chapter.

15 **Sec. 50-11-204. By-right residential uses.**

16 By-right residential uses within the MKT Market and Distribution District are as follows:
17 Loft.

18 **Sec. 50-11-205. By-right public, civic, and institutional uses.**

19 By-right public, civic, and institutional uses within the MKT Market and Distribution
20 District are as follows:

- 21 (1) Educational institution.
- 22 (2) Fire or police station, post office, courthouse, and similar public building.
- 23 (3) Museum.

1 (4) Outdoor recreation facility.

2 (5) Religious institution.

3 **Sec. 50-11-206. By-right retail, service, and commercial uses.**

4 By-right retail, service, and commercial uses within the MKT Market and Distribution

5 District are as follows:

6 (1) Animal-grooming shop, subject to Section 50-12-212 of this Code.

7 (2) Arcade.

8 (3) Art gallery.

9 (4) Automated teller machine, without drive-up or drive-through facilities, if not
10 accessory to another use on the same zoning lot.

11 (5) Bake shop, retail.

12 (6) Bank, without drive-up or drive-through facilities.

13 (7) Banquet hall.

14 (8) Barber or beauty shop, subject to Section 50-12-235 of this Code.

15 (9) Bed and breakfast inn.

16 (10) Body art facility.

17 (11) Brewpub or microbrewery or small distillery or small winery.

18 (12) Commissary.

19 (13) Dance hall, public.

20 (14) Dry cleaning, laundry, or laundromat.

21 (15) Establishment for the sale of beer or alcoholic liquor for consumption on the
22 premises.

23 (16) Nail salon, subject to Section 50-12-236 of this Code.

1 (17) Office, business or professional, subject to Section 50-12-298 of this Code.

2 (18) Printing or engraving shops.

3 (19) Produce or food markets, wholesale.

4 (20) Radio or television station.

5 (21) Recording studio or photo studio or video studio, no assembly hall.

6 (22) Restaurant, carry-out without drive-up or drive-through facilities.

7 (23) Restaurant, fast-food without drive-up or drive-through facilities.

8 (24) Restaurant, standard without drive-up or drive-through facilities.

9 (25) Retail sales and personal service in business and professional offices, subject to
10 Section 50-12-298 of this Code.

11 (26) School or studio of dance, gymnastics, music, art, or cooking.

12 (27) Shoe repair shop.

13 (28) Storage or killing of poultry or small game for direct, retail sale on the premises or
14 for wholesale trade, subject to Section 50-12-315 of this Code.

15 (29) Stores of a generally recognized retail nature whose primary business is the sale of
16 new merchandise without drive-up or drive-through facilities, subject to Section
17 50-12-324 of this Code.

18 (30) Used goods dealer.

19 **Sec. 50-11-207. By-right manufacturing and industrial uses.**

20 By-right manufacturing and industrial uses within the MKT Market and Distribution

21 District are as follows:

22 (1) Cold storage plant.

23 (2) Confection manufacture.

1 (3) Food catering establishment.

2 (4) High/Medium-impact manufacturing or processing, as defined in Section 50-16-
3 242 of this Code, subject to Section 50-12-362 of this Code.

4 (5) Ice manufacture.

5 (6) Low-impact manufacturing or processing, as defined in Section 50-16-284 of this
6 Code.

7 (7) Low/Medium impact manufacturing or processing, as defined in Section 50-16-284
8 of this Code, subject to Section 50-12-361 of this Code.

9 (8) Railroad transfer or storage tracks.

10 (9) Vending machine commissary.

11 (10) Wholesaling, warehousing, storage buildings, or public storage facilities, subject to
12 Section 50-12-358 of this Code.

13 **Sec. 50-11-208. By-right other uses.**

14 Other by-right uses within the MKT Market and Distribution District are as follows:

15 (1) Antennas, subject to Article XII, Division 3, Subdivision G of this chapter.

16 (2) Aquaculture, subject to Article XII, Division 3, Subdivision H of this chapter.

17 (3) Aquaponics, subject to Article XII, Division 3, Subdivision H of this chapter.

18 (4) Farmers' market, as defined in Section 50-16-201 of this Code.

19 (5) Greenhouses, subject to Article XII, Division 3, Subdivision H of this chapter.

20 (6) Hoophouses, subject to Article XII, Division 3, Subdivision H of this chapter.

21 (7) Hydroponics, subject to Article XII, Division 3, Subdivision H of this chapter.

22 (8) Railroad rights-of-way, not including storage tracks, yards, or buildings.

23 (9) Urban gardens, subject to Article XII, Division 3, Subdivision H of this chapter.

1 **Sec. 50-11-209. Conditional uses.**

2 Uses that are permissible conditionally in the MKT Market and Distribution District are
3 delineated in Section 50-11-210 through Section 50-11-214 of this Code. Such conditional uses
4 are subject to use regulations and standards set forth in Article XII of this chapter.

5 **Sec. 50-11-210. Conditional residential uses.**

6 Conditional residential uses within the MKT Market and Distribution District are as
7 follows: Residential uses combined in structures with permitted commercial or industrial uses,
8 subject to Section 50-12-159 of this Code.

9 **Sec. 50-11-211. Conditional public, civic, and institutional uses.**

10 Conditional public, civic, and institutional uses within the MKT Market and Distribution
11 District are as follows:

- 12 (1) Child care center.
- 13 (2) Electric transformer station.
- 14 (3) Gas regulator station.
- 15 (4) Library.
- 16 (5) Neighborhood center, non-profit.
- 17 (6) Outdoor entertainment facility.

18 **Sec. 50-11-212. Conditional retail, service, and commercial uses.**

19 Conditional retail, service, and commercial uses within the MKT Market and Distribution
20 District are as follows:

- 21 (1) Business college or commercial trade school, subject to Section 50-12-318 of this
22 Code.
- 23 (2) Customer service center, without drive-up or drive-through facilities.

- 1 (3) Hotel.
- 2 (4) Medical or dental clinic, physical therapy clinic, or massage facility.
- 3 (5) Office, business or professional, subject to Section 50-12-298 of this Code.
- 4 (6) Parking structures, subject to Section 50-12-301 of this Code.
- 5 (7) Private club, lodge, or similar use.
- 6 (8) Recreation, indoor commercial and health club.
- 7 (9) Specially designated distributor's (SDD) or specially designated merchant's (SDM)
8 establishment.
- 9 (10) Storage or killing of poultry or small game for direct, retail sale on the premises or
10 for wholesale trade, subject to Section 50-12-315 of this Code.
- 11 (11) Veterinary clinic for small animals.
- 12 (12) Youth hostel/hostel.

13 **Sec. 50-11-213. Conditional manufacturing and industrial uses.**

14 Conditional manufacturing and industrial uses within the MKT Market and Distribution

15 District are as follows:

- 16 (1) Abattoir, slaughterhouse, subject to Section 50-12-331 of this Code.
- 17 (2) High-impact manufacturing or processing, as defined in Section 50-16-242 of this
18 Code, subject to Section 50-12-365 of this Code.
- 19 (3) Lithographing and sign shops.
- 20 (4) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage
21 lots, and open areas for the parking of semi-trailers, buses, and other operable
22 commercial vehicles, not including limousines and taxicabs, subject to Section 50-
23 12-355 of this Code.

1 (5) Wholesaling, warehousing, storage buildings, or public storage facilities, subject to
2 Section 50-12-358 of this Code.

3 **Sec. 50-11-214. Conditional other uses.**

4 Other conditional uses within the MKT Market and Distribution District are as follows:

5 (1) Telecommunications building, private.

6 (2) Urban farms, subject to Article XII, Division 3, Subdivision H of this chapter.

7 **Sec. 50-11-215. Intensity and dimensional standards.**

8 Development in the MKT Market and Distribution District is subject to Section 50-13-
9 129 of this Code. Parking shall be prohibited between the street and front façade of the building.

10 **Secs. 50-11-216—50-11-230. Reserved.**

11 **DIVISION 10. SD1—SPECIAL DEVELOPMENT DISTRICT, SMALL-SCALE, MIXED-**

12 **USE**

13 **Sec. 50-11-231. Description.**

14 The SD1 Special Development District is designed to encourage a complementary mixture
15 of small-scale pedestrian and transit-oriented uses that are compatible in a neighborhood setting.
16 It is intended to ensure a neighborhood character and place a proper balance of activities within
17 walking distance of one another while serving the day-to-day needs of residents. Parking
18 requirements are reduced in certain circumstances to promote use of transit and non-motorized
19 transportation; shared parking and a district approach to parking are encouraged to lessen demand
20 for off-street parking spaces. Certain establishments that serve alcohol for consumption on the
21 premises are permitted without a spacing requirement in order to attract increased pedestrian traffic
22 to the area.

23 **Sec. 50-11-232. Site plan review.**

1 All new construction and conditional uses in the SD1 Special Development District are
2 subject to site plan review as provided for in Article III, Division 5, of this chapter.

3 **Sec. 50-11-233. By-right uses.**

4 ~~Uses permitted by right~~ Uses that are permissible by-right in the SD1 Special Development
5 District are delineated in Section ~~50-11-204~~ 50-11-234 through Section ~~50-11-208~~ 50-11-238 of
6 this Code. ~~Use regulations and standards are provided in Article XII of this chapter, within which~~
7 ~~regulations and standards for accessory uses, including home occupations, are provided in Article~~
8 ~~XII, Division 5, of this chapter.~~ Such by-right uses are subject to use regulations and standards set
9 forth in Article XII of this chapter.

10 **Sec. 50-11-234. By-right residential uses.**

11 By-right residential uses in the SD1 Special Development District are as follows:

- 12 (1) Assisted living facility.
- 13 (2) Boarding school and dormitory.
- 14 (3) Loft.
- 15 (4) Multiple-family dwelling.
- 16 (5) Religious residential facilities (in conjunction with religious institutions in the
17 immediate vicinity).
- 18 (6) Residential use combined in structures with permitted (first-floor) commercial uses.
- 19 (7) Shelter for victims of domestic violence.

20 **Sec. 50-11-235. By-right public, civic, and institutional uses.**

21 By-right public, civic, and institutional uses in the SD1 Special Development District are
22 as follows:

- 23 (1) Adult day care center.

- 1 (2) Child care center.
- 2 (3) Educational institution.
- 3 (4) Family day care home.
- 4 (5) Fire or police station, post office and similar public building.
- 5 (6) Library.
- 6 (7) Museum.
- 7 (8) Neighborhood center, non-profit.
- 8 (9) Outdoor recreation facility.
- 9 (10) Religious institution.
- 10 (11) School, elementary, middle/junior high, or high.

11 **Sec. 50-11-236. By-right retail, service, and commercial uses.**

12 By-right retail, service, and commercial uses in the SD1 Special Development District are
13 as follows:

- 14 (1) Animal-grooming shop.
- 15 (2) Art gallery.
- 16 (3) Assembly hall.
- 17 (4) Automated teller machine without drive-up, drive-through facilities.
- 18 (5) Bake shop, retail.
- 19 (6) Banks without drive-up or drivethrough facilities.
- 20 (7) Banquet hall.
- 21 (8) Barber or beauty shop.
- 22 (9) Brewpub or microbrewery or small distillery or small winery, not exceeding ~~three~~
23 ~~thousand~~ (3,000) square feet and not located adjacent to or across an alley from a

- 1 lot containing a single- or two-family dwelling that is located on a street other than
2 a major thoroughfare.
- 3 (10) Dry cleaning, laundry, or laundromat.
- 4 (11) Establishment for the sale of beer or ~~intoxicating~~ alcoholic liquor for consumption
5 on the premises, not exceeding ~~three thousand (3,000)~~ square feet and not located
6 adjacent to or across an alley from a lot containing a single- or two-family dwelling
7 that is located on a street other than a major thoroughfare.
- 8 (12) Medical or dental clinic, physical therapy clinic, or massage ~~therapy clinic facility~~.
- 9 (13) Nail salon.
- 10 (14) Office, business or professional.
- 11 (15) Parking lots or parking areas, accessory for operable private passenger vehicles, not
12 farther than the maximum distance specified in Article XIV, Division 1 of this
13 chapter.
- 14 (16) Pet shop.
- 15 (17) Printing or engraving shops not exceeding ~~four thousand (4,000)~~ square feet of
16 gross floor area with a minimum of ~~ten~~ 10 percent (10%) of the gross floor area
17 being used as a retail store for the sale of the goods produced.
- 18 (18) Recording studio or photo studio or video studio, no assembly hall.
- 19 (19) Recreation, indoor commercial and health club.
- 20 (20) Rental hall, not exceeding 3,000 square feet.
- 21 (21) Restaurant, carry-out or fastfood, without drive-up or drive-through facilities.

- 1 (22) Restaurant, standard, without drive-up or drive-through facilities not located
- 2 adjacent to or across an alley from a lot containing a single- or two-family dwelling
- 3 that is located on a street other than a major thoroughfare.
- 4 (23) School or studio of dance, gymnastics, music, art or cooking.
- 5 (24) Shoe repair shop.
- 6 (25) Stores of a generally recognized retail nature whose primary business is the sale of
- 7 new merchandise, without drive-up or drive-through facilities.
- 8 (26) Veterinary clinic for small animals.

9 **Sec. 50-11-237. By-right manufacturing and industrial uses.**

10 By-right manufacturing and industrial uses in the SD1 Special Development District not
11 exceeding 4,000 square feet of gross floor area with a minimum of ten percent of the gross floor
12 area being used as a retail store for the sale of the goods produced are as follows:

- 13 (1) Confection manufacturing.
- 14 (2) Food catering.
- 15 (3) Jewelry manufacture.
- 16 (4) Lithographing and sign shops.
- 17 (5) Low/medium impact manufacturing or processing facilities as defined in Section
- 18 50-16-284 of this Code and limited to the following:
 - 19 a. Art needlework.
 - 20 b. Canvas goods manufacture.
 - 21 c. Cigar or cigarette manufacture.
 - 22 d. Clock or watch manufacture.
 - 23 e. Coffee roasting.

- 1 f. Door, sash, or trim manufacture.
- 2 g. Draperies manufacture.
- 3 h. Flag or banner manufacture.
- 4 i. Glass blowing.
- 5 j. Knit goods manufacturing.
- 6 k. Leather goods manufacture or fabrication.
- 7 (6) General: Low-impact manufacturing or processing facilities as defined in Section
- 8 50-16-284 of this Code.
- 9 (7) Trade services, general, with the exception of cabinet making.
- 10 (8) Wearing apparel manufacturing.

11 **Sec. 50-11-238. By-right other uses.**

12 Other by-right ~~residential~~ uses in the SD1 Special Development District are as follows:

- 13 (1) Antennas, subject to as provided for in Article XII, Division 3, Subdivision G, of
- 14 this chapter.
- 15 (2) Farmers markets, as defined in Section 50-16-201 of this Code~~Article XVI,~~
- 16 ~~Division 2, Subdivision G, of this chapter.~~
- 17 (3) Urban gardens not exceeding 0.5 acre in size, subject to as provided for in Article
- 18 XII, Division 3, Subdivision H, of this chapter.

19 **Sec. 50-11-239. Conditional uses.**

20 Uses ~~permitted~~ that are permissible conditionally in the SD1 Special Development District

21 are delineated in Section ~~50-11-210~~ 50-11-240 through Section ~~50-11-214~~ 50-11-244 of this Code.

22 ~~See Article XII of this chapter for a complete listing of all use regulations and standards, and~~

1 ~~Article XII, Division 5, of this chapter for accessory uses, including home occupations. Such~~
2 ~~conditional uses are subject to use regulations and standards set forth in Article XII of this chapter.~~

3 **Sec. 50-11-240. Conditional residential uses.**

4 Conditional residential uses in the SD1 Special Development District are as follows:

- 5 (1) Child caring institution.
- 6 (2) Convalescent, nursing, or rest home.
- 7 (3) Fraternity or sorority house.
- 8 (4) Residential substance abuse service facility.
- 9 (5) Rooming house.
- 10 (6) Single-family detached dwelling.
- 11 (7) Single-room-occupancy (SRO) housing, non-profit.
- 12 (8) Townhouse.
- 13 (9) Two-family dwelling.

14 **Sec. 50-11-241. Conditional public, civic, and institutional uses.**

15 Conditional public, civic, and institutional uses in the SD1 Special Development District
16 are as follows:

- 17 (1) Electric transformer station.
- 18 (2) Gas regulator station.
- 19 (3) Telephone exchange building.

20 **Sec. 50-11-242. Conditional retail, service, and commercial uses.**

21 Conditional retail, service, and commercial uses in the SD1 Special Development District
22 are as follows:

- 23 (1) Bed and breakfast inn.

- 1 (2) Brewpub or microbrewery or small distillery or small winery that exceeds ~~three~~
2 ~~thousand~~ (3,000) square feet or that is located adjacent to or across an alley from a
3 lot containing a single- or two-family dwelling that is located on a street other than
4 a major thoroughfare.
- 5 (3) Establishment for the sale of beer or intoxicating liquor for consumption on the
6 premises that exceeds ~~three thousand~~ (3,000) square feet or that is located adjacent
7 to or across an alley from a lot containing a single- or two-family dwelling that is
8 located on a street other than a major thoroughfare.
- 9 (4) Hotel.
- 10 (5) Kennel, commercial.
- 11 (6) Parking lots or parking areas, commercial and accessory parking farther than the
12 maximum distance specified in Article XIV, Division 1 of this chapter.
- 13 (7) Parking structure having at least ~~sixty~~ 60 percent (~~60%~~) of the ground floor level
14 façade abutting a public street dedicated to commercial space or other space
15 oriented to pedestrian traffic.
- 16 (8) Pool ~~or billiard~~ hall.
- 17 (9) Private club, lodge, or similar use.
- 18 (10) Radio or television station.
- 19 (11) Radio, television, or household appliance repair shop.
- 20 (12) Rental hall that exceeds 3,000 square feet.
- 21 (13) Restaurant, standard located adjacent to or across an alley from a lot containing a
22 single- or two-family dwelling that is located on a street other than a major
23 thoroughfare.

1 ~~(14) Secondhand store and secondhand jewelry store~~

2 (14) Specially designated distributor's (SDD) or specially designated merchant's (SDM)
3 establishment.

4 (15) Theater, excluding concert café and drive-in theater, not exceeding ~~one hundred~~
5 ~~fifty~~ (150) fixed seats.

6 (16) Used goods dealer.

7 (17) Youth hostel/hostel.

8 **Sec. 50-11-243. Conditional manufacturing and industrial uses.**

9 When considering the conditional uses specified in this section, the factors listed in Section
10 50-2-105(b)(2), (3), and (14) of this Code shall be considered. Conditional manufacturing and
11 industrial uses in the SD1 Special Development District not exceeding 4,000 square feet of gross
12 floor area with a minimum of ten percent of the gross floor area being used as a retail store for the
13 sale of the goods produced are as follows:

14 (1) High/medium-impact manufacturing or processing limited to furniture
15 manufacturing.

16 (2) Machine shop.

17 (3) Trade services, general, limited to cabinet making.

18 (4) Welding shops.

19 **Sec. 50-11-244. Conditional other uses.**

20 Other conditional uses in the SD1 Special Development District are as follows:

21 (1) Antennas, subject to as provided for in Article XII, Division 3, Subdivision G₇ of
22 this chapter.

23 (2) Marinas.

1 **Sec. 50-11-245. General intensity and dimensional standards.**

2 Development in the SD1 Special Development District shall comply with the general
3 intensity and dimensional standards provided in Section ~~50-13-129~~ 50-13-130 of this Code and as
4 follows:

5 (1) *Front Setback:*

- 6 a. A minimum front setback is not required.
- 7 b. The maximum front setback allowed shall be the average of the front
8 setback of the buildings located on the adjacent lots on each side of the
9 subject building or 20 feet, whichever is less.
- 10 c. Off-street parking shall be prohibited in the front setback.

11 (2) *Rear Setback:*

- 12 a. If a street or alley is to the rear of a single-story building, a minimum rear
13 setback is not required. If no street or alley is present, single-story buildings
14 shall have a minimum rear setback of ten feet.
- 15 b. Where land zoned R1, R2, R3, R4, R5, R6, residential PD, or SD1 is located
16 across a street or alley from the rear of a multi-story building, the multi-
17 story buildings shall have a rear setback of ten feet; where a street or alley
18 is not present to separate the rear of a multi-story building from land zoned
19 R1, R2, R3, R4, R5, R6, residential PD, or SD1, the multi-story building
20 shall have a rear setback of 20 feet.
- 21 c. Buildings containing dwelling units, other than single- or two-family
22 dwellings, shall have a rear setback of ten feet if a street or alley is present
23 at the rear and 20 feet if a street or alley is not present.

1 (3) *Side Setback:* No minimum side setback is required except where building is
2 adjacent to land zoned R1, R2, R3, or R4. Where adjacent to land zoned R1, R2,
3 R3, or R4, the side setback shall be calculated using Formula A.

4 (4) *Off-street parking location:* Parking shall be prohibited between the street and front
5 façade of the building.

6 (5) *Maximum height:* 35 feet for non-mixed-use, 50 feet for mixed-use. Where a lot
7 fronts on a right-of-way which is more than 50 feet wide and where the outermost
8 point of the proposed mixed-use building is at least 40 feet from all R1, R2, and
9 R3 Districts, the maximum height may be increased one foot for each one foot of
10 right-of-way width greater than 50 feet. The building shall not exceed 60 feet in
11 height.

12 **Sec. 50-11-246. Accessory uses.**

13 Regulations governing minimum yards for accessory uses in the R5 District shall apply to
14 similar accessory uses in the SD1 Special Development District.

15 **Secs. 50-11-247—50-11-260. Reserved.**

16 **DIVISION 11. SD2—SPECIAL DEVELOPMENT DISTRICT, MIXED-USE**

17 **Sec. 50-11-261. Description.**

18 The SD2 Special Development District is designed to encourage a complementary mixture
19 of more intensive pedestrian and transit-oriented uses that may be compatible with a neighborhood
20 center or with a location along major or secondary thoroughfares. Parking requirements are
21 reduced in certain circumstances to promote use of transit and non-motorized transportation;
22 shared parking and a district approach to parking are encouraged to lessen demand for off-street

1 parking spaces. Certain establishments that serve alcohol for consumption on the premises are
2 permitted without a spacing requirement in order to attract increased pedestrian traffic to the area.

3 **Sec. 50-11-262. Site plan review.**

4 All new construction and conditional uses in the SD2 Special Development District are
5 subject to site plan review as provided for in Article III, Division 5, of this chapter.

6 **Sec. 50-11-263. By-right uses.**

7 Uses ~~permitted by right~~ that are permissible by-right in the SD2 Special Development
8 District are delineated in Section ~~50-11-234~~ 50-11-264 through Section ~~50-11-238~~ 50-11-268 of
9 this Code. ~~Use regulations and standards are provided in Article XII of this chapter, within which~~
10 ~~regulations and standards for accessory uses, including home occupations, are provided in Article~~
11 ~~XII, Division 5, of this chapter.~~ Such by-right uses are subject to use regulations and standards set
12 forth in Article XII of this chapter.

13 **Sec. 50-11-264. By-right residential uses.**

14 By-right residential uses within the SD2 Special Development District are as follows:

- 15 (1) Assisted living facility.
- 16 (2) Boarding school and dormitory.
- 17 (3) Lofts.
- 18 (4) Multiple-family dwellings where combined in structures with permitted first-floor
19 commercial use.
- 20 (5) Religious residential facilities in conjunction with religious institutions in the
21 immediate vicinity.
- 22 (6) Residential uses combined in structures with permitted (first floor) commercial
23 uses.

1 **Sec. 50-11-265. By-right public, civic, and institutional uses.**

2 By-right public, civic, and institutional uses within the SD2 Special Development District
3 are as follows:

- 4 (1) Adult day care center.
- 5 (2) Child care center.
- 6 (3) Educational institution.
- 7 (4) Fire or police station, post office and similar public building.
- 8 (5) Governmental service agency.
- 9 (6) Library.
- 10 (7) Museum.
- 11 (8) Neighborhood center, non-profit.
- 12 (9) Outdoor recreation facility.
- 13 (10) Religious institution.
- 14 (11) School, elementary, middle/junior high, or high.

15 **Sec. 50-11-266. By-right retail, service, and commercial uses.**

16 By-right retail, service, and commercial uses in the SD2 Special Development District are
17 as follows:

- 18 (1) Animal-grooming shop.
- 19 (2) Art gallery.
- 20 (3) Assembly hall.
- 21 (4) Automated teller machine not accessory to another use on the same zoning lot,
22 which is stand-alone, without drive-up or drive-through facilities.
- 23 (5) Bake shop, retail.

- 1 (6) Bank without drive-up or drive-through facilities.
- 2 (7) Banquet hall.
- 3 (8) Barber or beauty shop.
- 4 (9) Brewpub or microbrewery or small distillery or small winery.
- 5 (10) Dry cleaning, laundry, or laundromat.
- 6 (11) Establishment for the sale of beer or ~~intoxicating~~ alcoholic liquor for consumption
- 7 on the premises.
- 8 (12) Medical or dental clinic, physical therapy clinic, or massage ~~therapy clinic facility.~~
- 9 (13) Mortuary or funeral home, including those containing a crematory.
- 10 (14) Nail salon.
- 11 (15) Office, business or professional.
- 12 (16) Parking lots or parking areas, accessory, for operable private passenger vehicles,
- 13 not farther than the maximum distance specified in Article XIV, Division 1 of this
- 14 chapter.
- 15 (17) Pet shop.
- 16 (18) Printing or engraving shops not exceeding ~~five thousand (5,000)~~ square feet of
- 17 gross floor area with a minimum of ~~ten~~ 10 percent (10%) of the gross floor area
- 18 being used as a retail store for the sale of the goods produced.
- 19 (19) Radio or television station.
- 20 (20) Recording studio or photo studio or video studio, no assembly hall.
- 21 (21) Recreation, indoor commercial and health club, excluding golf dome.
- 22 (22) Rental hall.

- 1 (23) Restaurant, carry-out or fastfood, located in a multi-story building and integrated
2 into a mixed-use or multi-tenant development, and without drive-up or
3 drivethrough facilities.
- 4 (24) Restaurant, standard without drive-up or drive-through facilities.
- 5 (25) Retail sales and personal service in business and professional offices.
- 6 (26) Retail sales and personal service in multiple-residential structures, ~~as provided for~~
7 ~~in~~ subject to Section 50-12-312 of this Code.
- 8 (27) School or studio of dance, gymnastics, music, art, or cooking.
- 9 (28) Shoe repair shop.
- 10 (29) Stores of a generally recognized retail nature whose primary business is the sale of
11 merchandise, without drive-up or drive-through facilities.
- 12 (30) Theater, excluding concert café and drive-in theaters, not exceeding ~~one hundred~~
13 ~~fifty~~ (150) fixed seats.
- 14 (31) Veterinary clinic for small animals.

15 **Sec. 50-11-267. By-right manufacturing and industrial uses.**

16 By-right manufacturing and industrial uses not exceeding 5,000 square feet with a
17 minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods
18 produced within the SD2 Special Development District are as follows:

- 19 (1) Confection manufacturing.
- 20 (2) Food catering.
- 21 (3) Jewelry manufacture.
- 22 (4) Lithographing and sign shops.

1 (5) Low/medium impact manufacturing or processing facilities, as defined in Section
2 50-16-284 of this Code and limited to the following:

- 3 a. Art needlework.
- 4 b. Canvas goods manufacture.
- 5 c. Cigar or cigarette manufacture.
- 6 d. Clock or watch manufacture.
- 7 e. Coffee roasting.
- 8 f. Door, sash, or trim manufacture.
- 9 g. Draperies manufacture.
- 10 h. Flag or banner manufacture.
- 11 i. Glass blowing.
- 12 j. Knit goods manufacturing.
- 13 k. Leather goods manufacture or fabrication.

14 (6) Low-impact manufacturing or processing facilities, as defined in Section 50-16-
15 284 of this Code.

16 (7) Trade services, general, with the exception of cabinet making.

17 (8) Wearing apparel manufacturing.

18 **Sec. 50-11-268. By-right other uses.**

19 Other by-right uses within the SD2 Special Development District are as follows:

20 (1) Antennas, ~~subject to as provided for in~~ Article XII, Division 3, Subdivision G, of
21 this chapter.

22 (2) Farmers markets, as defined in ~~Article XVI, Division 2, Subdivision G, of this~~
23 ~~chapter~~ Section 50-16-201 of this Code.

1 (3) Marinas.

2 **Sec. 50-11-269. Conditional uses.**

3 Uses ~~permitted~~ that are permissible conditionally in the SD2 Special Development District
4 are delineated in Section ~~50-11-240~~ 50-11-270 through Section ~~50-11-244~~ 50-11-274 of this Code.
5 Such conditional uses are subject to use regulations and standards set forth in Article XII of this
6 chapter.

7 **Sec. 50-11-270. Conditional residential uses.**

8 Conditional residential uses within the SD2 Special Development District are as follows:

- 9 (1) Adult foster care facility.
- 10 (2) Convalescent, nursing, or rest home.
- 11 (3) Emergency shelter.
- 12 (4) Fraternity or sorority house.
- 13 (5) Multiple-family dwelling.
- 14 (6) Residential substance abuse service facility.
- 15 (7) Rooming house.
- 16 (8) Single-room-occupancy housing, non-profit.
- 17 (9) Townhouse.

18 **Sec. 50-11-271. Conditional public, civic, and institutional uses.**

19 Conditional public, civic, and institutional uses within the SD2 Special Development
20 District are as follows:

- 21 (1) Electric transformer station.
- 22 (2) Gas regulator station.
- 23 (3) Hospital or hospice.

- 1 (4) Substance abuse service facility.
- 2 (5) Telephone exchange building.
- 3 (6) Water works, reservoir, pumping station, or filtration plant.

4 **Sec. 50-11-272. Conditional retail, service, and commercial uses.**

5 Conditional retail, service, and commercial uses within the SD2 Special Development
6 District are as follows:

- 7 (1) Arcade.
- 8 (2) Body art facility.
- 9 (3) Business college or trade school.
- 10 (4) Cabaret.
- 11 (5) Customer service center without drive-up or drive-through facilities.
- 12 (6) Dance hall, public.
- 13 (7) Hotel.
- 14 (8) Kennel, commercial.
- 15 (9) Motel.
- 16 (10) Motor vehicle filling station.
- 17 (11) Motor vehicle services, minor.
- 18 (12) Parking lots or parking areas, commercial.
- 19 (13) Parking lots or parking areas, accessory for operable private passenger vehicles,
20 farther than the maximum distance specified in Article XIV, Division 1, of this
21 chapter.
- 22 (14) Parking structure having at least 60 percent of the ground floor devoted to
23 commercial space or other space oriented to pedestrian traffic.

- 1 (15) Pool hall.
- 2 (16) Precious metal and gem dealer.
- 3 (17) Printing or engraving shops exceeding 5,000 square feet of gross floor area with a
- 4 minimum of ten percent of the gross floor area being used as a retail store for the
- 5 sale of the goods produced.
- 6 (18) Private club, lodge, or similar use.
- 7 (19) Radio, television, or household appliance repair shop.
- 8 (20) School building adaptive reuses - retail, service, and commercial.
- 9 (21) Specially designated distributor's (SDD) or specially designated merchant's (SDM)
- 10 establishment.
- 11 (22) Theater, excluding concert café and drive-in theaters, exceeding 150 fixed seats.
- 12 (23) Used goods dealer.
- 13 (24) Youth hostel/hostel.

14 **Sec. 50-11-273. Conditional manufacturing and industrial uses.**

15 (a) When considering the conditional uses specified in this section, the factors listed in
16 Section 50-2-104(b)(2), (3), and (14) of this Code shall be considered.

17 (b) Conditional manufacturing and industrial uses within the SD2 Special
18 Development District not exceeding 5,000 square feet of gross floor area with a minimum of ten
19 percent of the gross floor area being used as a retail store for the sale of the goods produced are as
20 follows:

- 21 (1) High/medium-impact manufacturing or processing limited to furniture
- 22 manufacturing.
- 23 (2) Machine shop.

1 (3) Trade services, general, limited to cabinet making.

2 (4) Welding shops.

3 **Sec. 50-11-274. Conditional other uses.**

4 Other conditional uses in the SD2 Special Development District, Mixed-Use are as follows:

5 (1) Designated consumption establishment.

6 (2) Marijuana microbusiness.

7 (3) Marijuana retail/provisioning facility.

8 (4) Marijuana safety compliance facility, subject to ~~as provided for in~~ Article III,
9 Division 12, of this chapter.

10 (5) Passenger transportation terminal.

11 (6) Urban Gardens not exceeding 0.5 acres in size, subject to Article XII, Division 3,
12 Subdivision H, of this chapter.

13 **Sec. 50-11-275. Intensity and dimensional standards.**

14 Development in the SD2 Special Development District is subject to Section ~~50-13-130~~ 50-
15 13-131 of this Code and as follows:

16 (1) *Front Setback.*

17 a. A minimum front setback is not required.

18 b. The maximum front setback allowed shall be the average of the front
19 setback of the buildings located on each side of the subject building or 20
20 feet, whichever is less. Parking in front of a neighboring building does not
21 count as a front setback.

22 c. Off-street parking shall be prohibited in the front setback.

23 (2) *Rear Setback.*

- 1 a. If a street or alley is to the rear of a single-story building, a minimum rear
2 setback is not required. If no street or alley is present, single-story buildings
3 shall have a minimum rear setback of ten feet.
- 4 b. Where a single- or two-family dwelling is located across a street or alley
5 from the rear of a multi-story building, the multi-story buildings shall have
6 a rear setback of ten feet; where a street or alley is not present to separate
7 the rear of a multi-story building from a single-or two-family dwelling, the
8 multi-story building shall have a rear setback of 20 feet.
- 9 c. Buildings containing dwelling units, other than single-or two-family
10 dwellings, shall have a rear setback of ten feet if a street or alley is present
11 at the rear and 20 feet if a street or alley is not present.

12 (3) *Side Setback.* No minimum side setback is required except where a building is
13 adjacent to land zoned R1, R2, R3, or R4. Where adjacent to land zoned R1, R2,
14 R3, or R4, the side setback shall be calculated using Formula A.

15 (4) *Off-street parking location.* Parking shall be prohibited between the street and front
16 façade of the building.

17 (5) *Maximum height.* 45 feet for nonmixed-use, 60 feet for mixed-use. Where a lot
18 fronts on a right-of-way which is more than 60 feet wide and where the outermost
19 point of the proposed mixed-use building is at least 40 feet from all R1, R2, and R3
20 Districts, the maximum height may be increased one foot for each one foot of right-
21 of-way width greater than 60 feet. The mixed-use building must not exceed 80 feet
22 in height.

23 **Secs. 50-11-276—50-11-280. Reserved.**

1 ~~DIVISION 11. SD3—SPECIAL DEVELOPMENT DISTRICT, TECHNOLOGY AND~~
2 ~~RESEARCH~~

3 ~~Sec. 50-11-261. Description.~~

4 (a) ~~—The SD3 Special Development District is designed for areas of the City where~~
5 ~~research facility development in a campus like setting is practicable. In addition, the district is~~
6 ~~designed for areas of the City where the future general land use map of the Master Plan indicates~~
7 ~~usage other than "residential."~~

8 (b) ~~—Advances in industry and technology have created uses, which are related to~~
9 ~~industry and office or commercial uses, but may not be appropriate or function adequately in a~~
10 ~~typical industrial or business zoning district. The SD3 District provides an environment where~~
11 ~~"high technology" uses such as engineering, design, research and development, photonics/optics,~~
12 ~~computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype~~
13 ~~development and limited manufacturing, biotechnology lasers, medical research, food and~~
14 ~~materials testing, telecommunications, and related storage, warehousing and limited assembly~~
15 ~~operations associated with principal permitted uses can be located. The SD3 District will be located~~
16 ~~in a campus type environment and so situated that uses will be developed without being negatively~~
17 ~~impacted by elements and conditions which are commonly found in a traditional industrial district~~
18 ~~and without negatively impacting uses found in a business district.~~

19 ~~Sec. 50-11-262. Site plan review.~~

20 ~~All uses in the SD3 Special Development are subject to site plan review as provided for in~~
21 ~~Article III, Division 5, of this chapter.~~

1 **Sec. 50-11-263. By-right uses.**

2 ~~By-right uses within the SD3 Special Development District are as follows: Research~~
3 ~~facility involving any of the following:~~

4 ~~(1) — Basic research, research and development, design, and prototype or experimental~~
5 ~~product development facility;~~

6 ~~(2) — Office, business or professional;~~

7 ~~(3) — Data processing and computing, including service and maintenance of electronic~~
8 ~~data processing equipment;~~

9 ~~(4) — Photonics/optics, robotics, and electronic equipment research;~~

10 ~~(5) — High technology service activity that involves computer, information transfer,~~
11 ~~communication, distribution, processing, administrative, laboratory, experimental,~~
12 ~~developmental, technical, or testing services;~~

13 ~~(6) — High technology industrial activity that involves one-time prototype production,~~
14 ~~robotics, biological or pharmaceutical research, or technology oriented to emerging~~
15 ~~industrial or business activity not involving any heavy manufacturing;~~

16 ~~(7) — Business activity that involves developing, improving, or creating new or existing~~
17 ~~products; and~~

18 ~~(8) — Limited assembly and machining operations where accessory to research and~~
19 ~~development activities occurring at the same locations, provided, that:~~

20 ~~a. — Assembly activities shall be limited to assembly of premanufactured~~
21 ~~finished objects or components, and shall include only small volume,~~
22 ~~nonroutine production of innovative products or equipment products or~~
23 ~~equipment; and~~

1 b. ~~Machining shall be permitted on a limited basis and only for research and~~
2 ~~development activities, repair, demonstration and/or training.~~

3 **~~Sec. 50-11-264. Conditional uses.~~**

4 ~~Conditional uses within the SD3 Special Development District are as follows:~~

5 ~~(1) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this~~
6 ~~chapter.~~

7 ~~(2) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this~~
8 ~~chapter.~~

9 ~~(3) Greenhouses as provided for in Article XII, Division 3, Subdivision H, of this~~
10 ~~chapter.~~

11 ~~(4) Hoophouses as provided for in Article XII, Division 3, Subdivision H, of this~~
12 ~~chapter.~~

13 ~~(5) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this~~
14 ~~chapter.~~

15 ~~(6) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this~~
16 ~~chapter.~~

17 **~~Sec. 50-11-265. Intensity and dimensional standards.~~**

18 ~~Intensity and dimensional standards are subject to review and approval by the Planning and~~
19 ~~Development Department. See Section 50-13-131 of this Code.~~

20 **~~Sec. 50-11-266. Other regulations.~~**

21 ~~(a) *Planning and Development Department review.* The Planning and Development~~
22 ~~Department shall review site, elevation, and landscape plans to ensure that any building, structure,~~
23 ~~or use will be blended into the contiguous and adjacent areas so as to promote a campus-like setting~~

1 ~~and be noninjurious to contiguous uses and not contrary to the spirit and purpose of this chapter.~~

2 ~~The Planning and Development Department shall conduct its site plan review, as provided for in~~

3 ~~Article III, Division 5, of this chapter, with particular focus upon:~~

4 ~~(1) — Proximity to adjacent residential developments;~~

5 ~~(2) — Open space;~~

6 ~~(3) — Bulk;~~

7 ~~(4) — Setbacks;~~

8 ~~(5) — Traffic flow;~~

9 ~~(6) — Signage and graphics;~~

10 ~~(7) — Landscaping and screening.~~

11 ~~(b) — *Specific requirements.*~~

12 ~~(1) — Research facilities in the SD3 Special Development District shall conform to the~~
13 ~~operational performance standards of Article XIV, Division 7, of this chapter;~~

14 ~~(2) — Outdoor lighting shall be provided in an amount which shall be sufficient to permit~~
15 ~~safe movement of vehicles and pedestrians at night;~~

16 ~~(3) — Waste removal areas shall be located within a building.~~

17 **DIVISION 14. OVERLAY AREAS**

18 **~~Subdivision G. Far Eastside Overlay Area~~**

19 **Secs. 50-11-491—50-11-530. Reserved.**

ARTICLE XII. USE REGULATIONS

DIVISION 1. USE TABLE

Subdivision B. Residential Uses

Sec. 50-12-21. Group living.

Regulations regarding group living uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)							
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	TM	PR	W1	MKT	SD1	SD2		SD3	SD4	SD5				
Group living	Adult foster care facility			C	C	C	C	R	R										L																SPC; Section 50-12-151	
	Assisted living facility				C	R	R	R	R		R	R							L									C							Section 50-12-152	
	Convalescent, nursing, or rest home				R	R	R	R	R		R	R							L									C	C						Section 50-12-155	
	Emergency shelter				C	C	C				C	C							L																SPC; GRT Section 50-12-156	
	Fraternity or sorority house			C	R	R	R	C	C		C								L									C	C							
	Home for the aged			C	C	C	C	R	R										L																SPC; Section 50-12-158	
	Religious residential facility	C	C	R	R	R	R	R	R		R	R	R						L			C						R	R							
	Residential substance abuse service facility			C	C	C		C	C	C	C	C							L																	
	Rooming house				R	R	R	C	C		C	C							L									C	C						Section 50-12-164	
	Shelter for victims of domestic violence			R	C/R	R	R	R	R		R	R							L										R							Section 50-12-165
	All other				C	C	C	C	C		C	C							L									C								

1 **Sec. 50-12-22. Household living.**

2 Regulations regarding household living uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	P6	P7	P8	P9		P10	P11	P12	P13	P14	P15
Household living	Loft			R	R	R	R	C	C/R	C/R	C/R	R	C	C	C	C	C	L			R									R	R	R		R	Sections 50-12-157, 50-12-159
	Mobile home park					C												L																Section 50-12-160	
	Multiple-family dwelling		C	C/R	R	R	R	C	C		C	R/C						L			R/C								R	C/R		R	Sections 50-12-157, 50-12-161, 50-12-162		
	Residential use combined in structures with permitted commercial uses					R	R	C	C/R	C/R	C/R	C	C	C	C	C	C	L			R								R	R		R	Section 50-12-159		
	<u>Residential use combined in structures with permitted commercial or industrial uses</u>																												C					<u>Section 50-12-159</u>	
	Single-family detached dwelling	R	R	R	R	R	C	C	C		C							L												C				Sections 50-12-157, 50-12-159	
	Single-room-occupancy (SRO) housing, non-profit				C	C	C	C	C		C	C						L											C	C				SPC; Section 50-12-166	
	Townhouse		C	R	R	R	R	C	C		C	C						L											C	C		R	Sections 50-12-157, 50-12-167		
	Two-family dwelling		R	R	R	R	C	C	C		C							L											C					Sections 50-12-157, 50-12-159	
	All other				C	C	C	C	C		C	C																	C					Sections 50-12-157, 50-12-159	

3

4 **Sec. 50-12-23. Institutional living.**

5 Regulations regarding institutional living uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)													
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P	P	P	T	P	W	M	S	S		S	S	S	D	D	D	D	D					
Institutional living	Boarding school and dormitory			R	R	R	R	R	R		R	R								L															R	R						
	Child caring institution			R	R	R	R	R	R		R	R								L								C														
	Penal or correctional institution; detention facility																			L																						
	Pre-release adjustment center			C	C	C	C	C	C		C	R								L																						
	All other				C	C	C	C	C		C	C								L																						

1

2 **Sec. 50-12-24. Other residential uses.**

3 Regulations regarding other residential uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)												
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P	P	P	T	P	W	M	S	S		S	S	S	D	D	D	D	D				
Other residential uses	School building adaptive reuses, residential	C	C	C																																					

4

Subdivision C. Public, Civic and Institutional Uses

1

Sec. 50-12-41. Auditorium or stadium.

2

3 Regulations regarding auditorium or stadium uses are as follows:

3

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>I</u>	S D 1	S D 2		S D 3	S D 4	S D 5
Auditorium or stadium	Armory										R		R	R	R	R		L				R										
	Auditoriums, public									C	R	R	R	R	R	C	C	L		R	R	R										
	Convention or exhibit building; Office, public only																	L		R	R											Section 50-12-518
	Outdoor entertainment facility										C	R	R	R	R	C	C	L		R	C		C		<u>C</u>							Section 50-12-190
	Race track, motor vehicle															C	C	C	L													
	Stadium; sports arena										C	R	R	R	R	C	C	L		R	C	R										Section 50-12-190
	All other											C	C	C	C	C	C	L														

4

Sec. 50-12-42. Community service.

5

1 Regulations regarding community service uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards									
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P	P	P	T	P	W	M	S	S	S	S	S	General (Art. XII, Div. 2)	Specific (Art. XII, Div. 3)					
Community service	Customs office													R						L					R											C		
	Fire or police station, post office, courthouse, and similar public building			C	C	C	C	C	C	C	R	R	R	R	R	R	R	R	R	R	L					R			R	R	R					C/R		Section 50-12-186
	Governmental service agency							R	R	R	R	R	R	R	R	R	R	R	R	R	L					R					R				C			
	Neighborhood center, non-profit	C	C	R	R	R	R	R	R	C	R	R	R	R	R	R	C	C			L					R			C	R	R			R		Section 50-12-187		
	Substance abuse service facility										C	C	C	C	R	R	C	C			L										C					SPC; GRT Section 50-12-191		
	All other											C	C	C	C	C	C	C			L													C				

2

3 **Sec. 50-12-43. Day care.**

4 Regulations regarding day care uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay											Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	T	P	W	M	S	S	S		S	S	S			
Day care	Adult day care center			R	R	R	R	R	R	R	R	R							L																R	
	Child care center			R	R	R	R	R	R	R	R	R							L			R					C	R	R					R		
	Family day care home	R	R	R	R	R	R					R							L			R					R							R		
	Group day care home	C	C	C	C	C	C												L															C		
	All other																		L																	

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2 **Sec. 50-12-44. Hospital.**

3 Regulations regarding hospital uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay											Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	T	P	W	M	S	S	S		S	S	S		
Hospital	Hospital or Hospice				C	R	R	R	R			R	R						L														C		C

4

5 **Sec. 50-12-45. Library.**

6 Regulations regarding library uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	TM	PR	W1	MKT	SD1	SD2		S3	SD4	SD5
Library	All			R	R	R	R	R	R	C	R	R	R	R	R	C	C		L		R	R	R			C	R	R			R	

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2 **Sec. 50-12-46. Museum.**

3 Regulations regarding museum uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	TM	PR	W1	MKT	SD1	SD2		S3	SD4	SD5
Museum	Museum			R	R	R	R	R	R	C	R	R	R	R	R	C	C		L		R	R	R	R	R	R	R	R			C	
	Outdoor art exhibition grounds; sculpture gardens	C	C	R	R	R	R		R	C	R								L													
	Public aquarium																		L		R	R		R							C	

4

5 **Sec. 50-12-47. Park and open space.**

6 Regulations regarding park and open space uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)								
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	T	P	W	M		S	S	S	S	S	S		
Schools	Educational institution	C	C	C	C	R	R	R	R	R	R	R	R						L		R	R															Section 50-12-184
	School, elementary, middle/junior high, or high	C	C	R	R	R	R	R	R	C	R	R						L		R	C									R	R					Section 50-12-189	
	All other																		L		R										R	R					

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2 **Sec. 50-12-50. Utility, basic.**

3 Regulations regarding basic utility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)							
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	T	P	W	M		S	S	S	S	S	S	
Utility, basic	Electric transformer station					C	C	C	C	C	C	R	R	R	R	R	R	R	L							R	R			C	C	C				Section 50-12-192
	Gas regulator station					C	C	C	C	C	C	R	R	R	R	R	R	R	L							R	R			C	C	C				Section 50-12-192
	Residential-area utility facilities, public	C	C	C	C														L								R									Section 50-12-192
	Solar generation station																		L								C									Section 50-12-192
	Telephone exchange building					C	C	C	C	C	C	R	R	R	R	R	R	R	L							R	R			C	C					Section 50-12-192
	All other																		L								R								C	Section 50-12-192

4

5 **Sec. 50-12-51. Utility, major.**

1 Regulations regarding major utility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)								
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>I</u>	S D 1	S D 2		S D 3	S D 4	S D 5					
Utility, major	Power or heating plant with fuel storage on site												C	R	R	R	R	R	R	L				R												Section 50-12-192	
	Steam generating plant																	C	R	R	L																Section 50-12-192
	Water works, reservoir, pumping station, or filtration plant					C	C	C	C	C	C	R	R	R	R	R	R	L			C	R		R				C			C					Section 50-12-192	
	All other																C	C	L																	Section 50-12-192	

2

3 **Sec. 50-12-52. Other public, civic and institutional uses.**

4 Regulations regarding other public, civic and institutional uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)							
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>I</u>	S D 1	S D 2		S D 3	S D 4	S D 5				
Other public, civic and institutional uses	School building adaptive reuses—public, civic, and institutional	C	C	C	C	C	C																													Section 50-12-138

5

Subdivision D. Retail, Service and Commercial Uses

1

Sec. 50-12-61. Assembly.

2

3 Regulations regarding assembly uses are as follows:

3

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)									
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		W6	W7	W8	W9	W10				
Assembly	Assembly hall										R	R	R	R	R	R	R																R	R				Section 50-12-214
	Banquet hall							C	C	C	R	R	R	R	R	R																<u>R</u>	R	R				
	Dance hall, public									C	C/R	C/R	C/R	C	C	C	C																<u>R</u>		C			P; RU; SPC; Section 50-12-219
	Private club, lodge, or similar use				C	C	C	C	C	C	R	R	R	R	R	R	R																<u>C</u>	C	C		R	Section 50-12-306
	Rental hall										C	R	R	R	R	R	R																C/R	R				Section 50-12-309; P
	All other										C	C	C	C	C	C	C																					Section 50-12-551

4

Sec. 50-12-62. Food and beverage service.

5

6 Regulations regarding food and beverage service uses are as follows:

6

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	W	MKT	S1	S2	S3	S4	S5			
Food and beverage service	Brewpub or microbrewery or small distillery or small winery									R	C	C/R	C/R	C/R	C/R	C/R	C/R		L					R	C/R			<u>R</u>	C/R	R			C	CU; RU; Section 50-12-217
	Commissary							R		R	R	R	R	R	R	R	R		L					R			<u>R</u>							
	Establishment for the sale of beer or alcoholic liquor for consumption on the premises								C	C	C/R	C/R	C/R	C	C	C	C		L					C/R	C		<u>R</u>	C/R	R			C	RU; SPC; Section 50-12-220	
	Restaurant, carry-out, with drive-up or drive-through facilities									C	C	C/R	R	C	R	R	R		L					R								SPC; Sections 50-12-310, 50-12-511		
	Restaurant, carry-out, without drive-up or drive-through facilities							R	R	R	C/R	R	C	R	R	R	R		L					R/C	R		<u>R</u>	R	R			R	SPC; Sections 50-12-310, 50-12-511	
	Restaurant, fast food, with drive-up or drive-through facilities									C	C	C/R	R	C	R	R	R		L					R								SPC; Sections 50-12-310, 50-12-511		
	Restaurant, fast food, without drive-up or drive-through facilities							C	C	C/R	C/R	R	C	R	R	R	R		L					R/C	R		<u>R</u>	R	R			R	SPC; Sections 50-12-310, 50-12-511	
	Restaurant, standard, with drive-up or drive-through facilities									C/R	C/R	C/R	R	R	R	R	R		L					R								SPC; Sections 50-12-311, 50-12-511		
	Restaurant, standard, without drive-up or drive-through facilities							C/R	C/R	C/R	C/R	R	R	R	R	R	R		L					R	R		<u>R</u>	R	R			R	SPC; Sections 50-12-311, 50-12-511	
	All others							C	C	C	C	C	C	C	C	C	C		L					C								C		

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2 **Sec. 50-12-63. Office.**

3 Regulations regarding office uses are as follows:

1 Regulations regarding public accommodation uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	PD	P1	PC	PCA	TM	PR	W1	MKT	SD1	SD2	SD3	SD4	SD5	General (Art. XII, Div. 2)	Specific (Art. XII, Div. 3)		
Public accommodation	Bed and breakfast inn			C	C	C	C	C	C		C								L								<u>R</u>	C							Section 50-12-216
	Hotel				C	C	C	C	C	C	C/R	C/R	C/R	C	C	C			L			C/R					<u>C</u>	C	C		C				Sections 50-12-228, 50-12-312, 50-12-514
	Lodging house, public											C	C						L																RU; SPC; Section 50-12-230
	Motel				C	C	C	C	C	C	C	C	C	C	C	C			L										C						RU; SPC; Sections 50-12-233, 50-12-312, 50-12-514
	Youth hostel/hostel			C	C	C	C	C	C		C	C							L								<u>C</u>	C	C						Section 50-12-322

2

3 **Section 50-12-66. Recreation/entertainment, indoor.**

4 Regulations regarding indoor recreation and entertainment uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay											Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>T</u>	S D 1	S D 2	S D 3	S D 4	S D 5		
Recreation/ entertainment, indoor	Arcade									C	C	C	C	R	R	R	R		L		R	R	R		<u>R</u>		C						CU; P; SPC; Sections 50-12-213, 50-12-515
	Cabaret								C	C	C/R	C/R	C/R	C	C	C	C		L		C/R	C					C		C				RU; SPC; Section 50-12-218
	Casinos and casino complexes																		L												R		
	Firearms target practice range, indoor									C	C	C	C	C	C	C	C	C	L														P; Section 50-12-224
	Pool hall								C	C	R	R	R	R	R	R	R		L			R	R				C	C					CU; P; SPC; Section 50-12-305
	Recreation, indoor commercial and health club								R	R	R	R	R	R	R	R	R		L			R	R	R		<u>C</u>	R	R		R			Section 50-12-308
	Theater and concert café, excluding drive-in theaters									R	C	R		R	R	R	R		L			R	R				C	C/R		R			Section 50-12-317

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2 **Sec. 50-12-67. Recreation/entertainment, outdoor.**

3 Regulations regarding recreation, entertainment and outdoor uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay											Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)																									
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10		P11	P12	P13	P14	P15	P16	P17	P18	P19	P20	P21	P22	P23	P24	P25										
Recreation/ entertainment, outdoor	Amusement park																																																	P; Section 50-12-211					
	Drive-in theater																																																						
	Go-cart track																	R	R	R	R																																P; GRT; Section 50-12-226		
	Golf course, miniature																	R	R	R	R																																P; Section 50-12-227		
	Rebound tumbling center																	R	R	R	R																																	GRT; P; Section 50-12-307	
	Outdoor commercial recreation not otherwise specified																	C	C	C	C	C	C																																

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2 **Sec. 50-12-68. Retail sales and service, occupant-oriented.**

3 Regulations regarding occupant-oriented retail sales and service uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		S1	S2	S3	S4	S5	
Retail sales and service; occupant-oriented	Retail sales and personal service in business and professional offices							C	R	R	R	R	R	R	R	R	R		L		R	R	R						<u>R</u>			R		C	Section 50-12-298
	Retail sales and personal service in multiple-residential structures					C	R	C	R		R	R							L											R		R		Sections 50-12-312, 50-12-514	

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2 **Sec. 50-12-69. Retail sales and service, sales-oriented.**

3 Regulations regarding occupant-oriented retail sales and service uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		S1	S2	S3	S4	S5
Retail sales and service; sales-oriented	Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, with drive-up or drive-through facilities									R	R	C/R	R	R	R	R	R	R	L			R	R										*	*Section 50-11-318
	Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities								R	R	R	R	R	R	R	R	R	R	L			R	R				<u>R</u>	R	R		R	Section 50-11-318, 50-12-324		
	Art gallery								R	R	R	R	R	R	R	R	R	R	L								<u>R</u>	R	R					
	Bake shop, retail								R	R	R	R	R	R	R	R	R	R	L			R	R				<u>R</u>	R	R		R	Section 50-12-215		
	Firearms dealership									C	C	C	C	C	C	C	C	C	L													Section 50-12-223		
	Fireworks sales, consumer																C	C	L													Section 50-12-225		

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	PM	R	W1	<u>MT</u>	S1		S2	S3	S4	S5		
	Motor vehicles, new, salesroom or sales lots									C	R	R	R	R	R	R	R	R	L				C	R										C	Sections 50-12-292, 50-12-517
	Motor vehicles, used, salesroom or sales lots									C	C		R	R	R	R	R	R	L				R										C	Sections 50-12-293, 50-12-517	
	Motorcycles, retail sales, rental or service									C				C	R	R	R		L				R										P; Section 50-12-297		
	Pawnshop									C				C	C	C	C		L				C										P; RU; SPC; GRT; Section 50-12-302		
	Pet shop							R	R	R	R	R		R	R	R	R	R	L				R					R	R				Section 50-12-303		
	Precious metal and gem dealers									C	C	C		R	R	R	R	R	L				C	C				C	C				SPC; Section 50-12-304		
	Produce or food markets, wholesale												R	R	R	R	R	R	L				R			<u>R</u>									
	Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment							C	C	C	C	C		C	C	C	C	C	L				C				<u>C</u>	C	C		C		CU; P; SPC; Section 50-12-314		
	Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade												R		R	R	R	R	L							<u>R</u>							Section 50-12-315		
	Trailer coaches or boat sale or rental, open air display									C			R	R	R	R	R	R	L				R										GRT		
	Trailers, utility—sales, rental, or service; moving truck/trailer rental lots									C			R	R	R	R	R	R	L				R												
	Used goods dealer									C	C	C		R	R	R	R	R	L				C	C		<u>R</u>	C	C				SPC; Section 50-12-320			
	All other									C	C	C		C	C	C	C		L				C									C			

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2 **Sec. 50-12-70. Retail sales and service, service-oriented.**

Regulations regarding service-oriented retail sales and service uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	M	S	S	S	S	S			
Retail sales and service; service-oriented	Animal-grooming shop							R	R	R	R			R	R	R	R		L					R				<u>R</u>	R	R					Section 50-12-212
	Automated teller machine, without drive-up or drive-through facilities							R	R	R	R	C/R	R	R	R	R	R	R	L					R	R			<u>R</u>	R	R		R			
	Automated teller machine, with drive-up or drive-through facilities							C	C	C	C	R	R	R	R	R	R	R	L					C	R							C			Article XIV, Division 1, Subdivision H; Section 50-11-318
	Bank, without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R		L					R	R			<u>R</u>	R	R		R			
	Bank, with drive-up or drive-through facilities							C	C	C	C		R	C	R	R	R		L					C	R					R		C			Article XIV, Division 1, Subdivision H; Section 50-11-318
	Barber or beauty shop							R	R	R	R	R	R	R	R	R	R		L					R	R			<u>R</u>	R	R		R			Sections 50-12-235, 50-12-518
	Body art facility										C	R	R	R	R	R	R		L					R				<u>R</u>		C					Section 50-12-300
	Business college or commercial trade school					R				C	R	R	R	R	R	R	R		L					R	R			<u>C</u>				R			Section 50-12-318
	Customer service center, with drive-up or drive-through facilities							C	C	C	C		R	R	R	R	R		L						R										Article XIV, Division 1, Subdivision H
	Customer service center, without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R		L						R			<u>C</u>		C					
	Dry cleaning, laundry, or laundromat							R	R	R	R	R	R	R	R	R	R		L					R	R			<u>R</u>	R	R		R			Section 50-12-221
	Employee recruitment center									C	R	R		R	R	R	R		L					R											
	Financial services center, with drive-up or drive-through facilities							C	C	C		R		C	R	R	R		L					C	R										Section 50-12-222; Article XIV, Division 1, Subdivision H

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)														
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	P	P1	P2	P3		P4	P5	P	P1	P2	P3	P4	P5	P	P1	P2	P3	P4	P5
	Financial services center, without drive-up or drive-through facilities								C	C	C	R	R	R	R	R	R		L				R	R																			Section 50-12-222
	Food stamp distribution center							C	C	C	C	R	R	R	R	R	R		L				R																				Article XIV, Division 1, Subdivision H
	Kennel, commercial										C		R	R	R	R	R		L				R						C	C												Section 50-12-229	
	Mortuary or funeral home, including those containing a crematory								C	C	R	R	R	R	R	R	R		L				R																			Section 50-12-234	
	Nail salon							R	R	R	R	R	R	R	R	R	R		L				R	R					<u>R</u>	R	R						R				<u>Section 50-12-236</u>		
	Printing or engraving shops								C		C	R		R	R	R	R		L				R						<u>R</u>	R	R/C						C				Section 50-12-323		
	Public center limited sales and service																						R																				
	Radio, television, or household appliance repair shop								R	R	R	R	R	R	R	R	R		L				R							C	C											GRT	
	School or studio of dance, gymnastics, music, art or cooking							R	R	R	R	R		R	R	R	R		L										<u>R</u>	R	R						R					Section 50-12-313	
	Shoe repair shop							R	R	R	R	R	R	R	R	R	R		L				R	R					<u>R</u>	R	R						R					Section 50-12-518	
	Veterinary clinic for small animals								R	R	R	R		R	R	R	R		L				R						<u>C</u>	R	R											Section 50-12-321	
	All other							C	C	C	C	C	C	C	C	C	C		L				C	C						C	C							C					

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2 **Sec. 50-12-71. Vehicle repair and service.**

3 Regulations regarding vehicle repair and service uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)									
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	W	MKT	S1	S2		S3	S4	S5						
Vehicle repair and service	Motor vehicle filling station									C	C	C	R	R	R	R	R	R	L						C	R												P; Division 3, Subdivision D of this article
	Motor vehicle services, major										C		C	C	C	C	C	C	L						C												Section 50-12-294	
	Motor vehicle services, minor										C	C	R	R	R	R	R	R	L						R				C								Section 50-12-295	
	Motor vehicle washing and steam cleaning										C	C	R	R	R	R	R	R	L					C	R												GRT; Section 50-12-296	
	Motor vehicles, new, Storage lot accessory to salesroom or sales lots for new motor vehicles										R	R	R	R	R	R	R	R	L	C					R												Section 50-12-291	
	Motor vehicles, used, Storage lot accessory to salesroom or sales lots for used motor vehicles										C		C	C	C	C	C	C	L						C												Section 50-12-291	
	Taxicab dispatch and/or storage facility										C	C	R	R	R	R	R	R	L						R												Section 50-12-316	

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2 **Sec. 50-12-72. Other retail, service, and commercial uses.**

3 Regulations regarding other retail, service, and commercial uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)								
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	W	MKT	S1	S2		S3	S4	S5					
Other retail, service, and commercial uses	School building adaptive reuses—retail, service, and commercial	C	C	C	C	C	C																														Section 50-12-138

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Subdivision E. Manufacturing and Industrial Uses

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2 **Sec. 50-12-81. Industrial service.**

3 Regulations regarding industrial service uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)										
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10		P11	P12	P13	P14	P15	P16	P17	P18	P19	P20
Industrial service	Blueprinting shop							C		R	R	R	R	R	R	R	R	L						R	R													C	Section 50-12-333
	Boiler repairing												C	R	R	R	R	L																				Section 50-12-458	
	Construction equipment, agricultural implements, and other heavy equipment repair or service													C	R	R	R	L						R													Section 50-12-458		
	Contractor: yard, landscape or construction												R	R	R	R	R	L						R													Section 50-12-458		
	Junkyard																	C	C	L						C											SWFRC; Section 50-12-341		
	Laundry, industrial												C	R	R	R	R	L						R															
	Lumber yard												R	R	R	R	R	L						R													Section 50-12-343		
	Machine shop							C	C					C	R	R	R	L												C	C						Sections 50-12-363, 50-12-458		
	Outdoor storage yard														C	R	R	L																			Sections 50-12-344, 50-12-458		
	Pet crematory																	R	R	R	R	R																	
	Research facilities																																			R			
	Tires, used; sales and/or service												C	C	C	C	C	L						C													Section 50-12-350		
Tool sharpening or grinding												C	R	R	R	R	L						R													Section 50-12-516			

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)							
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		W6	W7	W8	W9	W10	W11	W12
	Towing service storage yard													C	C	C	C	C	L																	Section 50-12-352
	Trade services, general							C/R		R	R	R		R	R	R	R	R	L																	Section 50-12-353
	Truck stops												C			C	C	C	L																	Section 50-12-519
	Used vehicle parts sales															C	C	C	L																	Section 50-12-356
	Welding shops							C		C		C		C	R	R	R	R	L																	Section 50-12-364
	All other															C	C	L																		

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2 **Sec. 50-12-82. Manufacturing and production.**

3 Regulations regarding manufacturing and production uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		W6	W7	W8	W9	W10	W11
Manufacturing and production	Abattoir, slaughterhouse												C			C	C	L																	Sections 50-12-331, 50-12-458
	Baling of waste paper or rags												R	C	R	R	R	R	L																Sections 50-12-332, 50-12-458
	Chemical materials blending or compounding but not involving chemicals manufacturing														C	R	R	R	L																EGLE; Section 50-12-458
	Confection manufacture							C/R	R	C/R	C	R		C	R	R	R	R	L																Sections 50-12-334, 50-12-458

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)							
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	M	S	S	S	S	S	S	1	2	3
	Dental products, surgical, or optical goods manufacture							C		C	C		C	R	R	R	R	L					R										C		Sections 50-12-335, 50-12-458	
	Food catering establishment							C/R	R	C/R	R	R	R	R	R	R	R	L					R				R	R	R				C		Sections 50-12-336, 50-12-458	
	High-impact manufacturing or processing as defined in Section 50-16-242														C	R	R	L									C								Section 50-16-242-50-12-365	
	High/medium-impact manufacturing or processing as defined in Section 50-16-242							C		C					R	R	R	L					R				R	C	C						Sections 50-12-362, 50-16-242	
	Ice manufacture									C		R	R	R	R	R	L					R				R								GRT; Section 50-12-458		
	Jewelry manufacture							R	R	C/R	C		R	R	R	R	R	L					R				R	R							Sections 50-12-340, 50-12-458	
	Lithographing, and sign shops							C/R	R	C/R			C	R	R	R	R	L					R				C	R	R		C				Sections 50-12-342, 50-12-458	
	Low/medium-impact manufacturing or processing as defined in Section 50-16-284							R	R	R			C	R	R	R	R	L					R				R	R	R						Sections 50-12-361, 50-12-458	
	Low-impact manufacturing or processing as defined in Section 50-16-284							R	R	R		R	C	R	R	R	R	L					R				R	R	R		C				Sections 50-12-359, 50-12-458	
	Newspaper (daily) publishing or printing										R		R	R	R	R	R	L					R	R											Section 50-12-458	
	Outdoor operations of all manufacturing and production land uses														C	C	R	L																	Sections 50-12-344, 50-12-458	
	Research or testing laboratory									C	C	R	R	R	R	R	R	L					R												Sections 50-12-348, 50-12-458	
	Salt works														C	C	R	L																	IRC	
	Toiletries or cosmetic manufacturing									C	C		C	R	R	R	R	L					R												GRT; Section 50-12-458	
	Tool, die, and gauge manufacturing									C			C	R	R	R	R	L					R												GRT; Sections 50-12-351, 50-12-458	

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Regulations regarding waste-related uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)												
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	M	S		S	S	S	S	K	D	D	D	D	D		
Waste-related use	Garbage, offal, or dead animal reduction																C	C	L									C													IRC; Section 50-12-337
	Hazardous waste facility																C	C	L																						Section 50-12-338
	Incinerator plant																C	C	L																						Section 50-12-339
	Outdoor operations of all waste-related land uses																C	C	L																						Sections 50-12-344, 50-12-458
	Radioactive waste handling																C	C	L									C													IRC; Section 50-12-345
	Recycling center																C	C	L																						SWFRC; Section 50-12-346
	Rendering plant																C	C	L																						IRC; Section 50-12-347
	Scrap tire storage, processing, or recycling facility																C	C	L									C													IRC; Section 50-12-349
	Sewage disposal plant															C	R	R	L																						
	Transfer station for garbage, refuse, or rubbish																C	C	L									C													SWFRC; Section 50-12-354
	Waste, scrap materials: indoor storage, handling and/or transfer															C	C	C	L																						SWFRC; Section 50-12-357
	All other																C	C	L																						IRC

2

3

Subdivision F. Other Uses

1 **Sec. 50-12-101. Aviation and surface transportation facilities.**

2 Regulations regarding aviation and surface and transportation facilities uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	MKT	S1	S2	S3		S4	S5	
Aviation and surface transportation facilities	Aircraft landing areas for winged aircraft													C	R	R	R	R	L					R								
	Heliports											C	C		C	C	C	C	L		C	R	C	C						C	Section 50-12-411	
	Passenger transportation terminal											R	C	R	R	R	R		L			C	R					C				
	Tunnel or bridge plaza and terminal, vehicular											R							L			R										

3

4 **Sec. 50-12-102. Public center open uses.**

5 Regulations regarding public center open uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)		
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	MKT	S1	S2	S3		S4	S5
Public center open uses	All																						R								

6

7 **Sec. 50-12-103. Railroad facilities.**

8 Regulations regarding railroad facility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)				
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>T</u>	S D 1	S D 2		S D 3	S D 4	S D 5	
Railroad facilities	Railroad right-of-way, not including storage tracks, yards, or buildings	C	C	R	R	R	R	R	R	C	R	R	R	R	R	R	R	R	L				R			<u>R</u>							

1

2 **Sec. 50-12-105. Telecommunications facilities.**

3 Regulations regarding telecommunications facilities uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)																								
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>T</u>	S D 1	S D 2		S D 3	S D 4	S D 5																					
Telecommunications facilities	Antennas	Division 3, Subdivision G of this article																																																			
	Telecommunications building, private																																C	R	R	R	R	R	R	L				R									

4

5 **Sec. 50-12-106. Water-related facilities.**

6 Regulations regarding water-related facilities are as follows:

1 **Sec. 50-12-108. Adult uses/sexually-oriented businesses.**

2 Regulations regarding adult uses and sexually-oriented businesses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)				
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>T</u>	S D 1	S D 2		S D 3	S D 4	S D 5	
Adult uses/sexually- oriented businesses	Adult bookstore or adult video store, adult cabaret, adult motion picture theater, semi-nude model studio																																SPC; Section 50-3-504

3

4 **Sec. 50-12-109. Agricultural uses.**

5 Regulations regarding agricultural uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)									
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	<u>M</u> <u>K</u> <u>T</u>	S D 1	S D 2			S D 3	S D 4	S D 5					
Medical Marijuana Facilities and Adult-Use Marijuana Establishments	Designated marijuana consumption establishment								C		C	C	C	C	C	C	C	C	C	L									C									
	Marijuana grower facility														C	C	C	C	C	L																		
	Marijuana microbusiness								C		C	C	C	C	C	C	C	C	L										C									
	Marijuana processor facility													C	C	C	C	C	C	L																		
	Marijuana retail/provisioning facility								C		C	C	C	C	C	C	C	C	L											C								
	Marijuana safety compliance facility								C		C	C	C	C	C	C	C	C	L											C								
	Marijuana secure transporter facility													C	C	C	C	C	C	L																		

1

1 **DIVISION 3. SPECIFIC USE STANDARDS**

2 **Subdivision A. Residential Uses**

3 **Sec. 50-12-155. Convalescent, nursing, or rest home.**

4 (a) In convalescent, nursing or rest homes, adequate provisions shall be made for
5 access by emergency medical and fire vehicles.

6 (b) Notwithstanding the provisions of Section ~~50-11-215(1)~~ 50-11-245(1)
7 and Section ~~50-11-245(1)~~ 50-11-275(1) of this Code, in the SD1 and SD2 Districts, the
8 convalescent, nursing, or rest home shall be multi-story and shall be built to the front lot line.

9 **Sec. 50-12-159. Lofts; residential uses combined in structures with permitted commercial
10 or industrial uses.**

11 In order to encourage the preservation and reuse of existing commercial and industrial
12 structures, and to encourage live-work situations, loft conversions and mixed-use commercial-
13 residential or industrial-residential uses are permitted in many zoning districts, even in certain
14 districts where new residential construction is prohibited, subject to the following.

15 (1) Loft conversions are prohibited in the R1 and R2 Districts except where developed
16 under the "school building adaptive reuses" provision as defined in Section 50-16-
17 381 of this Code.

18 (2) Lofts in the B6, M1, M2, M3, M4, and SD4 Districts are subject to review by the
19 Loft Review Committee as provided for in Article II, Division 6, Subdivision C, of
20 this chapter.

21 (3) Similarly, single-family dwellings, two-family dwellings, and multiple-family
22 dwellings are permitted in commercial or industrial structures combined with those
23 permitted retail, service, and commercial uses specified in Division 1, Subdivision

1 D, of this article, except for “adult uses/sexually oriented businesses” as specified
2 in Section 50-12-108 of this Code. For example, although a single-family detached
3 dwelling is not permitted by right in the R6 District, a doctor’s office that has an
4 apartment is permitted by right as a “residential use combined in structures with
5 permitted commercial uses.” In addition, in industrial zoning districts where new
6 residential construction is prohibited, an existing building with a hardware store on
7 the ground floor, for example, and residential units on the upper floor could be
8 reoccupied on a conditional use basis and without the need for approval by the
9 Board of Zoning Appeals.

10 (4) In B2 and B3 Districts, lofts are permissible on a by-right basis only where located
11 in a Traditional Main Street Overlay Area and combined in a structure with
12 permitted commercial or industrial uses, and otherwise are permissible
13 conditionally.

14 (5) In B4 Districts, lofts are permissible on a by-right basis only where located in the
15 Central Business District or in a Traditional Main Street Overlay Area, and
16 otherwise are permissible conditionally.

17 (6) In B2, B3, and B4 Districts, residential uses combined in structures with permitted
18 commercial uses are permissible on a by-right basis only where located in a
19 Traditional Main Street Overlay Area, and otherwise are permissible conditionally.

20 (7) In M1, M2, M3, and M4 Districts, new construction of a “residential use combined
21 with permitted commercial uses” is limited to not more than two residential units.
22 However, any time three or more residential units are combined with permitted
23 commercial uses in an existing commercial or industrial structure in the B6, M1,

1 M2, M3, M4, or SD4 District, the use shall be subject to the review of the Loft
2 Review Committee as provided for in Article II, Division 6, Subdivision C, of this
3 chapter.

4 (8) In the MKT District, residential uses combined in structures with permissible
5 commercial or industrial uses are permissible conditionally only if one or more
6 permitted commercial or industrial use is located on the ground floor of the
7 structure, except that new residential uses are impermissible in the area where
8 setbacks are required by Section 50-13-157 of this Code.

9 (9) In the SD4 District, specially designated merchant’s (SDM) establishments and
10 specially designated distributor’s (SDD) establishments are permitted when
11 incidental to, accessory to, and on the same zoning lot as a loft development that
12 has not fewer than 50 dwelling units.

13 (10) In designated Traditional Main Street Overlay Areas, as provided in Section 50-11-
14 382 of this Code, residential uses combined in structures with commercial or
15 industrial uses that are permitted in the respective zoning district shall be permitted
16 by right.

17 **Subdivision C. Retail, Service, and Commercial Uses; Generally**

18 **Sec. 50-12-212. Animal-grooming shop.**

19 (a) All facilities of an animal-grooming shop, including all grooming areas, cages, pens
20 and kennels, shall be maintained within a completely enclosed, soundproof building.

21 (b) All animal-grooming shops shall be designed and constructed in a manner that
22 eliminates any emission of odor offensive to persons owning, occupying or patronizing properties
23 adjacent to the use.

1 (c) Kennel facilities, if any, shall be governed separately by Section 50-12-229 of this
2 Code for commercial kennels.

3 (d) In the MKT District, animal grooming shops are not permissible if located on the
4 first floor.

5 **Sec. 50-12-235. Barber or beauty shop.**

6 In the MKT District, barber or beauty shops are not permissible if located on the first floor.

7 **Sec. 50-12-236. Nail salons.**

8 In the MKT District, nail salons are not permissible if located on the first floor.

9 **Secs. 50-12-237—50-12-250. Reserved**

10 **Subdivision E. Retail, Service and Commercial Uses; Generally**

11 **Sec. 50-12-298. Office, business or professional.**

12 (a) In the PC District, only public offices ~~shall~~ may be permitted.

13 (b) In the MKT District, office uses:

14 (1) Are permissible conditionally where located in newly-constructed buildings, or in
15 the expanded area of an existing building if the expansion comprises more than 200
16 percent of the area of the first floor of the building; and

17 (2) Are permissible by-right where located in an existing building, or in the expanded
18 area of an existing building if the expansion comprises not more than 200 percent
19 of the area of the first floor of the building.

20 **Sec. 50-12-301. Parking structures.**

21 Parking structures shall be subject to the following provisions:

22 (1) The dimensions of parking spaces in a parking structure shall be nine feet by 20
23 feet as specified in Section 50-14-231 of this Code, except that not more than 20

1 percent of the total number of spaces may be striped to smaller dimensions,
2 provided, that all such spaces are located in those areas of the structure most remote
3 from street-level ingress and egress and from direct access points to adjacent
4 buildings. No other administrative adjustment of parking space dimensions may be
5 granted;

6 (2) Parking structures shall conform to the specifications for accessible parking for
7 physically disabled persons as provided for in Section 50-14-182 through Section
8 50-14-186 of this Code. In addition, the minimum height clearance shall be 98
9 inches for van accessibility;

10 (3) In the B5, PC, and PCA Districts, a parking structure shall be permitted by-right if
11 at least 30 percent of the ground floor level façade abutting a public street is
12 dedicated to commercial space or other space oriented to pedestrian traffic.
13 Otherwise, a parking structure may only be permitted as a conditional use;

14 (4) In the SD1 and SD2 Districts, a parking structure may be permitted as a conditional
15 use if at least 60 percent of the ground floor level façade abutting a public street is
16 dedicated to commercial space or other space oriented to pedestrian traffic;

17 (5) Parking structures shall be subject to site plan review as provided for in Section 50-
18 3-113(1)f of this Code.

19 (6) In the MKT District, parking structures are conditionally permissible if at least 30
20 percent of the ground floor level façade abutting a public street is dedicated to
21 commercial space or other space oriented to pedestrian traffic.

22 **Sec. 50-12-315. Storage or killing of poultry.**

1 (a) Storage or killing of poultry or small game for direct, retail sale on the premises
2 or for wholesale trade shall also conform to the requirements of Chapter 19 of this Code, *Food*.

3 (b) In the MKT District, storage or killing of poultry or small game for direct, retail
4 sale on the premises or for wholesale trade is permissible by-right where such use comprises not
5 more than 5,000 square feet in gross floor area and is conditionally permissible where such use
6 comprises more than 5,000 square feet in gross floor area.

7 **Sec. 50-12-318. Trade schools, commercial.**

8 (a) Truck driving schools are subject to the provisions of Chapter 16, Article I, of this
9 Code, *Noise*, and are excluded from the "school building adaptive reuse" provision as defined in
10 Section 50-16-381 of this Code.

11 (b) Truck driving schools are prohibited on land zoned R5, R6, SD2, ~~and~~ SD4, or
12 MKT.

13 (c) On land zoned SD2 and SD4, all activities must occur indoors or to the rear of the
14 building.

15 **Sec. 50-12-323. Printing or engraving shops.**

16 (a) In the SD1 District, printing or engraving shops not exceeding 4,000 square feet
17 may be permitted on a by-right basis where a minimum of ten percent of the gross floor area is
18 used as a retail store for the sale of the goods produced, as provided for in Section ~~50-11-206(15)~~
19 50-11-236(15) of this Code; this regulation may not be waived by the Board of Zoning Appeals.

20 (b) In the SD2 District, printing or engraving shops not exceeding 5,000 square feet
21 may be permitted on a matter of right basis where a minimum of ten percent of the gross floor
22 area is used as a retail store for the sale of the goods produced. Printing or engraving shops

1 exceeding 5,000 square feet may be permitted on a conditional basis where a minimum of ten
2 percent of the gross floor area is used as a retail store for the sale of the goods produced.

3 **Sec. 50-12-324. Stores of a generally recognized retail nature whose primary business is the**
4 **sale of new merchandise, without drive-up or drive-through facilities.**

5 In the MKT District, stores of a generally recognized retail nature whose primary business
6 is the sale of new merchandise, without drive-up or drive-through facilities must not exceed 15,000
7 square feet in gross floor area.

8 **Secs. 50-12-325—50-12-330. Reserved.**

9 **Subdivision F. Manufacturing and Industrial Uses**

10 **Sec. 50-12-331. Abattoirs (slaughterhouses).**

11 (a) Abattoirs (slaughterhouses) are additionally subject to state licensing provisions
12 that are specified in the Michigan Slaughterhouses; Edible Rendering, Wholesale Fabricating,
13 Processing, or Storage Establishments Act, being MCL 287.571 et seq.

14 (b) In the MKT District, abattoirs (slaughterhouses) must not exceed 15,000 square
15 feet in gross floor area.

16 **Sec. 50-12-342. Lithographing and sign shops.**

17 (a) In the B2, ~~and B4,~~ and MKT Districts, sign shops ~~shall be~~ are prohibited.

18 (b) In the B2, B3, and B4 Districts, a lithographing shop is permissible by-right only if
19 located in a structure not exceeding 4,000 square feet of gross floor area with a minimum of ten
20 percent of the gross floor area being used as a retail store for the sale of the goods produced on the
21 premises, and located in a Traditional Main Street Overlay Area. Otherwise, in the B2 District a
22 lithographing shop is permissible conditionally only if located in a structure not exceeding 4,000
23 square feet of gross floor area and located outside a Traditional Main Street Overlay Area, in the

1 B3 District a lithographing shop is prohibited, and in the B4 District, a lithographing shop is
2 permissible conditionally.

3 (c) In the SD1 District, lithographing and sign shop establishments shall have a
4 minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods
5 produced on the premises and shall not exceed 4,000 square feet in gross floor area.

6 (d) In the SD2 District, lithographing and sign shop establishments shall have a
7 minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods
8 produced on the premises and shall not exceed 5,000 square feet in gross floor area.

9 (e) The regulations set forth in this Section may not be modified or waived by the
10 Board of Zoning Appeals.

11 **Sec. 50-12-352. Towing service storage yards.**

12 (a) Towing service storage yards shall be subject to the following provisions:

13 (1) All buildings, screening, and stored or abandoned vehicles shall be set back at
14 least 20 feet from any lot line abutting, across the street, or across the alley from
15 land zoned R1, R2, R3, R4, R5, R6, or residential PD;

16 (2) As required by Section 50-14-361 of this Code, the 20-foot setback area between
17 the masonry wall and the lot line, where required, shall be landscaped in
18 accordance with Section 50-14-362 and Section 50-14-367 of this Code;

19 (3) A masonry wall that is not less than six feet in height shall be erected:
20 a. Between any storage and the 20-foot setback area specified in Subsection
21 (1) of this section; and

1 b. At any lot line abutting, across the street, or across the alley from land
2 zoned B1, B2, B3, B4, B5, B6, non-industrial PD, P1, PC, PCA, PR, SD1,
3 SD2, ~~SD3~~, SD4, and SD5;

4 (4) All ground surfaces within any towing service storage yard shall be covered with
5 asphalt or concrete paving, or other material to create a firm, level surface, ~~(the~~
6 ~~term "level" as used in this section means~~ which is free of ruts, potholes, or uneven
7 areas,) that prevents the formation of dust and mud and is approved by the
8 Buildings, Safety Engineering, and Environmental Department. Pervious surface
9 treatments are encouraged, except that gravel, slag, cinder, or graded natural
10 surfaces shall not be allowed;

11 (5) No vertical stacking of abandoned vehicles shall be permitted;

12 (6) The Buildings, Safety Engineering, and Environmental Department shall specify
13 the maximum, appropriate number of abandoned vehicles to be stored given the
14 area and configuration of the site; and

15 (7) The Buildings, Safety Engineering, and Environmental Department shall be
16 authorized to obtain a performance guarantee as provided for in Article XIV,
17 Division 8, of this chapter, in a sufficient amount, as determined by the Director
18 of the Buildings, Safety Engineering, and Environmental Department.

19 (b) Any use previously classified as a "Police Department authorized abandoned
20 vehicle yard" or a "Police Department authorized abandoned vehicle storage yard" shall now be
21 considered a "towing service storage yard" without need for issuance of an additional permit or
22 change of use.

1 **Sec. 50-12-355. Trucking terminals, transfer buildings, truck garages, recreational vehicle**
2 **storage lots, and open areas for the parking of operable trucks.**

3 (a) Wherever possible, access to the sites of trucking terminals, transfer buildings,
4 truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks
5 from local residential streets shall be avoided.

6 (b) On land zoned SD4, exclusively, only emergency medical service vehicles having
7 not more than two axles may be parked, stored, or serviced.

8 (c) In the MKT District, trucking terminals and transfer buildings for food-related
9 products are permissible, but truck garages, recreational vehicle storage lots, and open areas for
10 the parking of operable trucks are not permissible.

11 **Sec. 50-12-358. Wholesaling, warehousing, storage buildings, or public storage facilities.**

12 Wholesaling, warehousing, storage buildings, or public storage facilities are subject to
13 the following requirements:

- 14 (1) In the B4 District, such facilities shall not be permitted on any zoning lot abutting
15 a designated Gateway Radial Thoroughfare, except Gratiot;
- 16 (2) Steel warehousing shall be prohibited in all zoning districts except M2, M3, M4,
17 and M5;
- 18 (3) Storage of bulk petroleum or related products, garbage, refuse, rubbish, or scrap
19 tires are prohibited;
- 20 (4) All materials shall be completely enclosed within a building, except as provided for
21 in Subsection (6) of this section;
- 22 (5) There shall be a minimum of 35 feet, or 45 feet if the driveway is two-way, between
23 warehouses for driveway, parking, and fire lane purposes. Where no parking is

1 permitted within the building separation areas, the building separation need only be
2 25 feet. Traffic direction and parking in such areas shall be designated by signaling
3 or painting;

4 (6) Permitted outdoor accessory storage is subject to Section 50-12-458 of this Code
5 and shall be placed only on asphalt or concrete paved surfaces, and screening shall
6 be subject to the applicable provisions of Article XIV, Division 2, Subdivision D,
7 of this chapter;

8 (7) No storage of hazardous substances, toxic, or explosive materials shall be
9 permitted. Signs shall be posted at the facility describing such restrictions; ~~and~~

10 (8) Public storage facilities are subject to the licensing provisions of Chapter 30, Article
11 II, of this Code, *Moving and Storage*, and shall comply with the following
12 standards:

13 a. No residential use shall be allowed in any public storage unit; and

14 b. No retail, wholesale, fabrication, manufacturing, or service activities shall
15 be conducted from within public storage units; and

16 (9) In the MKT District, warehousing and storage of food-related products are
17 permissible by-right and warehousing and storage of nonfood-related products are
18 permissible conditionally.

19 **Sec. 50-12-361. Low/medium-impact manufacturing or processing facilities.**

20 (a) In the B2, B3, and B4 Districts, a low/medium-impact manufacturing or processing
21 facility is permissible by-right only if located in a structure not exceeding 4,000 square feet of
22 gross floor area with a minimum of ten percent of the gross floor area being used as a retail store
23 for the sale of the goods produced on the premises, and located in a Traditional Main Street Overlay

1 Area, and limited to any one of the following. Otherwise, in the B2, B3, and B4 Districts a
2 low/medium-impact manufacturing or processing facility is prohibited.

- 3 (1) Art needlework.
- 4 (2) Canvas goods manufacture.
- 5 (3) Cigar or cigarette manufacture.
- 6 (4) Clock or watch manufacture.
- 7 (5) Coffee roasting.
- 8 (6) Door, sash, or trim manufacture.
- 9 (7) Draperies manufacture.
- 10 (8) Flag or banner manufacture.
- 11 (9) Glass blowing.
- 12 (10) Knit goods manufacturing.
- 13 (11) Leather goods manufacture or fabrication.

14 (b) In the SD1 and SD2 Districts, the following low/medium-impact manufacturing or
15 processing facilities with a minimum of ten percent of the gross floor area being used as a retail
16 store for the sale of the goods produced on the premises are permitted:

- 17 (1) Art needlework.
- 18 (2) Canvas goods manufacture.
- 19 (3) Cigar or cigarette manufacture.
- 20 (4) Clock or watch manufacture.
- 21 (5) Coffee roasting.
- 22 (6) Door, sash, or trim manufacture.
- 23 (7) Draperies manufacture.

1 (8) Flag or banner manufacture.

2 (9) Glass blowing.

3 (10) Knit goods manufacturing.

4 (11) Leather goods manufacture or fabrication.

5 (c) In the SD1 District, such facilities shall not exceed 4,000 square feet in gross floor
6 area.

7 (d) In the SD2 District, such facilities shall not exceed 5,000 square feet in gross floor
8 area.

9 (e) In the MKT District, low/medium-impact manufacturing or processing facilities
10 allowed by-right are limited to:

11 (1) Coffee roasting; and

12 (2) Dog or cat food cannery or manufacture excluding rendering or the use of fish.

13 (f) The regulations set forth in this Section may not be modified or waived by the
14 Board of Zoning Appeals.

15 **Sec. 50-12-362. High/medium-impact manufacturing or processing facilities.**

16 (a) In the B2 and B4 Districts, a high/medium-impact manufacturing or processing
17 facility is permissible by-right only if limited to furniture manufacturing, located in a structure not
18 exceeding 4,000 square feet of gross floor area with a minimum of ten percent of the gross floor
19 area being used as a retail store for the sale of the goods produced on the premises, and located in
20 a Traditional Main Street Overlay Area. Otherwise, in the B2 and B4 Districts a high/medium-
21 impact manufacturing or processing facility is prohibited.

22 (b) In the SD1 and SD2 Districts, high/medium-impact manufacturing or processing
23 facilities with a minimum of ten percent of the gross floor area being used as a retail store for the

1 sale of the goods produced on the premises may be permitted as a conditional use and are limited
2 to furniture making facilities.

3 (c) In the SD1 District, furniture making facilities shall not exceed 4,000 square feet in
4 gross floor area.

5 (d) In the SD2 District, furniture making facilities shall not exceed 5,000 square feet in
6 gross floor area.

7 (e) In the MKT District, high/medium impact manufacturing and processing uses are
8 limited to the following:

9 (1) Canning factories, excluding fish products;

10 (2) Brewing or distilling of liquors; and

11 (3) Brewing of 20,000 or more barrels of beer or malt beverage per year.

12 (f) The regulations set forth in this Section may not be modified or waived by the
13 Board of Zoning Appeals.

14 **Sec. 50-12-365. High-impact manufacturing or processing facilities.**

15 (a) In the MKT District, high-impact manufacturing or processing uses are limited to
16 the following:

17 (1) Carbonic ice manufacture;

18 (2) Meat products manufacturing or processing;

19 (b) The regulations set forth in this Section may not be modified or waived by the
20 Board of Zoning Appeals.

21 **Secs. 50-12-366—50-12-370. Reserved.**

22 **Subdivision G. Other Uses—Antennas**

23 **Sec. 50-12-396. Permissibility and review; Category D antenna towers.**

1 Category D antenna towers shall be governed by the following provisions:

2 (1) *Review.* All Category D antennas shall be subject to review by the Wireless
3 Telecommunications Site Review Committee as provided for in Article II, Division
4 6, Subdivision G, of this chapter.

5 (2) *Permitted by right.* Notwithstanding the height limitations specified in Article XIII,
6 Division 1, of this chapter, Category D antenna towers shall be permitted by right
7 in the B5 and B6 Districts, all industrial zoning districts and in any PCA, TM, or
8 SD2 District where more than 120 feet from any single- or two-family dwelling;
9 Building-mounted antennas: except as provided for in Subsection (5) of this
10 section, antennas, such as those for cellular telephone that are often affixed to
11 antenna towers exceeding 75 feet in height, may be mounted to the wall or roof or
12 other surface of an existing building or other existing structure on a by right basis
13 in the R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, PC, PCA, TM,
14 PR, W1, MKT, SD1, SD2, and SD4 Districts, provided the antennas are effectively
15 concealed or camouflaged.

16 (3) *Conditional.* Notwithstanding the height limitations specified in Article XIII,
17 Division 1, of this chapter for the R4, R5, R6, B1, B2, B3, B4, and PR Districts,
18 Category D antenna towers may be permitted as a conditional use in the R4, R5,
19 and R6 residential districts and in B1, B2, B3, and B4 Districts, and in the PR
20 special zoning district where proposed farther than 120 feet from any R1, R2, or R3
21 District and from any single- or two-family dwelling, subject to the findings
22 specified in Section 50-12-385(1) of this Code, and subject to conditions as deemed
23 necessary by the Buildings, Safety Engineering, and Environmental Department,

1 including, but not limited to: antenna tower dimensions, setback requirements,
2 number of antenna towers per zoning lot, height limitations, screening, and
3 materials and coloration; Category D antenna towers may also be permitted as a
4 conditional use in the R1, R2, and R3 residential districts on the grounds of a lighted
5 athletic field, notwithstanding the prohibition in Subsection (4)a of this section,
6 where proposed.

7 (4) *Prohibited.* Except as delineated in Subsections (3) and (5) of this section, Category
8 D antennas are prohibited:

- 9 a. In the R1, R2, and R3 Districts;
- 10 b. In the R4, R5, R6, B1, B2, B3, B4, and PR Districts where located within 120 feet
11 of any R1, R2, or R3 District or a single- or two-family dwelling. Distance shall be
12 measured between the closest R1, R2, R3 District lot line and the outermost point
13 of the antenna structure closest to it;
- 14 c. In the SD4 District, except as accessory to a land use specified in Article XI,
15 Division 12, of this chapter; and
- 16 d. In the TM, W1, M1, M2, M3, M4, M5 Districts where less than 120 feet from a
17 single- or two-family dwelling; collocation of antennas on antenna towers located
18 less than 120 feet from land zoned R1, R2, or R3 or from a single- or two-family
19 dwelling requires a public hearing before the Board of Zoning Appeals as an
20 expansion of a nonconforming structure.

21 (5) *Exception to prohibition.* Notwithstanding the prohibitions that are contained in
22 Subsection (4) of this section, antennas, such as those for cellular telephones that
23 are often affixed to antenna towers exceeding 75 feet in height, may be mounted to

the wall or roof or other surface of an existing building or other existing structure in the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, PR, and SD4 Districts:

- a. Subject to review by the Wireless Telecommunications Site Review Committee; and
- b. Provided the antennas are effectively concealed or camouflaged; and
- c. As a conditional use, subject to Article III, Division 7, of this chapter.

ARTICLE XIII. INTENSITY AND DIMENSIONAL STANDARDS

DIVISION 1. TABLES OF INTENSITY AND DIMENSIONAL STANDARDS

Subdivision G. Special Purpose Zoning Districts

Sec. 50-13-129. MKT District.

Intensity and dimensional standards in the MKT Market and Distribution District are as

follows:

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq. ft.)	Width (feet)	Front	Side*	Rear				
<u>Sec. Reference</u>	<u>Section 50-13-222</u>	<u>Section 50-16-382</u>	<u>Section 50-16-382</u>	<u>Section 50-13-231</u>	<u>Section 50-13-232</u>	<u>Section 50-13-236</u>	<u>Section 50-13-237</u>		
<i>*Formula A = Length (feet) + 2 (height) / 15 *Formula B = Length (feet) + 2 (height) / 6</i>									
<u>Agricultural uses</u>			<u>See Section 50-12-400</u>						<u>Section 50-12-409</u>
<u>All uses</u>						<u>80</u>			<u>Section 50-13-157</u>

Sec. 50-13-130. SD1 District.

Intensity and dimensional standards in the SD1 Special Development District, Residential/Commercial, are as follows:

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq. ft.)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Section 50-13-222		Section 50-16-382	Section 50-16-382	Section 50-13-231	Section 50-13-232	Section 50-13-236 Section 50-13-237		
*Formula A = Length (feet) + 2 (height) / 15 *Formula B = Length (feet) + 2 (height) / 6									
Gas regulator stations, electric transformer stations, telephone exchange buildings			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>				
Establishment for the sale of beer or alcoholic liquor for consumption on the premises			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Fraternity or sorority houses	7,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Hotels	7,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Libraries or museums	10,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Marinas			20	20					Section 50-13-172
Multiple-family dwellings	7,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	(0.07 RSR)		
Neighborhood centers (non-profit)	7,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			

Outdoor recreation facilities									Section 50-13-211
Parking lots or parking areas			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>				Article XIV, Division 1, Subdivision I
Parking structures			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			Section 50-13-183
Personal service establishment as defined in Section 50-16-341			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Radio, television, or household appliance repair shop			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Religious institutions	10,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Residential use combined in structures with permitted (first floor) commercial uses			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	50, not to exceed 4 stories; see Section 50-11-215 <u>50-11-245</u>			
Restaurants			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>			
Rooming houses	7,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	(0.07 RSR)		

Schools	10,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>				
Single-family dwellings; religious residential facilities	5,000	50	20	4 ft. minimum/ 14 ft. combined	30	35				
Specially designated distributor's (SDD) establishments			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>				
Specially designated merchant's (SDM) establishments			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>				
Stores of a generally recognized retail nature whose primary business is the sale of new merchandise			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>				
Townhouses (attached group)	7,000	70	20	Formula A	30		35	1.50	Section 50-13-186	
Agricultural uses			See Section 50-12-400							Section 50-12-409
All mixed use			See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	50, not to exceed 4 stories; see Section 50-11-215 <u>50-11-245</u>				
All other uses, other than mixed use	7,000	70	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	See Section 50-11-215 <u>50-11-245</u>	35				

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2 **Sec. 50-13-131, SD2 District.**

3 Intensity and dimensional standards in the SD2 Special Development District,

4 Commercial/Residential, are as follows:

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq. ft.)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Section 50-13-222		Section 50-16-382	Section 50-16-382	Section 50-13-231	Section 50-13-232	Section 50-13-236 Section 50-13-237		
*Formula A = Length (feet) + 2 (height) / 15 *Formula B = Length (feet) + 2 (height) / 6									
Fraternity or sorority houses	7,000	70	20	Formula A	30			1.50	
Hotels	7,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>			
Libraries or museums	10,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>			
Motor vehicle filling station	See Section 50-13-173		See Sections 50-13-178 and 50-13-179				See Section 50-13-177		
Multiple-family dwellings	7,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	(0.07 RSR)		
Neighborhood centers (non-profit)	7,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>			
Outdoor recreation facilities									Section 50-13-211
Parking lots or parking areas			See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>				Article XIV, Division 1, Subdivision I
Parking structures			See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>			Section 50-13-183
Religious institutions	10,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>			Section 50-13-184
Rooming houses	7,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	(0.07 RSR)		
Schools	10,000	70	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>	See Section 50-11-245 <u>50-11-275</u>			Section 50-13-211

Townhouses (attached group)	7,000	70	See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275			Section 50-13-186
All mixed use			See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275	60, not to exceed 5 stories; see Section 50-11-245 50-11-275			
All other uses, other than mixed use			See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275	See Section 50-11-245 50-11-275	45			Section 50-13-211

1

2 **Sec. 50-13-131. SD3 District.**

3 Intensity and dimensional standards in the SD3 Special Development District, Technology
4 and Research, are as follows:

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq. ft.)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Section 50-13-222		Section 50-16-382	Section 50-16-382	Section 50-13-231	Section 50-13-232	Section 50-13-236 Section 50-13-237		
*Formula A = Length (feet) + 2 (height) / 15 ————— *Formula B = Length (feet) + 2 (height) / 6									
Agricultural uses			See Section 50-12-400						Section 50-12-409
All uses	3-acres		20	Formula-B	30			2.00	

5

6 **Subdivision H. General Intensity and Dimensional Standards for Special Purpose Zoning**
7 **Districts**

8 **Sec. 50-13-157. MKT district requirements.**

1 (a) Setbacks. Land zoned MKT in the area bounded by Superior Street to the north,
2 Chene Street to the east, Wilkins Street to the south, and Dequindre Cut Greenway / Dequindre
3 Street to the west, excluding properties abutting Dubois Street, are subject to the following setback
4 requirements:

5 (1) Side setback from Dequindre Cut Greenway. Any zoning lot for which a side lot
6 line abuts the Dequindre Cut Greenway must provide a 10-foot setback from such
7 side lot line.

8 (2) Front setback from Superior Street. Any zoning lot for which the front lot line abuts
9 Superior Street must provide a 25-foot setback from Superior Street.

10 (3) Side setback from SD2 Districts. Any zoning lot that is adjacent to or across an
11 alley from land zoned SD2 must provide a side setback from such SD2 district of
12 50 feet if the width of the zoning lot is at least 100 feet or 10 feet if the width of the
13 zoning lot is not more than 100 feet. This standard is eligible only for administrative
14 adjustment from the Planning and Development Department.

15 (4) Side setback from public streets. Any zoning lot for which a side lot line is adjacent
16 to a public street must provide a side setback from such public street of 40 feet if
17 the width of the zoning lot is at least 100 feet or 10 feet if the width of the zoning
18 lot is not more than 100 feet.

19 (5) Setback from residential zoning district. Any zoning lot that is adjacent to or across
20 an alley from a residential zoning district must provide a side setback from such
21 public street of 50 feet if the width of the zoning lot is at least 100 feet or 10 feet if
22 the width of the zoning lot is not more than 100 feet.

1 (6) Adjustments and waivers. The dimensions of the setbacks described in Paragraphs
2 (1) through (5) of this subsection may be adjusted by up to 10 percent with approval
3 by the Planning and Development Department upon its finding that such adjustment
4 would no negatively impact the setback’s effectiveness for screening or buffering
5 purposes. The setback requirements set forth in this Section may not be waived by
6 Board of Zoning Appeals.

7 (b) Development standards for setback areas. The setbacks described in Subsection (a)
8 of this section must be developed in accordance with the following standards:

9 (1) The setback must be planted with vegetative material along its entire length,

10 (2) The vegetative material must provide a minimum of 75 percent opacity on a year-
11 round basis beginning one year after planting,

12 (3) The vegetative material must be a minimum of 10 feet tall beginning two years after
13 planting, and

14 (4) The vegetative material must be located within 10 feet of:

15 a. the property line adjacent to or across an alley from the Dequindre Cut
16 Greenway or Superior Street, as applicable; or

17 b. The property line adjacent to or across an alley from land zoned SD2; or

18 c. Adjacent to any public street or the Dequindre Cut Greenway / Street; or

19 d. Adjacent to or across an alley from a residential zoning district.

20 e. The Planning and Development Department may approve an alternative
21 location upon finding that such alternate will provide screening that is at
22 least as effective as specified in this Subsection, in which case the

1 alternative location approved by the Planning and Development Department
2 controls.

3 (c) *Height Limitations near Eastern Market Sheds.* To prevent new structures or
4 additions to existing structures from overwhelming the Eastern Market sheds, zoning lots within
5 the following areas are subject to a height limit of 55 feet, except that such height limit does not
6 apply to zoning lots for which a food products manufacturing, processing, or distribution use
7 comprises a minimum of 60 percent of the ground floor area:

8 (1) The area bounded by Russell Street, Wilkins Street, Orleans Street, and the Fisher
9 Freeway Service Drive;

10 (2) The area abutting the east side of Orleans between Alfred Street and the alley north
11 of and parallel to Gratiot Avenue; and

12 (3) The area abutting the west side of Russell Street between Alfred Street and
13 Napolean (Fisher Freeway Service Drive), the height limit applies to only the
14 easternmost 60 feet of the lot.

15 (d) *Height limitations near residential properties.* To limit the scale of new
16 development in areas that are near existing residential development, land zoned MKT in the area
17 bounded by Superior Street to the north, Chene Street to the east, Wilkins Street to the south, and
18 Dequindre Cut Greenway / Dequindre Street to the west, excluding properties abutting Dubois
19 Street, are limited to 50 feet in height. The height limit is set forth in this subsection may not be
20 waived by the Board of Zoning Appeals.

21 **Sec. 50-13-158. SD4 District requirements.**

22 In the SD4 District, the following additional provisions shall apply:

1 (1) Building bulk requirement and height limitation. The maximum floor area ratio
2 (FAR) shall be 4.5. Any parking structure, or part thereof, that is used as a
3 podium for high-rise or medium-rise structures shall not be included in computing
4 the floor area ratio. Notwithstanding this floor area ratio (FAR) requirement, the
5 maximum height of buildings shall not exceed 110 feet; and

6 (2) The minimum lot size requirement may be modified subject to Section 50-11-313
7 of this Code, provided, that the floor area ratio (FAR) and maximum height may
8 only be granted a variance of up to 20 percent by the Board of Zoning Appeals.

9 **Secs. 50-13-159—50-13-170. - Reserved**

10 **ARTICLE XIV. DEVELOPMENT STANDARDS**

11 **DIVISION 1. OFF-STREET PARKING, LOADING, AND ACCESS**

12 **Subdivision A. In General**

13 **Sec. 50-14-7. Off-street parking exemptions, reductions, and allowances.**

14 (a) *Off-street parking.* The following exemptions and allowances to the off-street
15 parking requirements shall apply:

16 (1) Uses in the B5, MKT, and PC Districts, in the Central Business District, or in the
17 New Center Major Commercial area as defined in Section 50-16-321 of this Code,
18 shall be exempt from the off-street parking requirements of Subdivisions B and C
19 of this division;

20 (2) For retail, service, and commercial uses on zoning lots abutting a Traditional Main
21 Street Overlay Area or on land zoned SD1 or SD2, the maximum distance that off-
22 street parking shall be provided from the principal use specified in Subdivision B
23 of this division, may be increased to 1,320 feet where the applicant can show to the

1 satisfaction of the Planning and Development Department that a “district approach”
2 to parking is being used in the Traditional Main Street Overlay Area or other area
3 nearby. To show a district approach to parking, the applicant shall provide the
4 following:

- 5 a. A signage plan to show how the business will direct customers and
6 employees to the off-site parking lot, including parking signage and
7 wayfinding;
- 8 b. A plan for who will manage and maintain the off-site parking facility,
9 including safety and security measures;
- 10 c. Where the parking area or parking structure is owned by someone other than
11 the applicant, a shared parking agreement shall be required according to
12 Section 50-14-156 and Section 50-14-159 of this Code.

13 (3) No additional off-street parking, beyond that already provided, shall be required for
14 structures erected prior to April 9, 1998, other than religious institutions, that do
15 not exceed 3,000 square feet of gross floor area; and

16 (4) When a use located in a structure erected prior to April 9, 1998, expands into an
17 existing adjacent structure erected prior to April 9, 1998, and the total gross floor
18 area of the combined structures does not exceed 4,000 square feet, no additional
19 off-street parking shall be required.

20 (5) Additional parking reductions are set forth in Section 50-14-153 and Section 50-
21 14-163 of this Code.

22 (b) *Credit for on-street parking.* Within the Woodward and Grand River/Lahser
23 Traditional Main Street Overlay Areas, any on-street parking space adjacent to a use, each such

1 space consisting of not less than 23 feet of contiguous linear permissible on-street parking that is
 2 immediately adjacent to the use, may be counted as one space against applicable off-street parking
 3 requirements for such use.

4 **ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS**

5 **DIVISION 2. WORDS AND TERMS DEFINED**

6 **Subdivision O. Letters "Q" Through "R"**

7 **Sec. 50-16-362. Words and terms (Red—Rm).**

8 For the purposes of this chapter, the following words and phrases beginning with the
 9 letters "Red" through "Rm," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Refuse	Putrescible and nonputrescible solid waste, except body wastes, including garbage, rubbish, ash, incinerator ash, incinerator residue, and solid market, industrial and construction refuse.
Regulated use	Any of the following: (1) Brewpub outside the Central Business District and SD2 District and microbrewery outside the Central Business District and SD2 District and small distillery or small winery outside the Central Business District and SD2 District that serves alcohol for consumption on the premises; however, any brewpub, microbrewery, small distillery, or small winery that operates in conjunction with and is located on the same zoning lot as a standard restaurant, as defined in this section, shall not be considered a regulated use; (2) Cabaret; (3) Dance hall, public, outside the Central Business District; (4) Establishment for the sale of beer or alcoholic liquor for consumption on the premises, outside the Central Business District and the SD1, SD2 and SD5 Districts; however, any establishment for the sale of beer or alcoholic liquor for consumption on the premises that operates in conjunction with and is located on the same zoning lot as a standard restaurant, as defined in this section, shall not be considered a regulated use; (5) Lodging house, public; (6) Motel; (7) Pawnshop; and (8) Plasma donation center.

Religious institutions (use category)	Uses primarily engaged in providing meeting areas for religious activities. Typical examples include churches, chapels, mosques, temples, and synagogues. Affiliated preschools are classified as day care uses. Affiliated schools are classified as schools.
Religious residential facilities	Rectories, parsonages, monasteries, convents, seminaries, religious retreats and the like.
Rental hall	Any enclosed hall, building or portion of any building regularly available for rental, lease or loan for the purpose of public assembly, banquets, luncheons, entertainment or sports events, whether such assemblies are public or private or subject to an admission fee. The term "rental hall" does not include "public dance halls."
Rental merchandise store	A store whose primary business is the rental of household or personal merchandise originally stocked as new merchandise, such as videocassette and/or DVD recordings, household appliances, formal attire, and other articles stored and displayed within the store or showroom. For zoning purposes, a rental merchandise store shall be regulated the same as a "store of a generally recognized retail nature whose primary business is the sale of new merchandise," provided, that a car rental facility shall be regulated in the same manner as a sales room or sales lot for new or used operable motor vehicles.
Repeat offense	A second, or any subsequent, determination regarding a blight violation notice that is made within a one-calendar-year period for the same blight violation, except for a determination by an administrative hearings officer that a person is not responsible for a blight violation.
Research facility	As specified in Section 50-11-263 of this Code.
Residential substance abuse service facility	An establishment in a residential setting used for the treatment of persons having drug or alcohol abuse problems. The establishment may or may not dispense compounds or prescription medicines to individuals depending upon the severity of their drug or alcohol abuse problems.
Residential use combined in structures with permitted commercial uses	This land use allows for apartments with permitted commercial uses in a commercial building occupied by a use permitted in the given zoning district as indicated in the use table in Article XII, Division 1, Subdivision D of this chapter. As examples, a doctor's office in an R5 or R6 District may also include a residential unit on a by-right basis and a hardware store in a B2, B3, B4, B5 or B6 District may rent out apartments on its second floor.

Rest home	See <i>Convalescent, nursing or rest home.</i>
Restaurant, carry-out	An establishment for the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics: (1) Foods, frozen desserts, or beverages are usually served in edible or disposable containers; (2) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
Restaurant, fast food	An establishment for the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, whose delivery of food to the customer may include service via a drive-up or outdoor walk-up pass-through window, and whose design or principal method of operation includes both of the following characteristics: (1) Foods, frozen desserts, or beverages are usually served in edible containers or disposable containers; (2) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building other than designated and approved outdoor eating areas, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
Restaurant, standard	An establishment for the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics: (1) Customers are normally provided with an individual menu, are served foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed; (2) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.
Retail sales and service, occupant-oriented (use category)	Ancillary and accessory uses to principal multi-family, office or employment uses. They are involved in providing goods and services to residents or employees of the principal use and to visitors to the site. Examples include the following uses: •Retail sales and personal service in multiple-residential structures; •Retail sales and personal service in business and professional offices.
Retail sales and service,	Uses involved in the sale, lease or rent of new or used products to the general public. Examples include the following uses:

<p>sales-oriented (use category)</p>	<ul style="list-style-type: none"> • Stores of a generally recognized retail nature whose primary business is the sale of new merchandise; • Bake shop, retail; • Firearms dealership; • Garden center; • Kennel, commercial; • Motor vehicles, new or used, salesroom or sales lot; • Motorcycles, retail sales, rental or service; • Pawnshop; • Pet shop; • Poultry or small game (storage or killing for direct, retail sale on the premises or for wholesale trade); • Precious metal and gem dealer; • Produce or food markets, wholesale; • Specially designated distributor's (SDD) establishment; • Specially designated merchant's (SDM) establishment; • Trailer coaches or boat sale or rental, open air display; • Trailers, pneumatic-tired utility type, cement mixers: sales, rental, or service (outdoor); • Used goods dealer. • Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.
<p>Retail sales and service, service-oriented (use category)</p>	<p>Uses providing retail consumer services to the general public. Examples include the following uses:</p> <ul style="list-style-type: none"> • Animal-grooming shop; • Automated teller machine (without drive-through facilities); • Automated teller machine (with drive-through facilities); • Bank (without drive-through facilities); • Bank (with drive-through facilities); • Barber or beauty shop; • Body art facility; • Business college or commercial trade school; • Customer service center; • Dry cleaning, laundry, or laundromat; • Employee recruitment center; • Financial services center; • Food stamp distribution center (no drive-through window); • Food stamp distribution center (with drive-through window); • Mortuary or funeral home; • Nail salon; • Printing or engraving shops; • School or studio of dance, gymnastics, music, art, or cooking; • Shoe repair shop; • Veterinary clinic for small animals.

Review body	The entity that is authorized to recommend approval or denial of an application or permit required under this chapter.
Right-of-way	A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, sanitary or storm sewer, electric transmission line, oil or gas pipeline or for any other similar use as may be designated.

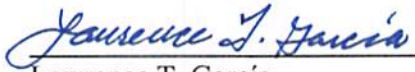
1

2 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

3 **Section 3.** This ordinance is declared necessary for the preservation of the public peace, health,
4 safety, and welfare of the people of the City of Detroit.

5 **Section 4.** This ordinance shall become effective eight (8) days after publication in accordance
6 with MCL 125.3401(6) and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to form:



 Lawrence T. Garcia
 Corporation Counsel