

JOINT SESSION AGENDA

**CHELSEA ZONING ORDINANCE
MONDAY, SEPTEMBER 14, 2020 – 6:00 PM**

I. TECHNICAL REVIEW SUMMARY

- Key Takeaways – Items for Action

II. PUBLIC ENGAGEMENT FINDINGS

- Participant Information
- Highest-rated Design Concepts
- What Else Did We Hear?

III. DISCUSSION: ZONING ORDINANCE ROADMAP

- Draft Outline – the “Big Moves”
- Proposed Zoning Districts – Initial Thoughts
- Determine Form-Based District Approach
- Document Templates – Likes and Dislikes

IV. NEXT STEPS

- Refine and Finalize Outline
- Create Zoning Ordinance Template
- Develop 1st Draft of Ordinance

ZONING ORDINANCE PROPOSED ORGANIZATION

ARTICLE	SECTIONS
Article I: Enacting Clause, Title, and Purpose	<ul style="list-style-type: none"> • Section 1.01: Enacting Clause • Section 1.02: Title • Section 1.03: Purpose • Section 1.04: Conflict with other Laws • Section 1.05: Validity & Severability Clause • Section 1.06: Period of Effectiveness • Section 1.07: Effective Date • Section 1.08: Date of Adoption
Article II: Definitions	<ul style="list-style-type: none"> • Section 2.01 Interpretation • Section 2.02 Definitions
Article III: Zoning Districts and Map	<ul style="list-style-type: none"> • Section 3.01: Establishment of Zoning Districts • Section 3.02: Official Zoning Map (District Boundaries) • Section 3.03: Compliance with Regulations • Section 3.04: Use Regulations • Section 3.05: District Statements of Purpose • Section 3.06: Schedule of Regulations <ul style="list-style-type: none"> ○ Natural Feature Setback • Section 3.07: Table of Permitted Uses • Section 3.08: Yard and Lot Regulations <ul style="list-style-type: none"> ○ Lot Width ○ Yard Requirements ○ Corner Lots ○ Buildable Lots • Section 3.09: Form-Based Code – Downtown District • Section 3.10: Form-Based Code – Highway District
Article IV: Supplemental Zoning District Standards	<ul style="list-style-type: none"> • Section 4.01: Home Occupations • Section 4.02: Bed and Breakfast Operations • Section 4.03: Requirements for Group Foster Care Homes • Section 4.04: Group Day Care Home and Child Care Centers • Section 4.05: Keeping of Animals in Residential Districts • Section 4.06: Community Incubator Kitchens • Section 4.07: Seasonal Outdoor Displays and Sales

	<ul style="list-style-type: none"> • Section 4.08: Storage of Materials • Section 4.09: Sales of Vehicles • Section 4.10: Car Wash Standards • Section 4.11: Temporary Use • Section 4.12: Temporary Shelters • Section 4.13: Illegal Dwellings • Section 4.14: Wireless Communications Facilities • Section 4.15: Essential Services • Section 4.16: Adult Entertainment • Removed or combined with other sections: <ul style="list-style-type: none"> ○ Standards for Single-Family Dwellings ○ Commercial Design Standards
<p>Article V: General Provisions</p>	<ul style="list-style-type: none"> • Section 5.01: Accessory Buildings, Structures and Uses • Accessory Structures for Physical Disabilities • Section 5.02: Access to Streets • Section 5.03: Curb Cuts and Driveways • Section 5.04: Visibility at intersections • Section 5.05: Site Lighting • Section 5.06: Sidewalks and Bike Paths • Section 5.07: Fences • Section 5.08: Waste Receptacle Enclosures • Section 5.09: Mechanical Equipment • Section 5.10: Distance Between Grouped Buildings • Section 5.11: Recreation Spaces Within Residential Districts • Removed or combined with other sections: <ul style="list-style-type: none"> ○ Completion of Construction ○ Height of Buildings and Structures
<p>Article VI: Landscaping</p>	<ul style="list-style-type: none"> • Landscaping Requirements (Section 5.12 currently) • Landscaping Standards from Site Plan Application (not yet reviewed)
<p>Article VIII: Parking, Loading, and Access Management</p>	<ul style="list-style-type: none"> • Section 8.01: General Requirements for Off-Street Parking Plans • Section 8.02: Location of Off-Street Parking Areas • Section 8.03: Residential Districts • Section 8.04: Off-Street Parking Area Design • Section 8.05: Collective Parking • Section 8.06: Determining Requirements • Section 8.07: Schedule of Required Parking Spaces • Section 8.08: Exemption • Section 8.09: General Requirements for Off-Street Loading

	<ul style="list-style-type: none"> • Section 8.10: Plans and Specifications • Section 8.11: Off-Street Loading Area Design • Section 8.12: Off-Street Loading Space Requirements • Section 8.13: Storage and Repair
<p>Article IX: Signs</p>	<ul style="list-style-type: none"> • Section 9.01: Purpose • Section 9.02: Definitions • Section 9.03: General Sign Regulations • Section 9.04: Signs Permitted in All Districts • Section 9.05 Prohibited Signs • Section 9.06: Signs Permitted in All Residential Districts • Section 9.07: Signs Permitted in Nonresidential Districts • Section 9.08: Outdoor Advertising Signs • Section 9.09: Temporary Signs • Section 9.10: Exempted Signs • Section 9.11: Nonconforming Signs • Section 9.12: Permits and Fees • Section 9.13: Required Procedures
<p>Article X: Nonconformities</p>	<ul style="list-style-type: none"> • Section 10.01: General Provisions • Section 10.02: Nonconforming Uses of Land • Section 10.03: Nonconforming Structures • Section 10.04: Nonconforming Uses of Structures • Section 10.05: Nonconformities and Site Plan Review • Section 10.06: Change of Tenancy or Ownership • Section 10.07: Nonconforming Lots • Section 10.08: Expansion and Substitution • Section 10.09: Unsafe Structures
<p>Article XI: Special Land Use</p>	<ul style="list-style-type: none"> • Section 11.01: Purpose • Section 11.02: Authority to Grant Permits • Section 11.03: Application and Fee • Section 11.03: Data, Exhibits and Information Required in Application • Section 11.04: Public Hearing Notice • Section 11.05: Planning Commission Action on Special Land Use • Section 11.06: Conditions of Approval • Section 11.07: Standards for Review • Section 11.08: Action Required • Section 11.09: Effect of Approval • Section 11.10: Site Plan Review • Section 11.11: Maintenance

	<ul style="list-style-type: none"> • Section 11.12: Expansions & Changes in Use • Section 11.13: Voiding of Special Approval
<p>Article XII: Site Plan Review</p>	<ul style="list-style-type: none"> • Section 12.01: General Provisions • Section 12.012: Buildings, Structures and Uses Requiring Site Plan Review • Section 12.03: Preliminary Site Plan Review • Section 12.04: Combining Preliminary and Final Site Plans • Section 12.05: Amendment of Approved Site Plan • Section 12.06: Modification of Plan During Construction • Section 12.07: Phasing of Development • Section 12.08: Administrative Amendments to Approved Site Plans • Section 12.09: Inspection • Section 12.10: Performance Guarantees • Section 12.11: As-Built Drawings • Section 12.12: Fees
<p>Article XIII: Site Condominium Review</p>	<ul style="list-style-type: none"> • Section 13.01: Approval Required • Section 13.02: General Requirements • Section 13.03: Relation to Subdivision Ordinance • Section 13.04: Preliminary Site Plan Requirements • Section 13.05: Final Site Plan Requirements • Section 13.06: Revision of Condominium Subdivision Plan • Section 13.07: Streets • Section 13.08: Amendment to Master Deed or Bylaws • Section 13.09: Development Agreement • Section 13.10: Construction Located in General Common Element • Section 13.11: Monuments and Lot Irons • Section 13.12: Rights-of-Way and Utility Easements • Section 13.13: Improvements
<p>Article XIV: Administration and Enforcement</p>	<ul style="list-style-type: none"> • Section 14.01: Office of Planning & Zoning Inspector • Section 14.02: Duties of Planning & Zoning Inspector • Section 14.03: Zoning Compliance Permit • Section 14.04: Certificate of Occupancy • Section 14.05: Pending Applications for Building Permits • Section 14.06: Records • Section 14.07: Fees • Section 14.08: Compliance with Plans • Section 14.09: Violations and Penalties

<p>Article XV: Zoning Board of Appeals</p>	<ul style="list-style-type: none"> • Section 15.01: Board Established • Section 15.02: Membership • Section 15.03: Appointment of Members • Section 15.04: Alternate Members • Section 15.05: General Regulations • Section 15.06: Authority of Zoning Board of Appeals • Section 15.07: Administrative Review • Section 15.08: Variances • Section 15.09: Expansion and Substitution of Nonconformities • Section 15.10: Site Plan Review • Section 15.11: Special Uses & PUD's • Section 15.12: Automatic Stay of Board of Appeals Decision; Time for Appeal to Court; Provision for Security
<p>Article XVI: Amendments</p>	<ul style="list-style-type: none"> • Section 16.01: Initiating Amendments • Section 16.02: Fees • Section 16.03: Amendment Procedure • Section 16.04: Public Hearing • Section 16.05: Information Required • Section 16.06: Findings Required for a Zoning Map Amendment • Section 16.07: Findings Required for a Zoning Text Amendment • Section 16.08: Conformance to Court Decree • Section 16.09: Publication Hearing on Amendments
<p>Article XVIII: Legal Status</p>	<ul style="list-style-type: none"> • Combine Sections with Article I

ZONING ORDINANCE TECHNICAL REVIEW

INTRODUCTION

A Zoning Ordinance is a living document, which means that it must evolve to changes within the community as well as changes outside of the community, such as amendments in the law or court decisions that create new precedents. The City of Chelsea is overdue for a close review of its ordinance, to respond to not only these changes, but to bring its ordinance into more consistency with its recently adopted Master Plan and the Michigan Economic Development Corporation's (MEDC) Redevelopment Ready Communities (RRC) best practices.

The enclosed technical review identifies key issues the City should address during this Zoning Ordinance updates, as well as amendments that should be made to modernize or simplify the ordinance. We have also noted review where the ordinance is misaligned with either the Master Plan or RRC best practices, and will provide suggestions for how it can be modified to remedy that. We relied on the following resources to analyze the Zoning Ordinance and prepare the report:

- City of Chelsea Zoning Ordinance
- City of Chelsea Master Plan (2019)
- RRC Best Practices and Baseline Report for Chelsea
- Input from City staff, including recent development reviews
- Annual Reports (Planning Commission and Zoning Board of Appeals)
- Michigan zoning and land use planning statutory provisions
- Zoning case law
- Reference materials from the McKenna's library
- Topical planning issues and our knowledge of planning and zoning best practices
- Professional expertise, including expert witness experience in circuit and federal court

This document organizes our comments in the current ordinance format. For brevity, if a section is not included in this report, then we did not find an alteration necessary for the existing language from a technical perspective.

KEY TAKEAWAYS

- **The Ordinance has Good Bones:** In general, many of the principles Chelsea articulated in its Master Plan exist somewhere in the current ordinance. In addition, there is a good foundation for form-based regulations, modern parking standards, and frontage standards.
- **Consolidation of Zoning Districts:** Chelsea has 27 different zoning districts. Many of these could be combined, or consolidated into one of the two new form-based districts. Doing so would make the ordinance easier to use.

- **Clarity and Ease of Use for Zoning Districts:** Using summary charts, for both permitted uses and schedule of regulations by districts, will help users easily find the regulations for each district. Some districts also include exhaustive lists of permitted uses, which could be consolidated into a singular use with more detail about the types of uses or activities that are considered permissible under that definition provided in Article 2: Definitions.
- **Format and Placement of Form-Based Districts within the Code:** Since this will not be a City-wide form-based code, the City needs to determine how those districts will fit with the rest of the ordinance, especially if the other text is uploaded into a system such as Municode. While it is possible to upload the kind of rich charts and graphics that typically accompany form-based codes into online platforms, they can be clunky and harder to view. An alternative could be to provide a link to a PDF version of those district regulations.
- **Accessory Dwelling Unit (ADUs):** The suggestion to add ADUs as a permitted use in all residential districts was a clear goal of the Master Plan, and an RRC recommendation. The current ordinance prohibits these types of dwellings (Section 3.11 Illegal Dwellings). Clear standards are recommended to allow for a range of different ADUs. Determination of the acceptable types (new construction, conversion, attached/detached) and approvals process is still needed, and should be explored through the public engagement process. Some communities also allow for lot coverage bonuses for ADUs in certain circumstances to encourage this use.
- **Modernization of Parking Standards:** Conventional parking standards have changed significantly over the last 20 years, with the average cost of a surface space ranging from \$6,000-8,000. There is a need to review and consolidate parking standards for similar uses, using more modern standards and flexible parking strategies (such as flexibility for shared or off-site parking) in the City's commercial areas.
- **Landscape Standards are Outside of the Ordinance:** Frontage standards are an important part of Form-Based coding, and to creating a cohesive streetscape along M-52. In addition, the Zoning Ordinance is where all legally enforceable standards should reside, for both ease of use and administration of standards. Review of these standards was originally outside the scope of this update; if desired, we can fold in a review and update into the final Zoning Ordinance.
- **Vehicular Circulation and Access Standards:** These are largely missing from the ordinance. Where present, they are buried in separate sections of the ordinance. Creating streets that are safer for all modes and alleviating traffic on major roads is to limit the number and location of curb cuts, prohibit curb cuts near intersections, and require cross-site access wherever possible. Standards for Sidewalks and Bike Paths are provided in Section 5.19, but other standards for sidewalks are provided in specific Zoning Districts. These should be consolidated into one location, with different standards for different types of streets.

- **Rehabilitation Standards:** Chelsea has a unique historic character and urban form. Adding rehabilitation standards for commercial buildings to the ordinance could help encourage sensitive preservation of historic assets and features, as well as reuse of Chelsea’s historic buildings by removing typical barriers to rehabilitation, such as increased parking requirements from a change in use. This may be appropriate to extend to reuse of historic residential structures on Main Street as well, to encourage reuse as a professional office or other acceptable use that minimally alters the integrity of the structure.
- **Review Processes:** In general, the City’s existing development review processes are working. However, if the City would like to encourage new, small-scale infill, a full site plan or special use process (either PC only or PC and CC review) adds a cost burden to the project that may make it infeasible. The City should determine how it would like the approvals process for these various housing options to work, and update the ordinance accordingly. Form-based codes also come with their own procedures that may deviate from the existing site plan review process (many typically are by-right administrative site plan review only). These should be reviewed and approved prior to completion of the ordinances.
- **Update the Planned Unit Development (PUD):** There are a variety of changes we would recommend for the PUD section. The Master Plan recommends allowing for more density and a mix of uses in PUD districts, while the zoning ordinance regulations focus on cluster housing or conservation subdivision plans. Generally, we recommend altering the section to align with the Master Plan and allow higher density, a wider variety of uses, and smaller lots. Further, the ordinance states that PUD districts “shall be located in areas of the City that are designated in the comprehensive plan.” While the Future Land Use (FLU) Map does not designate any specific districts for PUD, the Master Plan does recommend the use of PUDs on larger parcels, generally located in the new form-based district on south M-52.

ARTICLE 1 – ENACTING CLAUSE, TITLE, AND PURPOSE

No changes proposed.

ARTICLE 2 – DEFINITIONS

Section 2.02 DEFINITIONS

As articles are updated throughout the ordinance are updated, the changes may at times require additional terms be added to this section. These include terms such as private roads, natural features, and those associated with the proposed form-based code.

Several terms currently in the definitions section would benefit from new or updated graphics.

Consider moving sign definitions into the sign article of the ordinance for ease of reference. Sign definitions are not typically referenced elsewhere in the ordinance.

Remove redundancy between the terms “setback” and “yard.” The definition for “setback,” while a commonly understood term, refers to the term “yard” for a definition.

Update the definition for what a variance is, while removing the language about the variance not being contrary to the public interest. While this language is accurate, it is most appropriate in the section related to the variance process.

The definition for “impervious area” does not specify exactly what would be counted as part of impervious area coverage. We recommend adding a more specific definition, such as *“All paved or hard surfaced areas, such as areas covered by roads and drives; Parking Lots; formed curb and gutters; Vehicular Use Areas; brick or gravel surfaces; sidewalks; bike paths; patios; and any areas of concrete or asphalt or non-absorbent material.”*

The boarding/rooming house definition should be removed, neither term is referenced elsewhere in the ordinance.

The definitions for dwelling units should be updated to include modern definitions and any new housing types, including townhomes (which could also be classified as “single-family attached”), multiplexes, and accessory dwelling units (ADUs).

ARTICLE 3 – GENERAL PROVISIONS

Section 3.01 & 3.02 ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

These two sections should be removed from Article 3, and placed as sections 1 & 2 of Article 4 Zoning Districts.

Section 3.03 COMPLIANCE WITH REGULATIONS

Subsection E conflicts with the front yard measurement in the definitions section. This subsection should be deleted. The “right-of-way” should replace the current language in the definition section.

Section 3.04 USE REGULATIONS

Subsection B states that the Planning Commission approves special land use permits. Many municipalities reserve final approval for City Council. It may be appropriate to change this to a two-step approvals process.

Section 3.05 YARD REQUIREMENTS

Subsections A and B should be modified. Front and side yard setbacks should remain consistent whether they are adjacent to a more restrictive zone or not, and the additional front yard adjacent to a water body conflicts with the Natural Features setback of 25-feet. Additional setbacks from more restrictive zones or environmentally sensitive areas, if still desired, can be dealt with by adding buffer standards in a Landscaping section of the ordinance.

Section 3.06 CORNER LOTS

This section fails to explain whether corner lots will have two rear yards in addition to the required two front yards. Language should be added one side yard and one rear yard on corner lots.

Section 3.07 LOT WIDTH

Graphics should be added to this section to better explain how to measure lot width on regular and irregular lots.

Section 3.08 HEIGHT OF BUILDINGS OR STRUCTURES

This section should be deleted. The maximum height permitted within this section conflicts with the standard for the C-6 zoning district. Each zoning district should provide a maximum permitted height, even if it is a consistent 40 feet for all districts. Further, the information on accessory structure height is confusing. If it is desired to have roof projections exempted, we would suggest including that in a definition of building height, rather than in the general provisions.

Section 3.09 DISTANCE BETWEEN GROUPED BUILDINGS

As with building height, building separation should be provided where needed in specific zoning districts and the proposed form base code.

Section 3.10 ACCESSORY BUILDINGS, STRUCTURES AND USES

Many of the subsections provide standards that are should remain in this section. However, to better ensure that items such as ADUs are able to be permitted, standards such as location and setbacks may be more appropriately located in specific zoning district regulations.

Subsection I should be amended to allow accessory dwelling units in appropriate zoning districts.

Section 3.12 ACCESS TO STREETS

Section 3.12 necessitates the addition of a definition for private road, to clarify the difference between an approved private road and a driveway on private property.

Section 3.14 CURB CUTS AND DRIVEWAYS

Where curb cuts are permitted appears vague and subjective with the standards in this section. This section should be expanded to provided clear and objective standards by which proposed curb cuts will be judged. If those requirements exist in the engineering standards or another ordinance adopted by the city, the specific section should be referenced here. Clear limits on the number and distance between curb cuts are not only important for vehicular safety, but to promote walkability. If standards do not exist, they should be created and tailored to the desired character of the zoning district, as part of a separate Article regarding vehicular and pedestrian circulation.

In addition, this section is regulating driveways in single or two-family residential districts as a percentage of overall lot coverage in the front yard. These standards seem out of place, and also do not address other types of residential uses.

Section 3.15 TEMPORARY USE

The temporary use section provides an opportunity to expand the type events that Chelsea will permit temporarily. Rather than limit these to events such as carnivals or transient enterprises, this section should expand to in events such as farmers markets, seasonal sales, and pop up events hosted by local businesses, restaurants, and residents. Expanding the permitted temporary uses would also require the addition of several terms to the definitions section.

Section 3.16 COMPLETION OF CONSTRUCTION

These standards should be moved to Section 3.03 Compliance with Regulations, which speaks to the applicability of the ordinance based on the effective date.

Section 3.17 WIRELESS COMMUNICATIONS FACILITIES

This section should be removed from Article 3: General Provisions, and moved to Article 5: Supplementary Standards.

The definition portion of the section should be moved to Article 2: Definitions.

Section 3.18 ILLEGAL DWELLINGS

This section would disallow any use of accessory structures as dwelling units, which can be attached, above garages, or even in basements of primary dwellings. It should be modified to prohibit unsafe or non-code compliant dwellings. The type of ADUs the City would like to permit in this section should be a key point of discussion through public engagement and subsequent working sessions before we suggest how this section should be modified.

Section 3.19 ACCESSORY STRUCTURES FOR PHYSICAL DISABILITIES (HANDICAPPED)

We question whether the city has the authority to require documented evidence of a medical condition in order to approve accessory structures. Further, this seems in conflict with the Master plan goals related to ageing and accessibility. Subsection C should be reworded to make it clear that such temporary accessibility features are allowed to encroach into the front yard, but must be set back at least 5 feet from the front lot line.

We would also recommend exploring the possibility of allowing these types of accessibility features permanently, with additional design standards to ensure they complement the design of the primary structure. An alternative would be to encourage and incentivize at least one no-step entry per dwelling unit. This would promote accessibility for those with disabilities and provide better housing options for residents wishing to age in place.

Section 3.20 NATURAL FEATURE SETBACK

Unless this section is changed to reflect a setback from a body of water, natural feature should be defined in article 2 definitions. Buffers should also be defined in a separate Landscape section of the ordinance.

Section 3.21 RECREATION SPACES WITHIN RESIDENTIAL DISTRICTS

This section should be expanded to a requirement to provide amenities for the open space. This could include amenities intended for passive use, such as walking trails, benches, and picnic tables. A more aggressive requirement might include requiring play equipment or athletic courts. These also read as standards more appropriate for a subdivision or PRD development. More modern standards for other types of development, such as mixed-use and multi-family apartments, should also be included in the ordinance, and then placed in logical location (PUD, form-based district, or Article 5: Supplemental Standards).

Section 3.23 TEMPORARY SHELTERS

Because the section is intended for the storage of vehicles, the word tent should be removed. It may lead to confusion about what is permitted with the permit. The term temporary shelter should suffice in this case.

ARTICLE 4 – ZONING DISTRICTS

General Notes

It is unusual to group two or more districts into a single Article. For usability and clarity, we recommend separating these. This way, the intent, lot standards, and all district-specific regulations are in one place. As it stands today, this article is “jumpy” in the way it reads, not linear and clear as one would hope.

To provide an easily accessible place where users of this ordinance can find what uses are allowed in different districts, we suggest a separate “schedule of uses” article prior to the zoning districts. This article would consist of a table listing all uses and districts and whether each use is a special or permitted use in the corresponding district.

We recommend a formatting change, which would provide a table at the beginning of each district displaying the applicable lot and building regulations.

Anything which describes the listed permitted use, should be removed from the section and placed in the definitions section, under an appropriate term. Doing so will help simplify the list of permitted uses in each section, while still providing clarity about the types of uses or activities that are considered permissible under that use definition.

Where different sections are listed on the list of permitted uses, hyperlinks should be provided to take the user directly to the referenced section. This makes cross-referencing easier within the ordinance.

Minimum floor area ratio should be removed as a standard. This can be accomplished through lot coverage and building height, or more specifically controlled through form-based standards.

The City should consider whether the lot coverage standards should be loosened in residential districts to ensure that ADUs are not denied because of the requirement. One potential option is to allow for lot coverage bonuses to allow for the creation of an ADU, rather than allow for higher lot coverage across all districts to permit them. A section should be added to the ordinance to provide supplemental standards for different types of ADUs as well.

Signs as a permitted use in different districts in accordance with the sign section, should be removed from the districts and kept in Article 6.

Section 4.01 AGRICULTURAL DISTRICT (AG-1)

(A)(1) An “agricultural uses” use should be created, with a definition added to Article 2. That definition can include the list of activities in this section.

Any conditions of approval for wireless communications facilities should be removed from this section, and placed in the supplementary standards article.

The standard for Agricultural practices, in subsection D, should be removed from this section and placed in the supplementary standards article.

Section 4.03 SINGLE-FAMILY RESIDENTIAL DISTRICT - LOW DENSITY (RS-1)

We recommend removing the first sentence of the introductory paragraph for this section while leaving the second sentence.

Essential services should be removed from the list of permitted used. The essential services section should include a statement, allowing essential services in each district. Further, we do not believe there should be a distinction between public and other essential services.

Item seven in the permitted uses, should fall under a newly created “Agricultural Uses.”

Much of the permitted and special land uses in this district are similar to the Ag District, with lot size as the major difference. It may be worthwhile to combine these two zoning districts (or combine AG-1, RS-1, and RS-2), and make permitted uses and lot sizes consistent across all three. This would allow public and private open space in the AG-1, which reflects existing land use.

Section 4.04 SINGLE-FAMILY RESIDENTIAL DISTRICT MODERATE DENSITY (RS-2)

See comments for Section 4.03 and 4.02, with respect to: removal of introductory sentence from first paragraph, signs as permitted uses, and essential services.

Section 4.05 TWO-FAMILY RESIDENTIAL DISTRICT (RS-3)

Same as Section 4.04. While the schedule of regulations is identical to the RS-2, more uses are permitted in this district. The future land use map eliminates and consolidates this zoning district into one single-family district together with the RS-1 and RS-2. This is an issue for further discussion.

Section 4.06 MOBILE HOME RESIDENTIAL DISTRICT (MH-1)

The intent and purpose section of this district needs to note Michigan Public Act 96 of 1987, as amended, and note that where standards exceed that law, they are intended to ensure mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the City's residents. This district was eliminated in the Future Land Use Map and is also an issue for further discussion.

Section 4.07 MODERATE DENSITY RESIDENTIAL ZONING DISTRICTS (RM-1)

We recommend further specifying the range of housing types which fall under the category of Multi-family use. This would be addressed in the definitions section and referenced in the form-based code where relevant.

Updated definitions for group homes, and adult foster care should be provided to ensure a distinction from rooming houses. This comment is applicable across multiple sections.

As with the other districts, we recommend a table at the beginning of the section with the site design regulations.

The schedule of regulations provided in this section, specifically variable minimum lot sizes based on different types of multi-family uses, are typical in form-based codes. While these may be appropriate, we recommend revisiting these standards following our public outreach, during which we will ask about the extent to which residential form and design should be regulated.

Section 4.08 MULTIPLE-FAMILY RESIDENTIAL DISTRICT-HIGH DENSITY (RM-2)

As with the single-family districts, the uses permitted are similar and the lot regulations are similar enough, that it may be appropriate to combine the multiple-family districts.

Section 4.09 MUNICIPAL USE DISTRICT (MU-1)

Lot and design standards should be present in this district, even if the City chooses to deviate from them. A situation where a lot in private ownership is for some reason zoned as municipal district and there are no standards by which items such as lot splits can be reviewed, is less than ideal.

Section 4.10 SINGLE-FAMILY RESIDENTIAL DISTRICT ANNEXATION

We recommend that this district be removed, and replaced with the RS-1 district.

Section 4.11 OFFICE DISTRICT (O-1)

A “professional office” use would encompass much of the different offices listed here.

Section 4.11.B(1) and (2) in the special uses list should be combined into one use.

Use number 7 in the special uses, seems similar to studio for professional work, in the permitted uses table. We recommend that they be combined as one permitted use.

Section 4.13 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

The purpose and intent section should be updated to include more RRC-friendly goals and objectives.

The first use in the permitted uses list should just be “personal services,” the rest should be included in a definition for the use.

Essential services should be moved to the special uses list, as it is in other districts.

We recommend drive-thru bank branches be prohibited from this district.

The minimum lot area should be reduced, to better reflect the less intense nature of this district.

Section 4.14 GENERAL COMMERCIAL DISTRICT (C-2)

We believe indoor retail sales is covered by uses permitted in neighborhood commercial.

Reducing the lot size standards in neighborhood commercial will ensure that the general commercial district serves to permit uses which cannot be accommodated in neighborhood commercial.

Section 4.15 HIGHWAY SERVICE COMMERCIAL DISTRICT (C-3)

As with the other commercial districts, there seems to be varying descriptions of indoor retail. We Recommend “retail” as a general use. The size of the retail operation can dictate which district it can be permitted in.

We recommend the addition of a supplementary standards section specifically for the child care centers use.

The standard for Ag uses, in subsection D, should be removed from this section and placed in the supplementary standards article.

Section 4.16 RESTRICTED COMMERCIAL DISTRICT (C-4)

We believe that public feedback should be sought on the list of permitted and special uses within this district.

Not permitting drive-in type banks, while listing drive-up windows as a special use seems to be in conflict.

Section 4.17 CENTRAL BUSINESS DISTRICT (C-5)

We recommend that this section be combined with the proposed Form-Based Districts identified in the Master Plan, as they will likely have similar standards. That said, we offer the following comments:

The intent and purpose section should be updated to include language from the Master Plan on the district.

While we agree that it's appropriate to limit residential uses to stories above the ground floor, it should be permitted by right and not as a special land use.

The first use listed in the special use section, appears to be a "makers space." We recommend reclassifying the use to this term, and include an updated definition.

We do not believe that drive-up windows for financial institutions, automobile repair, and automobile sales promote a pedestrian friendly environment. We recommend they be removed as special uses in the district.

It is unclear what the manufacturing of beverages use is intended to be—a brewery or distillery with a tasting room or standalone manufacturing use? We recommend this use name be revised and a definition added to Article 2 to offer a clearer picture of what it is intended to permit.

Section 4.18- MEDICAL CENTER DISTRICT

These standards should be reevaluated to determine whether the list of permitted uses is still appropriate for future development, or a relic of a past development proposal.

Section 4.19 CENTRAL BUSINESS DISTRICT-MIXED USE- CBD-MU (C-6)

This section will be replaced with a new form-based district, though we offer the following comments:

We recommend the storage and warehouse use be removed from the list of permitted uses for this district. Instead, perhaps Rehabilitation Standards for converted industrial buildings, or a broader list of permitted flex industrial and commercial uses, could be added to this district.

The dwelling units use in this district should be updates to specify that it is multi-family units that are permitted.

We recommend that the allowable lot coverage in this district be increased to 100%.

The required rear yard parking setback should be eliminated, provided that adequate screening has been provided.

All sign regulations should be removed for this section, and placed in the Signs Article.

Section 4.22 GENERAL INDUSTRIAL DISTRICT (I-1)

The transition strips section should be removed from this section, and placed in a separate landscaping section, under buffers and/or screening. A cross-reference could be provided to those standards.

Section 4.32 PLANNED UNIT DEVELOPMENT ZONING DISTRICT (PUD)

There are a variety of changes we would recommend for the PUD section. Generally, we recommend altering the section to allow higher density, a wider variety of uses, and smaller lots able to be considered as a PUD. We seek guidance from the City of the direction of this section before specific changes are proposed.

Section 4.34 PLANNED EVENTS DISTRICT

This is solely for the Chelsea Fairgrounds property. Should the City decide to include the fairgrounds in a new form-based district, these standards should be moved into a Special Events section to continue to regulate the use of this space for recreation and entertainment uses.

Sections 4.35 PLANNED MIXED-USE DISTRICT and GATEWAY OVERLAY

These will be replaced/incorporated with a new Form-Based District, as identified in the Master Plan. In general, this lays a good foundation, but many standards (such as a large minimum lot size) should be revised to encourage the type of redevelopment the City would like to see.

Section 4.37 M-52

This section seems more appropriately placed within the General Code. We would defer to legal guidance on the ability of the City to regulate vehicle access on M-52 through the creation of an overlay zoning district.

ARTICLE 5 – SUPPLEMENTARY REGULATIONS

General Notes

As we continue the process of updating the ordinance and conducting the public outreach sessions, it is likely that more uses both principal and accessory will be added. Some of these are likely to need supplementary regulations, as a result expect this article to expand. A few examples of potential uses which may require supplementary regulations include accessory dwelling units and senior housing.

Section 5.01 HOME OCCUPATIONS

Subsection E should prohibit sale of items on site, whether they are produced by the home occupation or not. However, this should exclude online sales.

In addition to requiring one parking space on site, this section should limit guests of the home occupation to one at a time.

Section 5.03 STANDARDS FOR SINGLE-FAMILY DWELLINGS

The section should be deleted. The relevant single-family home standards in this section should be moved to the schedule of regulations, and any mobile home standard should be deleted from the ordinance. If any supplemental standards related to mobile homes are still necessary, they should remain in this section, which should be renamed Standards for Mobile Home.

Section 5.05 PERFORMANCE STANDARDS

This section could use more definitive metrics (e.g., decibels, footcandles, etc.) to quantify standards, which will make them easier to review and enforce. We understand that for noise, sufficient standards reside in the General Code. To reduce conflicts, we recommend removing the noise standards in this section of the zoning ordinance and instead saying all uses shall comply with the standards Article II – Noise of the General Code.

Section 5.07 ADULT ENTERTAINMENT

A standard, and thorough definition for “sexually oriented business,” should be added to the definition section, and added to the appropriate zoning districts as a special land use. The spacing standard in C1 should remain, and the rest of the section should be deleted.

Section 5.08 SITE CONDOMINIUM REVIEW

We find the standards and procedures in this section to be appropriate. However, we believe this section warrants its own article. It is much closer to an article such as site plan review than the other supplementary regulations.

Section 5.09 BUILDABLE LOTS

The title of this section should be changed to better reflect that it provides standards related to wetlands and building.

Much of this section is redundant because of the natural features setback in article 3. The sections should be combined, with much of the language in this section reduced. The language related to the information required on site plans, and variance procedures should remain

Section 5.10 BED AND BREAKFAST OPERATIONS

(M) Parking regulations should be moved to the parking regulations article; this article should be reserved for standards not addressed elsewhere.

Section 5.12 LANDSCAPING REQUIREMENTS

Landscaping should be removed as a section in this article and become its own article. Additionally, it should be combined with the existing landscape standards, which are not currently part of the zoning ordinance. Moving all of these standards together will give the City one location for all landscape related standards in a legally-enforceable document. New sections in the proposed article sections should include:

- General Landscaping standards;
- Specific landscaping standards by zoning district;
- Standards for landscape materials;
- Installation and maintenance;
- Landscaping requirement waiver requests; and
- Buffers and Screening.

Section 5.13 SEASONAL OUTDOOR DISPLAYS AND SALES

Where seasonal sales are permitted should be listed in the zoning districts article, and removed from this section. Whether seasonal sales is a permitted or special land use in each district should be clarified.

This section should clarify that seasonal sales is a principal use in the districts in which it is permitted. This will allow seasonal sales to take place on undeveloped lots. This would require number 3 in this section to be deleted.

Specifics on what information is required on the plan submitted for review, should be provided. A sketch similar to that required for a bed and breakfast should be sufficient.

Item ten seems overly complicated and burdensome. We propose a more standardize set of time regulations which is not dependent on location.

Section 5.14 COMMERCIAL DESIGN STANDARDS

Much of these standards will be addressed by the proposed form-based code. This section should be modified to clarify that these standards will apply only to commercial areas which are not subject to the form-based code.

Separate, specific design standards should be created for parking garages, as they have different design considerations than other commercial structures. In addition, this section specifies that design standards can be modified by the PC for structures over 150 feet in length. We believe commercial design standards scale well, and there is no need to vary the standards for a larger building. This is something the city should explore further as it looks to create form-based standards. For buildings which truly cannot comply, a variance process could be added.

Similar to Section 3.14 CURB CUTS AND DRIVEWAYS, this section leaves the determination of access points to the discretion of the Planning Commission. However, (2), (3), and (4) provide specific standards

for curb cuts and access drives. These should be reviewed and consolidated into clear standards that are applicable to all commercial developments.

Section 5.15 KEEPING OF ANIMALS IN RESIDENTIAL DISTRICTS

A minimum lot size should be set for the keeping of farm livestock. A cross-reference to Section 4-35 Backyard Chickens (Code of Ordinances) should also be provided for additional standards related to keeping of chickens.

Section 5.17 WASTE RECEPTABLE ENCLOSURES

Trash enclosures should be required to be screened on three sides by a masonry or other acceptable solid material which matches that of the principal building on site. The required gate should be a high-quality material such as wood, metal, or Trex composite materials.

Section 5.19 SIDEWALKS AND BIKE PATHS

One goal in the Master Plan was to connect any gaps in the sidewalk network throughout the city. A step that to address this issue, would be to expand this section to require a 5-foot sidewalk adjacent to the street frontage for all new construction projects or major alterations to a site that requires site plan review by the Planning Commission. This could be limited only to larger sites and projects, or apply more broadly. The exact standards should be provided in this section as well as in Article 9 – Site Plan Review.

Section 5.20 CAR WASH STANDARDS

This subsection should specify the manner by which vacuuming areas are to be screened.

A required number of stacking spaces should be added to this section to ensure that customers do not interrupt nearby traffic.

ARTICLE 6 – SIGN REGULATIONS

General Notes

While much of the review of this section will focus on whether the specific regulations within are content neutral, we propose a layout change for sections 6.06 and 6.07. The regulations for signs in specific districts should be presented in table format. All regulations related to size, location, material, and illumination for each type of sign permitted in specific districts should be present in this table, rather than spread throughout the article. This will allow for easier use by the general public, and administration by the City. Further, the regulations for specific areas like the medical district and downtown, should be removed from other portions of the ordinance and put into the same table format.

Section 6.01 PURPOSE

The purpose section of the sign section should be altered to include language indicating that the regulations within are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives.

Section 6.02 DEFINITIONS

The definitions section should remain in the signs article, but be split into two distinct subsections. The first subsection of definitions should define all signs referenced in the article, and the second subsection should contain terms related to the enforcement of this article. This would include terms such as sign height, or sign area. The entire section should be updated with graphics.

“Abandoned sign” should be altered it is defined based on the content of the sign.

“Billboard” should be defined in lieu of off-site site, and off-site sign should be deleted

Definitions should be added for “Marquee Sign” and “Electric Marquee Sign.”

Section 6.03 GENERAL SIGN REGULATIONS

Subsection C should be deleted each type of permitted sign should have its own height requirement.

The setbacks for each type of sign in different districts, should be removed from this section and placed in the proposed table format.

Section 6.04 SIGNS PERMITTED IN ALL DISTRICTS

Subsection B should be deleted, religious institutions should not be granted special permission for certain types of signs. They must be treated as other uses would.

Section 6.05 PROHIBITED SIGNS

Subsections F and G should be deleted or altered. Each identifies and prohibits a sign type based on the content. Removal of blighted or unmaintained signs should be dealt with in a way that does not reference its content.

Section 6.07 SIGNS PERMITTED IN COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS

This section should be revised to allow for freestanding/monument signs in the O-1 district.

Section 6.08 OUTDOOR ADVERTISING SIGNS

This section should be renamed to “Billboards.”

Section 6.09 & 6.10 TEMPORARY SIGNS AND EXEMPTED SIGNS

Each subsection in these two sections identifies temporary and exempted signs by their content. Each section should be modified to identify certain signs such as banner signs or yard signs, and provide

standards for their location, size, and duration. These standards cannot be based on the content of the sign.

Section 6.11 NONCONFORMING SIGNS

Consider adding a regulation that would require nonconforming signs to be brought to compliance whenever a site plan is required for review by the Planning Commission.

ARTICLE 7 – OFF-STREET PARKING REGULATIONS

General Notes

Much of this section will focus on the standards related to the number of parking spaces required for each use. However, to ensure that this section offers a complete and well-rounded set of parking regulations, we propose several additional subsections. The first of these is “required parking reduction.” This would allow the applicant of a proposed site plan request reductions of required parking based on factors such as:

- Bicycle parking spaces;
- Proximity to walkable urban areas;
- Planning Commission authority to waive a percentage of required spaces based on specific circumstances; and
- Seasonal use of parking spaces for bicycles and special events.

In several areas of this ordinance, the need to restrict cars waiting for a specific use from blocking traffic in the right-of-way is mentioned. Rather than state that the site should be designed to prevent this, a subsection should be added which mandates specific stacking requirements for uses such as drive-thru establishments, car washes, and oil change businesses.

Finally, a subsection specific the ADA requirements for each parking lot based on size, this should include graphics to better explain the standards.

Section 7.01 GENERAL REQUIREMENT FOR OFF-STREET PARKING

The last section of this section should be reframed to state that spaces shall not be encroached upon unless otherwise granted through separate provisions in this ordinance.

Section 7.05 OFF-STREET PARKING AREA DESIGN

(A) Parking space width should be reduced to a required nine-foot space.

(D) In the walkable urban districts, parking should be allowed to encroach into the rear setback up to the rear lot line. Where adjacent to residential, screening should be required.

(F&G) Lighting and screening standards for parking lots should be contained within those respective sections.

Section 7.06 COLLECTIVE PARKING

This section and subsection A of 7.09 should be combined.

Section 7.08 SCHEDULE OF REQUIRED PARKING SPACES

We offer the following suggested changes based on modern parking standards:

- **(Residential):** 1.5 spaces per unit is a more current standard than two spaces, especially for multi-family residential uses.
- **(Institutional) Religious Institutions:** We recommend setting this standard based on usable floor area, rather than pew space, or seating.
- **Municipal Office:** This use should be part of professional office space in the next section.
- **(Office):** Each of the different office uses should be reduced to One space per 300 square feet of usable floor space.
- **(Commercial):** Much of this section should be reduced. Uses such as book stores, pharmacies, and furniture stores should fall into the general retail category. This category should have its requirement reduced to one space per 250 square feet. A separate category for retail in a shopping center should be modified with a separate standard.
- **Restaurant:** This use should be reduced to 1 space for each 3 patrons based on the maximum number of patrons permitted by the fire code plus 1 space for each employee per maximum shift.
- **(Industrial):** The first category in this section should be split up into three different categories. Research & Development with lab testing and development centers, manufacturing, and a general industrial category. This will allow specific standards in place for uses which are quite different. Modern parking standards, including those based on number of employees for smaller industrial uses, should also be explored.

Section 7.13 OFF-STREET LOADING SPACE REQUIREMENTS

This section should grant the Planning Commission to waive or alter loading requirements for specific uses and locations. Retail uses on lots in the downtown area should have the ability to request a waiver from this requirement.

Section 7.01 GENERAL REQUIREMENT FOR OFF-STREET PARKING

The last section of this section should be reframed to state that spaces shall not be encroached upon unless otherwise granted through separate provisions in this ordinance.

ARTICLE 8 – SPECIAL USE PERMITS

See comments above in Section 3.04 USE REGULATIONS. The current process has the Planning Commission approve special land uses. This could be altered to be a two-step process with City Council having final approval.

ARTICLE 9 – SITE PLAN REVIEW

Section 9.03 PRELIMINARY SITE PLAN

Requiring twenty sets of plans for reviews seems excessive. The minimum number of copies the City needs for its staff to review is four. For a preliminary site plan this seems sufficient. Additional copies may still be required by the City when site plans are ready for the Planning Commission’s review, however, we also recommend the City provide applicants an option for electronic submission.

It may be helpful to require a site data table on preliminary and final site plans which list items such as parking calculations, setbacks, lot coverage, and similar items.

The City’s noticing requirements for site plans exceed those in the MPEA. If there are no issues with the current noticing process, we do not see a reason to change these requirements to be in conformance with the State law.

Section 9.09 ADMINISTRATIVE AMENDMENTS TO APPROVED SITE PLANS

It may be appropriate to expand items which can be administratively reviewed, such as small additions to a building or expansion of a parking lot. We recommend providing either a more exhaustive list of activities, or a specific scale of modifications (e.g., any change less than 1,00 square feet) to provide additional guidance to the Planning and Zoning Administrator to determine which projects can be reviewed administratively. We would recommend having this type of guidance in place even if a clause is added to allow the P&Z administrator to make a determination as to whether other types of similar changes could be similarly classified as “minor,” to avoid a completely open-ended requirement.

ARTICLE 10 – NONCONFORMITIES

Section 10.03 NONCONFORMING STRUCTURES

This section offers more flexibility to single-family structures. We believe it would be appropriate to treat commercial and residential structures the same.

Section 10.05 NONCONFORMITIES AND SITE PLAN REVIEW

In addition to the other items, this section should allow the Planning Commission to require removal of nonconforming signs.

ARTICLE 12 – ZONING BOARD OF APPEALS

Section 12.08 VARIANCES

This section should clarify whether a variance request is heard by the ZBA before or after the site plan is considered by the Planning Commission. We recommend an applicant submit a variance request prior to Site Plan Review, as the variance will impact which standards need to be met for approval.

ARTICLE 14 – LEGAL STATUS

Section 14.01 CONFLICT WITH OTHER LAWS

The dates in this article will need to be updated, and it may be appropriate to incorporate these sections into article one.

ARTICLE 15 – PROCEDURES FOR SPECIAL ZONING DISTRICTS

These standards lay out the general standards and procedures for special zoning districts, but only the Medical Center and PUD districts are named. It is unclear if there are other special districts subject to this review process. The objective of this section seems to be to facilitate a flexible, negotiated development process. This should be done under a single PUD section, as this is the tool that enables the City to include such a process in its zoning ordinance (though it may take on a different name, such as “Special Projects”).

The petitioning process laid out in this section is confusing, and is difficult to determine how it does or does not align with the standards provided in Sections 4.18 and 4.32. Subsection D also contains a list of standards for petition review that overlap with the PUD requirements. The inclusion of the Medical Center district in this section seems outdated, and to be a byproduct of the process through which that district was created. We recommend all other standards in this section be reviewed against Section 4.32 PUDs and consolidated to allow for a variety of projects (single-family, mixed-use, commercial, etc.).

Any zoning change of a parcel to a “special” zoning district that already exists within the ordinance and is not otherwise specified as a PUD, should proceed under standard rezoning procedures.

APPENDIX A – PUBLIC HEARING NOTICE REQUIREMENTS

The City of Chelsea follows the public hearing requirements in the State Act. We would recommend stating this in an administrative section of the zoning ordinance, which could simply state that the City follows the requirements of Act 110 PA 2006 as amended from time to time. Doing so will make the City's noticing requirements clear and codified within its ordinance.