



**CITY OF GARDEN CITY
REGULAR COUNCIL MEETING MINUTES
January 24, 2022**

The Mayor and Council of the City of Garden City met in Regular Session Monday, January 24, 2022, at 7:00 p.m. in the Council Chambers of the Civic Center, 6000 Middlebelt Road, Garden City, Michigan.

REGULAR MEETING

Present were Mayor Walker, Mayor Pro-Tem Squires, Councilmembers, DiMichele, Jacobs, Earle, Lynch and Karafotis.

Also present were City Manager Dougherty, City Clerk Miller, City Treasurer Marciniak, DPW Director Ohman and McKenna Consultant Ortega.

❖ **Item #22-01-007 - Moved by Lynch; supported by DiMichele :**

RESOLVED: To approve the meeting agenda with corrections for January 24, 2022.

The agenda consisted of the following:

1. Zoning Ordinance Amendments
2. Transportation Asset Management Plan
3. Contract Extension Street Sweeping

AYES: Unanimous

ABSENT: None

Motion Passes 7-0

Presentation

- David Helisek, Plante & Moran gave an overview of the City's Financial Report and Audit for the year end of June 30, 2021.

❖ **Item #22-01-008 - Moved by Lynch; supported by Squires :**

RESOLVED: To approve the consent agenda as presented.

1. Approve Council Meeting Minutes of January 10 & January 18, 2022
2. Receive, Note, and File: City Financial Report – December 2021
3. Council Appointments
 - a. Appoint Brian Earle as Council Liaison to the Property Maintenance Board of Appeals
 - b. Appoint Randy Walker as Council Liaison to the Zoning Board of Appeals
 - c. Appoint Stacy Karafotis as Council Delegate to the Nankin Transit Commission
4. Boards and Commissions
 - d. Downtown Development Authority
 - i. Accept Resignation of Stacy Karafotis from DDA Board

AYES: Unanimous
ABSENT: None

Motion Passes 7-0

❖ **Item #22-01-009 - Moved by DiMichele ; supported by Lynch:**

RESOLVED: Motion to approve the adoption of amendments to Zoning Ordinance 154.158, 154.195, 154.255, 154.256, 154.257, 154.271, 154.332, 154.607, 154.614, Appendix A to repeal the O-1 Office zoning district and associated regulations, Section 154.340, 154.341, 154.342, and 154.343 to create a new MUO, Mixed Use Overlay zoning district, Section 154.005, 154.168, 154.169, 154.301, 154.167 to modify regulations for hookah clubs, cigar lounges and massage therapy facilities, and Section 154.355 to modify awning and canopy regulations.

STATE OF MICHIGAN

COUNTY OF WAYNE

CITY OF GARDEN CITY

ORDINANCE NO. 22-001

CHAPTER 154 OF THE CITY OF GARDEN CITY ORDINANCES

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE AMENDING THE CITY OF GARDEN CITY, MICHIGAN CODIFIED ORDINANCES BY AMENDING CHAPTER 154 ZONING; and PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING FOR PUBLICATION; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

THE CITY OF GARDEN CITY ORDAINS: THE FOLLOWING SECTIONS OF CHAPTER 154 ZONING BE AMENDED TO READ AS FOLLOWS:

Sec. 154.005- Definitions.

(Note: all definitions in section 154.005, with the exception of those stated below shall remain as currently written)

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIGAR LOUNGE . Any establishment where patrons smoke cigars and which is operating under a Cigar Bar exemption from the State of Michigan's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. This establishment shall not include any establishment which is licensed by the State of Michigan to consume marihuana in any form.

HOOKAH CLUB. Any establishment where patrons share shisha, tobacco or other legal inhalant from a hookah, water pipe or similar device, which is either shared communally or from one placed at each table or bar and is operating under a Tobacco Specialty Retail Store Exemption from the State of Michigan's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. This establishment shall not include any establishment which is licensed by the State of Michigan to consume marihuana in any form.

MASSAGE THERAPIST. An individual specifically trained and licensed pursuant to Public Act 471 of 2008, as amended.

RESTAURANT. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast-food restaurant, a standard restaurant, a bar/lounge, or combination thereof, defined as follows. When characteristics of two or more restaurant types are contained within a single business establishment, the requirements for each type of restaurant must be satisfied proportionate to the amount of floor area used by each type of restaurant within the establishment.

(1) **BAR/TAVERN.** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a **BAR**, or **TAVERN** is part of a large dining facility, it shall be defined as that part of the structure so designated or operated.

(2) **RESTAURANT, FAST-FOOD.** A fast-food establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line, or in the customer's motor vehicle for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site. Carry-out, drive-in, drive-through and delivery restaurants are different types of **FAST-FOOD RESTAURANTS.**

- (a) **RESTAURANT, CARRY-OUT.** A fast-food restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.
 - (b) **RESTAURANT, DELIVERY.** A fast-food restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises. No drive-in, drive-through, counter or other customer accessible service area is available on the **DELIVERY RESTAURANT** site. Food is delivered to customers after the customer telephonically transmits an order; customers do not visit the **DELIVERY RESTAURANT** site to obtain food.
 - (c) **RESTAURANT, DRIVE-IN.** A fast-food restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
 - (d) **RESTAURANT, DRIVE-THROUGH.** A fast-food restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- (3) **RESTAURANT, STANDARD.** A business establishment whose method of operation involves one of the following.
- (a) The delivery of prepared food by waiters or waitresses to customers seated at tables within a completely enclosed building.
 - (b) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
 - (c) Carry-out orders may also be filled by a standard restaurant provided that additional parking facilities are provided for the carry-out facilities consistent with the requirements for carry-out restaurants.

SMOKE SHOP. A retail establishment where 50% or more of the retail floor area, defined as wall to wall, is used for the display, promotion, or sale of the inhalants and inhalant related products listed below; or a retail establishment where the sale of inhalants and inhalant related products listed below constitutes greater than 50% of the establishment's merchandise:

- (1) Cigarettes, cigars and packaged tobacco or shisha;
- (2) Tobacco or shisha for smoking paraphernalia products including, but not limited to: pipes for smoking tobacco, cigarette holders and cigarette rolling papers; and
- (3) Tobacco Promotional merchandise including, but not limited to the following: posters, shirts, jackets, and hats advertising tobacco, or shisha products.
- (4) Vapor containing nicotine and/or flavoring and vape related products including, but not limited to, electronic cigarettes, vape pens and vape cartridges.
- (5) Shisha which may or may not contain tobacco and/or flavoring and shisha related products including, but not limited to, hookahs, water pipes, or any instrument for heating or vaporizing and then smoking shisha.

THERAPEUTIC MASSAGE. A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

THERAPEUTIC MASSAGE FACILITY or **PHYSICAL THERAPY FACILITY** A place where a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; a registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under the physician's direction; or a massage therapists licensed pursuant to Public Act 471 of 2008, as amended utilizes their hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

UNLICENSED MASSAGE PARLOR or **MASSAGE ESTABLISHMENT.** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by any unlicensed individual using mechanical, therapeutic, or bathing devices or techniques. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, sauna baths, turkish bathhouses, and steam baths. **MASSAGE ESTABLISHMENTS** as defined herein, shall not include properly licensed hospitals, medical clinics or nursing homes, therapeutic massage facilities, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

Sec. 154.158 - Senior Citizen Housing Standards.

As provided under Public Act 124 of 1992, being M.C.L.A. Sec. 503, senior citizen housing facilities shall be permitted in any R-3, C-1, C-2, C-3, or PD district subject to the following requirements:

- (A) Shared senior citizen living in a zoning district in which a maximum of four unrelated individuals over the age of 50, with or

without spouses, may occupy a single dwelling structure specifically designed for such use. The dwelling shall provide for separate bedrooms and sanitary facilities for each occupant, (e.g. husband and wife constituting one occupant), together with a shared kitchen, dining and living space. A minimum of 250 square feet of private space (bedroom and sanitary facilities) shall be provided for each occupant, together with shared space (kitchen, dining and living) of 200 square feet per occupant. Each shared dwelling unit must be provided with adequate management services to maintain the premises. All dwellings must be compatible with abutting and surrounding single-family dwellings with respect to scale, character, materials and landscaping. "Shared senior citizen living" does not include adult foster care homes.

(B) Independent and congregate senior citizen living in any R-3, C-1, C-2, C-3, or PD zoning district as follows:

- (1) Independent senior citizen living units may include attached or detached condominium dwellings, townhouses, or apartments consistent with all provisions of this section otherwise applicable to such dwellings.
- (2) Congregate senior citizen living shall consist of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and a central lounge.

(C) Assisted senior citizen living and convalescent care in any R-3, C-1, C-2, C3, or PD zoning districts, as follows:

Assisted senior citizen living units and convalescent care facilities shall consist of dwelling units containing living/sleeping areas and sanitary facilities in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s), laundry service, housekeeping service and a central lounge. Such facilities shall provide at least two common meals per day seven days a week. Meals must be prepared in a kitchen facility licensed by the state through the County Health Department. All construction of these facilities must meet current applicable codes including State Public Health Code Act 368 P.A. 1978 Part 129, as amended.

Sec. 154.167 - Massage Therapy and Services.

Facilities and individuals offering therapeutic massage or unlicensed massage services shall be subject to the following conditions:

- (A) Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
- (B) Therapeutic massage facilities and physical therapy facilities shall be deemed to be personal service establishments and may operate in any district in which personal service establishments are permitted as a principal permitted use or special use.
- (C) Therapeutic massage facilities shall only offer massage therapies which are licensed pursuant to Public Act 471 of 2008, as amended. Unlicensed massage services and massage therapy practices for which a license is not required as identified in Sec 17957 of Public Act 471 of 2008, as amended, are prohibited.
- (D) A licensed massage therapist may operate a home occupation subject to the provisions of Section 154.164.
- (E) Massages administered only to the scalp, face, neck or shoulders within beauty salons or barber shops shall be permitted.
- (F) Any unlicensed or unregistered individual not operating under a physician's direction providing massage services to any area of the body other than the scalp, face, neck or shoulders shall only provide such services within an unlicensed massage parlor or establishment.
- (G) Unlicensed massage parlors or massage establishments are deemed regulated uses and shall be subject to the provisions of Section 154.163.
- (H) All massage therapists shall be licensed in accordance with the requirements of Public Act 471 of 2008, as amended. Proof of such licenses shall be provided to the city and shall be posted in a location visible to customers. Licensee home address does not need to be visible.

Sec. 154.168 – Hookah Clubs.

Hookah clubs shall be subject to the following conditions:

- (A) Hours of Operation. Hookah clubs shall not operate past 2 a.m. any day of the week.
- (B) Noise and sound systems. No speakers, live music or other forms of vocal performance or announcement shall be discernable at the property line of any adjacent residentially used or zoned lot. Any establishment that is providing such equipment or uses shall not have a door or window along a facade that is facing a residentially used or zoned lot.
- (C) Air quality control. Hookah clubs shall abide by and continue to operate under all State of Michigan standards for air handling and quality required to obtain a Tobacco Specialty Retail Store Exemption from the State of Michigan's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. No smoke or odor produced within the hookah club shall be discernable at the property line of any adjacent lot.

- (D) Fire safety compliance. The operations within a hookah club including but not limited to the heating or vaporizing of any product shall comply with all safety and operational requirements of the National Fire Code and the Garden City Fire Marshal.
- (E) Area of operation. All activity related to the hookah club shall be located inside the primary building except for the parking and loading of vehicles.
- (F) Carry-out items. No disposable hookah pipes and or related products shall be offered as a to-go item to customers.

Sec. 154.169 - Cigar Lounges

Cigar Lounges shall be subject to the following conditions:

- (A) Setback Requirement. A cigar lounge club shall be setback a minimum of 1,000 feet from another cigar lounge as measured from the nearest point on a lot line of the cigar lounge property to the nearest point on the lot line of any other cigar lounge property.
- (B) Air quality control. Cigar lounges shall abide by and continue to operate under all State of Michigan standards for air handling and quality required to obtain a Cigar Bar exemption from the State of Michigan's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. No smoke or odor produced within the cigar lounge shall be discernable at the property line of any adjacent lot.
- (C) Fire safety compliance. The operations within a cigar lounge including but not limited to the heating or vaporizing of any product shall comply with all safety and operational requirements of the National Fire Code and the Garden City Fire Marshal.
- (D) Area of operation. All activity related to the cigar lounge shall be located inside the primary building except for the parking and loading of vehicles.

Sec. 154.195 - Creation of Districts.

For the purposes of this chapter, the city is divided into the following Zoning Districts as shown on the Official Zoning map.

R-1 One-Family Residential District

R-2 Two-Family Residential District

R-3 Multiple-Family Residential District

C-1 Local Business District

C-2 Community Business District

C-3 General Business District

MUO Mixed Use Overlay District

CBD Central Business District

M-1 Light Industrial District

PD Planned Development District

VP Vehicular Parking District

PR Public Recreation District

Sec. 154.255 - Purpose.

(Section repealed in its entirety)

Sec. 154.256 - Permitted Uses and Structures.

(Section repealed in its entirety)

Sec. 154.257 - Development Standards.

(Section repealed in its entirety)

Sec. 154.271 - Permitted Uses and Structures.

- (A) Principal uses and structures. In the C-1 Local Business District, except as otherwise provided in this chapter, all buildings shall be erected, and all lands shall be used only for one or more of the following specified uses.

- (1) Business, executive, administrative, and professional offices.

- (2) Business and technical schools and schools and studios for photography, art, music, and dancing.
 - (3) Financial institutions without drive-through facilities.
 - (4) Medical or dental clinics and offices.
 - (5) Health or exercise clubs.
 - (6) Personal service establishments such as shoe repair shops, tailor shops, beauty parlors, barber shops, and including dry cleaning or laundry pickup stations without processing on the premises.
 - (7) Private clubs and fraternal lodges without facilities offered for rent.
 - (8) Public utility business offices.
 - (9) Libraries, museums, and publicly-owned buildings used for offices or business functions.
 - (10) Retail stores which supply goods and commodities on the premises for persons residing in adjacent residential areas, such as groceries, dairy products, beverages, packaged baked goods or other foods, drugs, dry goods, notions, hardware, books, stationary, records, video cassette rentals or sales, bicycles, flowers, sporting goods, paints, periodicals, shoes, hobby supplies, and small household articles.
 - (11) Stores producing jewelry, leather goods, candles and similar merchandise to be sold at retail on the premises, provided that the services of not more than four persons are required to produce the merchandise.
 - (12) Therapeutic massage therapy establishments, subject to Sec. 154.167.
 - (13) Arcade.
 - (14) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district.
 - (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (B) Special land uses. The following uses may be subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review, and the provisions set forth in Sec. 154.135 through 154.162 and Sec. 154.400 through 154.405.
- (1) Automatic washer, dryer, or dry cleaning establishments with machines for family washing or dry cleaning, provided that on-site operations are limited to coin-operated machines used directly by customers.
 - (2) Financial institutions with drive-through facilities.
 - (3) Funeral homes and mortuaries subject to the provisions of Sec. 154.141.
 - (4) Group day care homes or child care centers.
 - (5) Carry-out restaurants and ice cream parlors, without drive-through facilities.
 - (6) Veterinary clinics subject to the provisions of Sec. 154.155.

Sec. 154.301 - Permitted Uses and Structures.

- (A) Principal uses and structures. In all areas zoned C-3 General Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.
- (1) All uses permitted in the C-2 district.
 - (2) Service establishments including, but not limited to, a workshop maintained by electricians, plumbers, painters, upholsterers, printers, when in conjunction with retail establishments that offer merchandise of a related nature.
 - (3) Greenhouses or nurseries.
 - (4) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards or water and sewage pumping stations.
 - (5) Minor auto repair garages.
 - (6) Standard and carry out restaurants without drive-through facilities.

- (7) Cigar Lounges, subject to the provisions of Sec.154.169
- (8) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district.
- (9) Accessory structures and uses customarily incidental to the above permitted use.

Sec. 154.332 - Project Design Standards.

Proposed Planned Developments shall comply with the following project design standards.

- (A) Location. A Planned Development may be approved in any location in the city, subject to review and approval as provided herein.
- (B) Permitted uses. Any land use authorized in this chapter may be included in a Planned Development as a principal or accessory use, provided that public health, safety, and welfare are not impaired.
- (C) Applicable base regulations. Unless waived or modified in accordance with division (D) of this section, the yard and bulk, parking, loading, landscaping, lighting, and other standards for the districts listed below shall generally be applicable for uses proposed as a part of a Planned Development.
 - (1) Single-family residential uses shall comply with the regulations applicable in the R-1 Single-Family Residential District, set forth in Sec. 154.210 through 154.212.
 - (2) Multiple-family residential uses shall comply with the regulations applicable in the R-3 Multiple-Family Residential District, set forth in Sec. 154.240 through 154.242.
 - (3) Office, personal service and retail commercial uses shall comply with the regulations applicable in the C-2 Community Business District set forth in Sec. 154.285 through 154.287.
 - (4) Industrial uses shall comply with the regulations in the M-1 Light Industrial District set forth in Sec. 154.315 through 154.317.
 - (5) Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.

MUO MIXED USE OVERLAY DISTRICT

Sec. 154.340 - Purpose.

- (A) The intent of the MUO Mixed Use Overlay District is to accommodate a mix of commercial and residential uses on a single lot and/or building. Mixed use sites function as a transition from sites that are exclusively commercial uses to the higher density mixed uses that are permitted within the Central Business District. Office, personal service and retail commercial uses that are compatible with residential uses are envisioned to be located on the same lot to create additional development options for property owners. The Mixed Use Overlay is a permissive alternative for owners and is not a requirement.
- (B) This district encourages the creation of corridors and sites in the City with greater pedestrian scale interaction between businesses and residents. Mixed use sites will allow property owners a wider variety of development opportunities while creating unique types of housing alternatives for new and existing residents. Businesses will have an increased customer base by having more residents in close proximity to their location. Residents will have more opportunities to walk rather than drive to conduct business in the City.

Sec. 154.341 – Overlay District Established.

The MUO Mixed Use Overlay District is a mapped zoning district that overlays the C-1 and C-2 zoning districts along specific corridors or intersections. The MUO district is shown on the City of Garden City Zoning Map. Any reference to the overlay district means the MUO district requirements, while any reference to the underlying zoning district means that standard zoning district over which the MUO district is overlaid. The MUO district establishes specific dimensional and design standards that replace any similar standard from any other Article, Chapter, or Section of this Zoning Ordinance that apply in the underlying zoning district.

Sec. 154.342 - Permitted Uses and Structures.

- (A) Principal uses and structures. In all areas zoned MUO Mixed Use Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses. Any combination of the following principal uses may be located on the same lot and within the same building when in compliance with all applicable ordinance requirements except for those uses cited below.
 - (1) Property in the MUO Mixed Use Overlay may be used in accordance with the uses that are permitted by right or by special land use approval in the underlying zoning district except as cited below. All land uses proposed or expanded within the MUO District shall follow the site plan and special land use application and review standards specified in Section 154.400, et seq and Section 154.415, et. seq., as required.

Any property which is currently occupied or is proposed to be occupied by any of the following uses shall not be permitted

to establish another use on the property.

- a. Automobile or Vehicle Sales
- b. Automobile Repair and Filling Stations
- c. Automobile or Vehicle Rental Establishments
- d. Car Wash Establishments
- e. Drive-In Establishments
- f. Fast Food/Drive-Through Restaurants
- g. Regulated Uses

(2) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district or the underlying zoning district.

(3) Townhouses and multiple-family dwellings only when located above a commercial use.

(4) Live-work uses only when the work shop/retail area is located on the ground floor and in the front of the building and the residential living area is located to the rear or a floor above the work shop/retail area.

(5) Accessory structures and uses customarily incidental to the above permitted uses.

(B) Special land uses. The following uses may be permitted, subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in Sec. 154.135 through 154.162 and Sec. 154.415 through 154.417.

(1) Financial institutions with a single drive-through window.

(2) Fast-food restaurants with a single drive-through window.

(3) Hotels.

(4) Child care centers.

Sec. 154.343 - Development Standards.

(A) Required conditions. Unless otherwise noted, buildings and uses in the MUO Mixed Use Overlay District shall comply with the following requirements.

(1) Mixed use buildings shall be designed to the following standards:

- a. Building materials on the front facade, exclusive of window and door areas, shall be comprised of at least 50% standard size brick and 25% other masonry type products. Smooth or flat face concrete masonry units are prohibited unless approved as part of the overall facade in the building review process.
- b. Building materials on the side and rear facades shall be select and high-quality reducing maintenance requirements.
- c. Roofs shall contain a variety of peaks, gables or dormers to break long, monotonous roof lines.
- d. Facades shall be traditional offering a variety of architectural features such as window openings, entrance features (porches) and unique elements.
- e. Garages, if any, shall be built to the rear of the primary structure, screened from road rights-of-way.

(2) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

(3) There shall be no outside storage of any goods, inventory, or equipment.

(4) Warehousing and/or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.

(5) Parking shall be permitted in the rear yard only.

(6) Vehicular access shall be provided at the rear or side of the lot when possible to minimize curb cuts on busy thoroughfares.

(7) Pedestrian paths and interior sidewalks shall be provided and connect to the City's sidewalk system.

- (8) All sites shall be maintained in compliance with the open space and landscaping requirements of Sec. 154.082. Open space shall be provided for the enjoyment, use and recreation of the development's residents when feasible.
- (B) **Site plan review.** Site plan review and approval is required for all uses in the MUO Mixed Use Overlay District in accordance with Sec. 154.400 through 154.406.
- (C) **Area, height, bulk, and placement requirements.** Buildings and uses in the MUO Mixed Use Overlay District are subject to the area, height, bulk, and placement requirements in Appendix A, Schedule of Regulations.
- (D) **Planned Development.** Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Sec. 154.330 through 154.336.

Sec. 154.355 - Building Design Requirements.

The intent of these requirements is to encourage the renovation of existing buildings and the construction of new buildings in the Central Business District that follow the rules established by the majority of the existing buildings. The goal is to re-establish and build upon the visual character that once existed in order to recreate Downtown Garden City.

(A) **Building scale.** The intent of these guidelines is to encourage the construction of buildings that are in scale with the majority of the existing buildings in the Central Business District. The majority of the older buildings are narrow in width. The intent of these guidelines is not to limit building width, but to encourage the subdivision of wider façades, breaking-up the scale and mass of larger buildings, making them more compatible with existing façades.

(1) Large, long façades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments that are compatible in size and scale to existing buildings: bay width to be 16 feet to 35 feet.

(2) The height-to-width ratio of one-story buildings (including single bay façades or individual bays of multiple bay façades) is not to exceed one to two (1:2).

(3) The height-to-width ratio of two-story buildings (including single bay façades or individual bays of multiple bay façades) is not to exceed one to one (1:1).

(B) **Building height.** Buildings in the Central Business District are primarily one-story in height with some two-story buildings. The goal is to provide a variety of buildings heights to enhance the visual diversity in the Central Business District. Buildings shall be limited to a 45-foot maximum height to include all special architectural features, such as corner towers, entry treatments, and the like.

(1) The maximum one-story height shall be 24 feet.

(2) The maximum two-story building height shall be 35 feet.

(3) Special architectural features (i.e., corner towers, entry treatments, and the like) will be allowed to exceed the above height requirements if either of the following apply:

(a) The feature is located at a corner (the intersection of two public rights-of-way).

(b) The feature is deemed to be necessary to the type, use, or style of the building in question.

(4) Special architectural features shall not exceed the height of the remainder of the building by more than 30%.

(C) **Building roof types.**

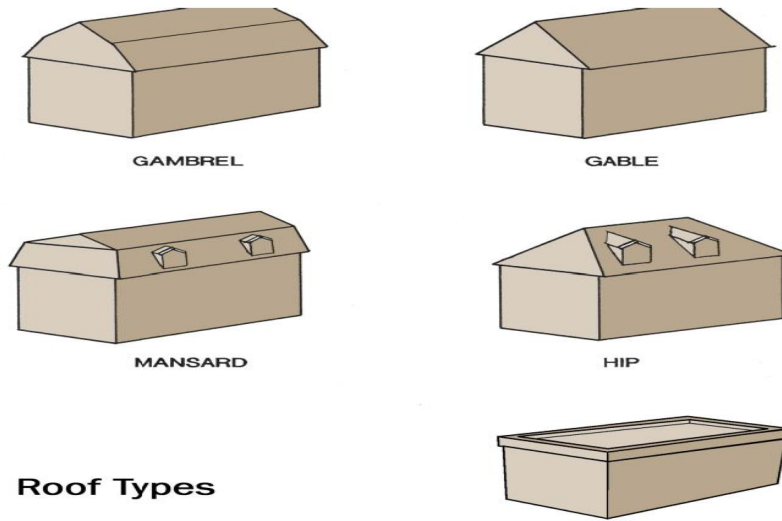
(1) Unless otherwise approved by the Planning Commission, buildings shall have a flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.

(2) Flat roofs shall be enclosed by parapets.

(3) The Planning Commission may permit a pitched roof. Mansard roofs shall not be permitted on single-story buildings. If an alternative roof type other than flat is permitted, applicant shall ensure all stormwater drainage will be maintained on the subject property.

(4) Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, style, scale, and height.

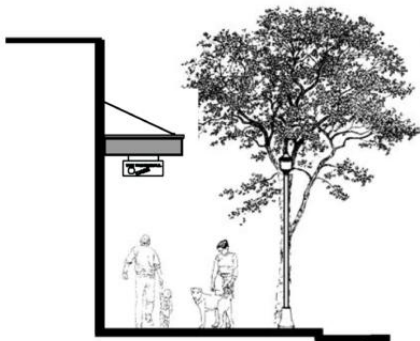
(5) All rooftop-mounted equipment shall be screened from view on all sides of the building.



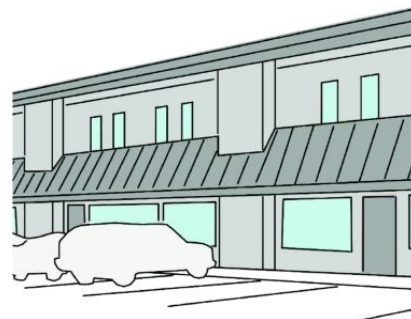
Roof Types

- (D) Front façade. The majority of the existing front façades, the façades that face public rights-of-way, are comprised of common façade components. The arrangement of façade elements shall follow this model which includes the following typical components, such as façade frame, storefront opening, canopy/awning, and signs.
- (1) Façade frame. The façade frame, or wall, shall be brick masonry, constructed principally in a single plane. The top of the parapet wall shall be flat or step slightly to accentuate end piers. The façade frame shall be capped by a stone, or simulated stone, coping with a narrow cap flashing. Brick shall be laid primarily in running bond with minimal decorative detail.
 - (2) Storefront opening. The storefront opening shall be a rectangular opening, ten to 12 feet high. The opening shall be almost entirely glass (window or showcases) with few subdivisions. The building entry is often centered in the storefront opening and is commonly recessed.
 - (a) The glass framing system shall be aluminum or pre-painted steel; natural-finish aluminum is a typical material and finish.
 - (b) Windows shall be clear or with a slight green tint only. Reflective, mirror, heavily tinted, or unusually colored glass is prohibited.
 - (c) Entry doors shall be one or two-lite door that matches the storefront glass framing system.
 - (d) Windows shall not be blocked with opaque materials or the back of shelving units.
 - (3) Canopies/Awnings
 - (a) For purposes of this division the following definitions shall apply (see Graphic 7):

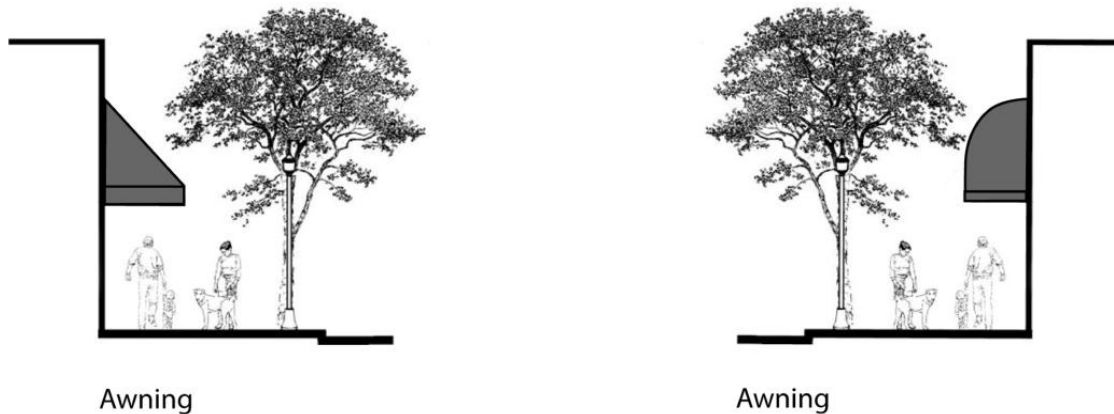
**Graphic 7
Awnings and Canopy Types**



Canopy



Canopy



Canopy/Awning. An architectural feature or roof like structure directly attached to a building which may shade a window or door opening or provide pedestrians protection from the weather. A canopy/awning may be fixed architectural element or constructed to be raised or retracted and is typically located over a sidewalk.

(b) Front Façade Canopies/Awnings.

1. Canopies/Awnings shall be traditional in design, consistent with those illustrated in Graphic 7 (above). Unusual shaped awnings are prohibited.
2. Canopies/Awnings may project a maximum of eight feet beyond the building façade and must be a minimum of six feet from the curb line.
3. Canopies/Awnings may project over a sidewalk with a minimum eight foot clearance provided above the sidewalk grade.
4. Canopies/Awnings shall be constructed of a durable material such as canvas or other opaque fabric, metal, plastic, or rigid fiberglass. High-gloss or plasticized materials are not permitted.
5. Canopies/Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.
6. Canopies/Awnings are not intended to be a principal means of signage. The type and amount of signage shall be limited, as set forth in Sec. 154.355(D)(4)(d) and 154.606 (E).
7. Canopies/Awnings shall be maintained in good appearance and repair.

(4) Signs. Permitted signs within the CBD Zoning District shall comply with [Chapter 154](#) of this code, Sign Regulations (§§ [154.600](#) through [154.612](#)), as well as the following additional requirements:

(a) Building-mounted signs shall not exceed the width of the storefront opening.

(b) The height of building-mounted signs shall not exceed 50% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap. Projecting signs are exempt from this requirement.

(c) Projecting signs are allowed. The maximum allowable projection is 42 inches. The height of projecting signs shall not exceed 75% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap.

(d) Signs are permitted to be located on awning and canopy fascias but are prohibited on the sloping portion of awnings and canopies. The height of lettering on the fascia of an awning or canopy shall be limited to a maximum of 12 inches.

(E) Side or rear façades. Side or rear façades are, in many cases, as important as front façades, as they are often located adjacent to parking, and, therefore, serve as the primary entrance to the building, as illustrated in Graphic 8. Often times they must also accommodate service and delivery functions as well. Side or rear façades shall exhibit the same components as front façades wherever the façade is visible from a public street or if the main parking area is located to the side or rear of a building. Materials and architectural features similar or complimentary to those present on the front of the building shall be used on the side or rear façade.

(1) Façade frame. The façade frame, like that of the front façade, shall be constructed principally in a single plane. If a parapet

is used at the side or rear façade, the top of the parapet wall shall be flat or step slightly to accentuate end piers, as illustrated. If no parapet is used, downspouts shall be located at the outer sides of the façades, not in the middle of the façade.

- (2) Storefront opening. Like the front façade, the storefront opening shall be a rectangular or square opening, ten to 12 feet high, yet it may be a smaller portion of the width of the façade, or bay, than the front façade. The opening shall be almost entirely glass (window, showcases, or door) with few subdivisions.
- (a) The glass framing system shall be aluminum or pre-painted steel; natural-finish aluminum is a typical material and finish.
 - (b) Windows shall be clear or with a slight green tint only. Reflective, mirror, heavily tinted, or unusually colored glass is prohibited.
 - (c) Entry doors shall be one or two-lite door that matches the storefront glass framing system.
 - (d) Windows shall not be blocked with opaque materials or the back of shelving units.
 - (e) Service delivery doors shall be solid hollow metal in color that is compatible with the colors on the building.

(3) Canopies/Awnings and Porte Cocheres

- (a) For purposes of this division the following definitions shall apply (see Graphic 7, above):

Canopy/Awning. An architectural feature or roof like structure directly attached to a building which may shade a window or door opening or provide pedestrians protection from the weather. A canopy/awning may be fixed architectural element or constructed to be raised or retracted and is typically located over a sidewalk.

Porte Cochere. A covered structure directly attached to a building that is large enough for a vehicle to pass through typically located adjacent to a building entrance or a drive through window intended to provide visitors protection from the elements.

- (b) Side or Rear Façade Canopies/Awnings.

1. Canopies/Awnings shall be traditional in design, consistent with those illustrated in Graphic 7 (above). Unusual shaped awnings are prohibited.
2. Canopies/Awnings may project a maximum of eight feet beyond the building façade and side façade canopies/awnings must be a minimum of six feet from the curb line for corner lots.
3. Canopies/Awnings may project over a sidewalk with a minimum eight foot clearance provided above the sidewalk grade.
4. Canopies/Awnings shall be constructed of a durable material such as canvas or other opaque fabric, metal, plastic, or rigid fiberglass. High-gloss or plasticized materials are not permitted.
5. Canopies/Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.
6. Canopies/Awnings are not intended to be a principal means of signage. The type and amount of signage shall be limited, as set forth in Sec. 154.355(E)(4)(d) and 154.606 (E).
7. Canopies/Awnings shall be maintained in good appearance and repair.

- (c) Porte Cochere.

1. Porte Cocheres shall be considered a component of the principal structure and shall be subject to all setback requirements of the principal structure. Porte Cocheres shall also be consistent with the architectural style of the building.
2. Porte Cocheres shall be located on private property and shall not project into any adjacent right-of-way.
3. Porte Cocheres shall comply with all lighting standards of Section 154.030.
4. Each elevation of a porte cochere shall be considered a part of the side and/or rear principal building façade and shall comply with all signage requirements as set forth in Sec.154.355(E)(4).

(4) Signs. Permitted signs within the CBD Zoning District shall comply with [Chapter 154](#) of this Code, Sign Regulations (§§ [154.600](#) through [154.612](#)), as well as the following additional requirements:

- (a) Building-mounted signs shall not exceed the width of the storefront opening (entrance and windows).
 - (b) The height of building-mounted signs shall not exceed 75% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap. Projecting signs are exempt from this requirement.
 - (c) Projecting signs are allowed. The maximum allowable projection is 42 inches. The height of projecting signs shall not exceed 75% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap.
 - (d) Signs are permitted to be located on awning and canopy fascias but are prohibited on the sloping portion of awnings and canopies. The height of lettering on the fascia of an awning or canopy shall be limited to a maximum of 12 inches.
- (F) Building materials. Maintaining a consistent palette of materials is important to establish continuity within the streetscape and to improve the overall appearance of the Central Business District. The Downtown Development Authority will provide assistance in identifying acceptable materials when requested. The following are identified as acceptable building materials.
- (1) Front façade. The following exterior finish materials are required on the front façade.
 - (a) All walls exposed to public view from the street or parking area shall be constructed of not less than 75% brick (including natural clay brick, panel brick, and thin brick) with common tooled joints. Brick color (commonly blond, beige, or dull red) and texture (from smooth or glazed to rough) shall be compatible with the existing façades in the Central Business District.
 - (b) Up to 25% of the façade may include smooth-finish stone, such as limestone or sandstone, or other masonry materials, which may include decorative concrete masonry unit (CMU).
 - (c) Exterior insulation finishing systems (EIFS) may be used for architectural detailing only.
 - (d) Aluminum, artificial stone, and precast parapet caps are permitted. Color and finish of aluminum shall match that of the window framing system or be compatible with other building materials. Stone and precast shall simulate traditional limestone and sandstone caps.
 - (e) The use of aluminum siding, bare metal, metal panels, mirrored glass, plastic, plywood siding, stucco, wood panels, and wood siding shall be prohibited.
 - (2) Side or rear façade - Facing a public street or main parking area. The following exterior finish materials are required on any side or rear façade facing a public street or main parking area.
 - (a) All walls exposed to public view from the street or parking area shall be constructed of not less than 75% brick (including natural clay brick, panel brick, and thin brick) with common tooled joints. Brick color (commonly blond, beige, or dull red) and texture (from smooth or glazed to rough) shall be compatible with the existing façades in the Central Business District.
 - (b) Up to 25% of the façade may include smooth-finish stone, such as limestone or sandstone, or other masonry materials, which may include decorative concrete masonry unit (CMU).
 - (c) Exterior insulation finishing systems (EIFS) may be used for architectural detailing only.
 - (d) Aluminum, artificial stone, and precast parapet caps are permitted. Color and finish of aluminum shall match that of the window framing system or be compatible with other building materials. Stone and precast shall simulate traditional limestone and sandstone caps.
 - (e) The use of aluminum siding, bare metal, metal panels, mirrored glass, plastic, plywood siding, stucco, wood panels, and wood siding shall be prohibited.
 - (3) Side or rear façade - All others. The following exterior finish materials are required on all other side or rear façades.
 - (a) Acceptable materials include brick (including natural clay brick, panel brick, and thin brick), decorative concrete masonry unit (CMU), exterior insulation finishing systems (EIFS), smooth-finish stone (such as limestone or sandstone), and other masonry materials.
 - (b) Aluminum, artificial stone, and precast parapet caps are permitted. Color and finish of aluminum shall match that of the window framing system or be compatible with other building materials. Stone and precast shall simulate traditional limestone and sandstone caps.
 - (c) Aluminum gutters and downspouts are permitted. Color and finish of aluminum shall match that of the window framing system or the primary color of the building.

(d) The use of aluminum siding, bare metal, metal panels, mirrored glass, plastic, plywood siding, stucco, wood panels, and wood siding shall be prohibited.

(G) Building colors. Exterior colors of all façade and roof materials shall be compatible with the colors on the same building and adjacent buildings, subject to review by the Planning Commission. All proposed colors shall be specified on the site plan. The use of natural, muted tones shall be encouraged.

Sec. 154.607 - Billboards.

(A) Findings. The city has made the following determinations related to billboard signs:

- (1) Billboard signs are not appropriate in areas zoned for residential uses (R-1, R-2, R-3, and PD), because the intense commercial nature of the advertising activity would be harmful to residential property values and incompatible with the quality of life in residential areas;
- (2) Billboard signs are not appropriate in the city's commercial districts (C-1, C-2, C-3, CBD, and VP) and industrial districts (M-1), because such signs would be out-of-scale with the structures and commercial/industrial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the district;

Sec. 154.614 - Illumination of Signs.

Internal and external sign illumination shall be permitted in the C-1, C-2, C-3, CBD, and M-1 districts, subject to the following:

APPENDIX A: SCHEDULE OF REGULATIONS

SCHEDULE OF REGULATIONS											
District	Lot Minimum		Maximum Height of Structures ^C			Minimum Setback Requirements (in feet)				Minimum Usable Floor Area Per Unit (Sq. Ft.)	Maximum Coverage of Lot by All Buildings
	Area (Sq. Ft.) ^A	Width in Feet	In Stories	In Feet	Front Elevation (in Feet)	Front Yard	Side Yards		Rear Yard		
							Least One	Total of Two			
R-1	7,200	60 ^B	2½	35	25	30 ^D	3 ^{D,E}	12 ^{D,E}	35 ^D	F	30%
R-2	9,000	75	2½	35	25	30 ^D	10 ^{D,E}	20 ^{D,E}	35 ^D	925 ^F	30%
R-3	G	100	2½	35	25	30 ^{H,I}	20 ^{H,I}	40 ^{H,I}	35 ^{H,I}	F, J	30%
C-1	K	K	2½	35	--	0	L, M	L, M	L, N	--	--
C-2	K	K	2½	35	--	0	L, M	L, M	L, N	--	--
C-3	K	K	2½	35	--	0	L, M	L, M	L, N	--	--
M-1	--	100	2½	40	--	30	5 ^P	10 ^P	30 ^P	--	--
PD	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
VP	--	--	--	--	--	R	R, L	R, L	R, L	--	--
PR	S	S	2½	35	--	0	S	S	S	--	--

Footnotes to the Schedule of Regulations

- (K) Lot area and width in Commercial districts. Lot area and width requirements in the commercial and office districts shall be based on compliance with the setback and lot coverage standards.
- (L) Side or rear yard setback along interior lot lines in Commercial districts. The maximum side or rear yard setback shall be zero where all abutting or facing walls are composed of fireproof materials and contain no windows, doors, or other openings. Where any walls are not of fireproof construction or where any walls contain openings, a side or rear yard setback shall be provided as follows.

Building Height	Minimum Side or Rear Yard Setback
1 story	5 feet
2 stories	8 feet
3 stories	10 feet

- (M) Side yard setback on corner lots in Commercial districts. No side yard setback is required except where the side street abuts an interior residential lot, in which case the side yard setback shall be equal to the minimum front yard setback for the district in which the building is located.
- (N) Rear yard setback on through-lots in Commercial districts. The rear yard setback on lots which extend through from street to street and which are adjacent to an interior residential lot shall be equal to the minimum front yard setback for the district in which the residential lot is located.
- (O) Reserved.

SECTION 2. SAVINGS CLAUSE

The rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 3. SEVERABILITY

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. REPEAL OF INCONSISTENT ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. PUBLICATION

The Clerk of the City of Garden City shall cause this Ordinance to be published in the manner required by law. The publication shall contain a notice stating that a complete copy of the Code is made available to the public at the office of the City Clerk in compliance with state law requiring that records of public bodies be made available to the general public.

SECTION 6. EFFECTIVE DATE

This ordinance shall take full force and effect upon publication thereof.

AYES: Unanimous
ABSENT: None

Motion Passes 7-0

❖ **Item #22-01-010 - Moved by Squires; supported by Earle:**

RESOLVED: Motion to adopt the attached Resolution to approve the updated Transportation Asset Management Plan.

SUBMITTAL OF UPDATED TRANSPORTATION ASSET MANAGEMENT PLAN TO STATE OF MICHIGAN TRANSPORTATION ASSET MANAGEMENT COUNCIL

WHEREAS, the City of Garden City in Wayne County conducted a City-wide pavement re-evaluation program evaluating all City owned streets in September 2021 and rated each street segment based upon the Pavement Surface and Evaluation Rating (PASER) system used and recommended by the Michigan Department of Transportation (MDOT) in evaluating streets

WHEREAS, the City's engineering consultant has updated the transportation asset management plan submitted to the Transportation Asset Management Council (TAMC) providing a five (5) year capital improvement program that will be updated on an annual basis as road improvement projects are completed. The City of Garden City has been adequately maintaining its major street system and this asset management plan will allow the City to continue maintaining its major streets, in addition to maintaining local streets, utilizing the asset management process to identify future preventative maintenance, rehabilitation and reconstruction projects for both local and major street systems.

WHEREAS, with the final approval of the asset management plan by TAMC, the City of Garden City will be authorized to transfer more than fifty (50) percent of the Act 51 major road funding to the Act 51 local road fund.

NOW THEREFORE IT BE RESOLVED, to continue maintaining the City of Garden City's major and local road networks,

The City Council of the City of Garden City accepts the transportation asset management plan as prepared by the City's consulting engineer for approval by the Transportation Asset Management Council, and

The City Council of the City of Garden City authorizes the transfer of greater than fifty (50) percent of the funds in the Act 51 major road fund to the Act 51 local road fund as necessary while still adequately maintaining the major street system upon final approval of the asset management plan by the Transportation Asset Management Council.

AYES: Unanimous
ABSENT: None

Motion Passes 7-0

❖ **Item #22-01-011 - Moved by Jacobs; supported by Lynch:**

RESOLVED: Motion to approve a 3 year Contract Extension for Street Sweeping Services to **Progressive Sweeping** of Redford, MI.; in an amount not to exceed **\$198,831.25**.

AYES: Unanimous
ABSENT: None

Motion Passes 7-0

Mayor Walker announced it was time for public comment.

- There were no public comments.

❖ **Item #22-01-012 - Moved by Lynch; supported by Squires:**

RESOLVED: To go into closed session regarding the purchase of property by a roll call vote at 7:54 p.m.

AYES: Lynch, Squires, Karafotis, Jacobs, Earle, DiMichele, Walker
ABSENT: None

Motion Passes 7-0

❖ **Item #22-01-013 - Moved by Jacobs ; supported by Lynch:**

RESOLVED: To return to open session at 8:30 p.m. by a roll call vote

AYES: Jacobs, Lynch, Karafotis, Earle, DiMichele, Squires, Walker
ABSENT: None

Motion Passes 7-0

❖ **Item #22-01-014 - Moved by DiMichele ; supported by Squires :**

RESOLVED: Motion to direct the City Manager to begin the due diligence and begin negotiations on a Purchase Agreement with Schoolcraft College relating to the purchase of the Radcliff Center, 1751 Radcliff Street, Garden City, MI 48135 for a proposed community center by a roll call vote.

AYES: DiMichele, Squires, Karafotis, Lynch, Jacobs, Earle, Walker
ABSENT: None

Motion Passes 7-0

There being no further business before Council, the meeting was then adjourned at 8:32 p.m.

Matthew K. Miller
City Clerk