

ORDINANCE NO. 30-1071

AN ORDINANCE TO AMEND APPENDIX A, THE CODE OF ZONING ORDINANCES OF THE CITY OF WARREN: ARTICLE IV, GENERAL PROVISIONS, SECTION 4.32 RELATING TO PARKING REQUIREMENTS; ARTICLE IV, GENERAL PROVISIONS, TO ADD SECTION 4-91 ENTITLED PUBLIC NOTIFICATION; MISCELLANEOUS NOTIFICATION REQUIREMENTS OR STANDARDS: ARTICLE XXII, SECTION 22.16(B)(3) (SITE PLAN HEARINGS); 24.02(B)(1)(b) (ZONING APPEAL HEARINGS); AND SECTION 22.14(B)(1) (SPECIAL LAND USE STANDARDS); AND AMEND ARTICLE XIV, ENTITLED C-2 GENERAL BUSINESS DISTRICT, TO ADD SECTION 14.01(w) MASSAGE ESTABLISHMENT

SECTION 1. Section 4.32 (h) of Article IV of the Zoning ordinance entitled “General Provisions”, relating to parking requirements, **shall be amended as follows:**

Section 4.32 Off Street Parking Requirements.

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.

(a) – (g) unchanged.

(h) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

USE	REQUIRED PARKING SPACE
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(1) - (2)b) unchanged	
(3) Tourist Homes or Motels.	One (1) parking space for each guest or sleeping room or suite in a tourist cabin or motel, plus one additional space for the owner or manager if resident on the premises.
(4) – (11) unchanged	
(12) Dance halls, pool and billiard rooms, assembly halls and exhibition halls without fixed seats.	One (1) parking space for each one hundred (100) three hundred (300) square feet of gross floor area. used for dancing or assembly.
(13) - (16) unchanged	
(17) Establishment for sale and consumption on the premises of	One (1) parking space for each two hundred (200) square feet one hundred (100) square feet

alcoholic beverages, food or refreshments.	of floor area. plus one (1) parking space for each four (4) employees.
(18) Medical or dental clinics.	One (1) parking space for each one hundred fifty (150) square feet of gross floor area (100) square feet of usable floor area and one (1) parking space for each examining room, dental chair or similar use area. In no event shall there be less than three (3) spaces per doctor plus one (1) space for each two (2) employees.
(19) Banks, business or professional offices.	A. Three (3) stories maximum. One (1) parking space for each two hundred (200) square feet of gross floor area. B. Three and one-half (3½) stories minimum. Calculated as follows: Gross floor area of building (out-to-out dimensions of building) multiplied by the factor 80% and that result divided by two hundred (200), which result will give parking requirement.
(20) unchanged	
(21) Beauty parlors and Barber shops.	One and one quarter (1.25) parking spaces for each beauty and/or barber shop chair. Two (2) parking spaces for each beauty and/or barber shop chair.
(22) All retail stores, martial arts and yoga studios, except as otherwise specified herein.	One (1) parking space for each three hundred (300) square feet of gross floor area. one hundred fifty (150) square feet of floor space.
(23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings.	One parking space for each 1,200 square feet of gross floor area. Provide upon land owned by such establishment about each industrial building, buildings or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each four (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during

	the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) per cent of the total floor area.
(24) - (27) unchanged	

(i-k) unchanged.

SECTION 2. Article IV of the Zoning Ordinance entitled "General Provisions", shall be amended to add Section 4.91, as follows:

Section 4-91. Public Notification. All notices for a public hearing required under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended (MZEA) or this Ordinance, shall comply with the following requirements in addition to any other requirements of the MZEA or the Ordinance:

A. General.

1. **Published Notice.** When a published notice is required by this Ordinance or the Michigan Zoning Enabling Act, Act 110 of 2006, as amended (MZEA), the notice shall be published in a newspaper of general circulation within the city not less than 15 days before the date of the hearing, and shall include the content stated in this section.
2. **Personal or Mailed Notices.** When the provisions of this Ordinance of state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Warren. Notice shall be provided to the citizens from the adjacent municipality after their municipality receives notice from the City of Warren that describes generally a geographic area of land located within 300 feet of the boundary of the

property within the City of Warren. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. **Notice by mail/personal delivery/affidavit:** Notice shall be deemed mailed by deposit in the United States mail, first class, properly addressed, postage paid or by personal delivery to the occupant or manager’s address, posted or attached to the entrance door. A list shall be prepared of all property owners or registrants to whom notice was mailed, as well as anyone to whom personal service was delivered.
- d. **Timing of Notice.** Unless otherwise provided in the MZEA, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 - i. For a public hearing on an application for a rezoning, ordinance amendment, special land use, planned unit development, site plan, variance, appeal of ordinance interpretation: not less than 15 days before the date of the application will be considered for approval.

B. Content. All mail, personal and newspaper notices for public hearings shall:

- 1. Describe the nature request. Identify whether the request is for a rezoning, text amendment, site plan review, special land use, planned unit development, variance, appeal, ordinance interpretation or otherwise.
- 2. State the location of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. In the absence of a known street address, other means of identifying the property may be used such as tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- 3. When and where the request will be considered, indicating the date, time and place of the public hearings.

- i. **Include a statement describing when and where written comments will be received concerning the request, and that the public may appear in person or by counsel.**
- ii. **Information on how persons with disabilities will be accommodated.**

SECTION 3. Article XXII, entitled, "Administration, Section 22.16(B)(3) **shall be amended to read:**

B. Procedures for Site Plan Review.

Upon receipt of an application as provided above the approving authority shall give a notice of the time, place, date and purpose of the approving authority meeting at which the site will be considered. Notice of public hearing shall be sent by mail or personal delivery **in the manner or form provided in section 4-91 of the Ordinance.** ~~I to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than 15 (15) days before the date of the public hearing.~~

SECTION 4. Article XXIV entitled Changes, Amendments and Rezoning, Division 1, Procedure, section 24.01, **shall be amended to read:**

Section 24.01. Boundary changes; amendment to regulations and rezoning of property.

The city council may, from time to time, on its own motion or on petition, ~~after public notice and hearing as provided by law and this article,~~ and after **public notice and hearing** and report by the planning commission, amend, supplement or change the boundaries or regulations herein, or subsequently established herein pursuant to the authority and procedure established in the **Michigan Zoning Enabling Act, Act 110 of 2006, as amended.** ~~Section 4, Act 207, Public Acts of Michigan of 1921 [MCL 125.584], as amended.~~ **Upon receipt of a proposed zoning ordinance amendment from the planning commission, the city council may hold a public hearing if it considers it necessary or is otherwise required by the MZEA or this article.** In case a protest against a proposed amendment, supplement or change be presented to the legislative body at or before the ~~public final action or~~ **public final action or** hearing required by this section to be held by the legislative body and the protest is duly signed by the owners of at least twenty (20) percent of the area of land included in the proposed change; or the owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change ~~excluding public right-of-way,~~ such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the city council. **Publicly owned land, including rights-of-way, shall be excluded in calculating the 20 percent land area requirements.**

SECTION 5. Article XXIV entitled Changes, Amendments, and Rezoning, Division 1, section 24.02 (B)(1)(b), **shall be amended to read:**

B. Written Notice of Proposed Rezoning.

1. Proposed rezoning of an individual property or ten (10) or fewer adjacent properties shall comply with the following notice requirements:

(b) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed within three hundred (300) feet of the property in the manner or form provided under section 4-91 of this Ordinance. ~~to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used.~~

the remainder of Section B (1) shall remain unchanged.

SECTION 6. Section 24.14(B)(1), *shall be amended to read:*

(B) Upon receipt of an application for a special land use permit, except for those uses provided in Section 14.02 and Section 15.01(e) of the Ordinance, the Planning Commission shall review the application and required site plan for conformity with the required ordinances. The Planning Commission shall hold a public hearing at which time the application shall be considered. The public hearing shall be conducted pursuant to the procedure established in the **Michigan Zoning Enabling Act, PA 110 of 2006, as amended** (MCL 125.3101, et seq.).

1. The Special Use Permit shall only be approved if the following general standards are satisfied:

(a) The proposed use is compatible with adjacent uses of land;

(b) The proposed use is compatible with adjacent uses of land that may be located outside of the City, after considering comments of citizens residing outside of the City of Warren who receive notice of the public hearing from the adjacent municipality after their municipality receives notice from the City of Warren that describes generally a geographic area of land located within 300 feet of the boundary of the property within the City of Warren.

(c) The proposed use is in compliance with the standards of this Ordinance and the conditions imposed thereunder;

(d) The proposed use is compatible with the natural environment;

(e) The proposed use is compatible with the capacities of the public services and facilities affected by the proposed use; and

(f) The proposed use is consistent with the public health, safety and welfare of the City.

SECTION 7. Article XX entitled Zoning Board of Appeals, Division 7, Section 20.42, shall be amended to read:

Section 20.42 - Notice requirements.

(a) Public hearings only. If a public hearing is required under this article, the Zoning Board of Appeals shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the public hearing in addition to the notice required by subsection (b).

(b) All hearings. For all hearings required by this article, including public hearings, notice shall be given complying with subsection (c) to all of the following:

(1) All owners of the property that is the subject of the request;

(2) All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request, **regardless of whether the property is located in the City of Warren. Notice shall be provided to the citizens of the adjacent municipality after their municipality receives notice from the City of Warren that describes generally a geographic area of land located within 300 feet of the boundary of the property within the City of Warren.**

(3) The occupants of all structures within three hundred (300) feet of the subject property **regardless of whether the structure is located within the City of Warren.** Notice need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(c) Delivery; contents. – unchanged

(d) (1) to (5) unchanged.

SECTION 8. Article XIV entitled, "C-2 General Business District", Section 14.01, shall be amended to read:

Section 14.01 Uses Permitted.

In all C-2 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used, except for one or more of the following specified uses:

Section 14.01 (a) through (v) – unchanged.

Section 14.01 (w) Massage establishments, as defined in Chapter 19 of the City of Warren Code of Ordinances

SECTION 9. Except as expressly amended, all other part of the Ordinance shall remain unchanged and in full effect.

SECTION 10. Any part of provision of this ordinance amendment that is determined by a court or ruling to be unlawful or invalid shall be severable, and will not impair or affect the validity or enforcement of the remainder of the ordinance.

This Ordinance shall take effect on March 30, 2022.

I HEREBY CERTIFY that the foregoing Ordinance No. 30-1071 was adopted by the Council of the City of Warren at its meeting held on February 8, 2022.

SONJA BUFFA
City Clerk

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