

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, NOVEMBER 18, 2013, 7:00 P.M.

- 1) Call to Order**
- 2) Invocation**
Pastor Mike Young, Newhall Christian Fellowship
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the regular meeting of November 4, 2013, special meeting and work session of November 12, 2013
- 7) Approval of Agenda**
- 8) Public Hearings**
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
 - a) Presentations
 - b) Proclamations
- 11) Petitions and Communications**
 - a) Petitions
 - b) Communications
- 12) Reports from City Officers**
 - a) From City Council
 - b) From City Manager
- 13) Budget Amendments**
 - 1) Budget Amendment No. 27 – To Appropriate \$15,000 of Budgetary Authority to Provide Funding for the Balance of the Kent County Community Development EVIP CGAP Study per Resolution Number 24359 Approved December 3, 2012
 - 2) Budget Amendment No. 29 – To Appropriate \$10,000 of Budgetary Authority to Provide Funding for Various Community Enrichment Commission Activities
 - 3) Budget Amendment No. 30 – To Appropriate \$120,000 of Budgetary Authority to Provide Funding for Purchase of Equipment, Supplies and Renovation to the Room for Creation of a Forensic Science Unit Functional Drug/Toxicology Laboratory per Attached Staff Report
 - 4) Budget Amendment No. 31 – To Appropriate \$7,000 of Budgetary Authority to Provide Additional Funding for Additional Training for Firefighters Including a “Live-Burn” Training Exercise and GRPD’s Leadership Institute per Attached Staff Report
- 14) Consent Agenda**

(All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Council member, that member may request removal from the Consent Agenda.)

 - a) To Set a Public Hearing to Consider Revocation of the Business License of La Hacienda & Unique Catering, 1548B 28th Street SW (December 2, 2013 at 7:02 p.m.)

b) To Approve Traffic Control Order No. 3.02-13

15) Resolutions

- c) To Approve the Transfer of New Personal Property Tax Exemptions from Priceline.com Incorporated to Booking.com (USA) Inc.
- d) To Amend the City Council Policy Manual Section 10 – Financial Policies by Adding Section 10.4 Debt Policy
- e) To Amend the Employment Contract Between the City of Wyoming and the Wyoming Fire Fighters Association
- f) For Election to Comply with Section 4 of Public Act 152 of 2011
- g) To Authorize a SAW Grant Agreement
- h) To Accept Grant Funding Received Through the City of Grand Rapids – MET Multi-Jurisdictional Task Force
- i) To Approve Revisions to the Wyoming Rehabilitation Manual

16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts

- j) To Authorize the Payment of the Community Public Water Supply Fee
- k) To Award the Wyoming Senior Multi-Purpose Room Renovation Bid and to Authorize a Budget Amendment for the Project (Budget Amendment No. 28)
- l) For Award of Bid
 - 1. Printing & Related Services

17) Ordinances

- 17-13 To Repeal Article XV of Chapter 14 of the Code of the City of Wyoming (Tattoo Business License) (FINAL READING)
- 18-13 To Amend Section 2-305(1)(b) of the Code of the City of Wyoming (LINC Community Revitalization) (FINAL READING)
- 20-13 To Add Article XXXI to Chapter 90 of the Code of the City of Wyoming Entitled “Form Based Code” (FIRST READING)

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

CITY OF WYOMING BUDGET AMENDMENT

Date: November 18, 2013

Budget Amendment No. 030

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$120,000 of budgetary authority to provide funding for purchase of equipment, supplies and renovation to the room for creation of a Forensic Science Unit Functional Drug/Toxicology Laboratory per attached staff report.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>General Fund</u>				
Police - Forensic Science Unit - Capital Outlay Equipment 101-305-31200-984.000	\$0	\$120,000		\$120,000
Fund Balance/Working Capital (Fund 101)				\$120,000

Recommended: *James A. Smith*
Finance Director

Curtis Holt
City Manager *lv*

Motion by Councilmember _____, seconded by Councilmember _____ that the General Appropriations Act for Fiscal Year 2013-2014 be amended by adoption of the foregoing budget amendment.

Motion carried: _____ yeas, _____ nays

I hereby certify that at a _____ meeting of the Wyoming City Council duly held on _____ the foregoing budget amendment was approved.

City Clerk

STAFF REPORT

Date: November 13, 2013

Subject: Forensic Science Unit Functional Drug / Toxicology Laboratory

From: Captain Kim Koster

Meeting Date: November 18, 2013

Recommendation:

It is recommended that the City of Wyoming set aside \$120,000 in General Fund Revenue for the creation of a Forensic Science Unit Functional Drug / Toxicology Laboratory at the Wyoming Department of Public Safety. The creation of the laboratory will allow our Forensic Science Unit to perform drug identification, drug toxicology, blood toxicology, blood alcohol testing and fire debris testing. This recommendation includes the purchase of the needed equipment, supplies, and renovation to the room that will house the laboratory.

Sustainability Criteria:

Environmental Responsibility: Due to the use of chemicals for analyzing evidence, we will be utilizing acceptable industry practices for use, storage and disposal. We will also utilize a fume hood when using these chemicals to keep chemical fumes out of the environment, and also to protect our employee's health.

Acceptable industry practices will also be utilized in the handling of our blood evidence in both the testing and disposal.

Social Equity: This recommendation provides for increased Due Process for those individuals that have been arrested and entered into the Criminal Justice System through the Wyoming Department of Public Safety.

Economic Strength: Sustainability is a key feature for this recommendation in that we can begin to recoup our initial investment through yearly reimbursement request to the State of Michigan. Reimbursement can be requested for all in-house drug, blood toxicology, fire debris, and latent print examinations that we conduct, instead of having the State Laboratory conduct the testing for us. If the equipment is taken care of properly, we can expect it to last upwards of 15-20 years before experiencing any replacement costs. By maintaining our own independent laboratory in the Public Safety Department, we are able to keep our costs low, while generating more analytical data in which we have higher confidence.

Discussion:

Please see the attached documentation.

Budget Impact:

Although we propose to spend up to \$120,000 at this time, our initial figures indicate that approximately \$15,000 a year in reimbursement finding after a fully functioning laboratory year. With these figures we could essentially pay for the City's initial investment within 8 years. After this we could utilize the reimbursement for continued training, equipment and laboratory supplies.

We are recommending the set aside of \$120,000 in General Fund funding, in that the current cost of the equipment, supplies, and room remodel is approximate. We have only spoken to vendors about their equipment and supply costs, as no formal bidding has been completed. We are confident that we can come in under this funding amount and would not need to ask for more funding in the near future.

We recommend that the \$120,000 be transferred to account:

Police Technical Support Unit 101-305-31200-984.000

Where we are now:

Drugs:

- The officer seizes the drug, then collects the evidence and packages it for our Forensic Science Unit for documentation and storage.
- The drug evidence is then taken either by the individual detective assigned to the case, or a technician from FSU, to the State of Michigan Crime Laboratory for examination.
- Trips back and forth to the lab to pick up this evidence occur weekly once it has been examined. The chain of evidence is then documented and it is placed back into evidence at the DPS.
- After the arrest a preliminary hearing is schedule for one week after the arrest.
- Currently there is a two (2) week turn around at the State Laboratory to examine and report back findings of seized drugs.
- Because of this two week backlog, every preliminary hearing has to be adjourned.
- It is also important to note that all subpoenas are delivered and everyone shows up to the hearing, knowing that it will be adjourned because we do not have a confirmation that the seized evidence is actually a controlled substance.
- Generally a plea to a lesser charge is offered because the testing of the drug has not been completed.
- Approximately 60 drug cases are developed every month.

Blood evidence:

- Officer arrests a suspected driver operating under the influence and obtains a sample of blood
- Blood evidence is mailed to the MSP lab
- Blood test results are not available for a minimum of two to three weeks.
- A preliminary hearing is scheduled and is postponed due to the blood evidence not being available for review.

Where we can be:

- 48 hour turnaround time if we begin to test in-house for drug and blood alcohol content.
- Test results will be available well ahead of the scheduled preliminary examination
- Time and travel savings with no longer having to travel back and forth to the State Laboratory for evidence pick up and drop off.
- We could add examination of fire debris for our newly integrated Fire and Police Services

Current Training and Experience:

- One technician has prior experience, and is court certified, in testing for blood alcohol levels
- Two technicians are training to be drug examiners
- One technician is already court certified in testing for marijuana cases
 - There is no intention to hire more staff with the additional testing, the current night shift technicians will make time to complete this testing.
 - If approved, drug and blood alcohol testing will become a permanent part of the position description for the night shift technicians.
 - If a currently trained technician leaves DPS employment, we can keep the program viable by hiring a seasonal part-time, retired lab examiner until the new technician can be trained.

Anticipated costs and returns on investments:

Costs:

Gas Chromatograph / Mass Spectrometer	\$45,000
Flame Ionization Detector	\$ 2,500
Solid Phase Micro-extractor Assembly	\$10,000
FT-IR Spectrometer	\$11,500
Polarizing Light Microscope	\$ 8,000
Aegis Scientific Series Refrigerator	\$ 4,400
Calibrated balances	\$ 1,000
Chemicals / Pipettes / Glassware	\$ 2,000
Air Science ductless fume hood	\$ 2,600
Remodel of room (epoxy resin chemical resistant countertops/sink Master Plumber for water / gas connections)	\$13,000

TOTAL: \$100,000

Return on investment:

- 6.5 years, at approximately \$15,000 yearly State of Michigan reimbursement.
- We could also see additional cost reimbursement if we begin to test samples from other departments.
- We can only receive reimbursement funding on our current latent print examinations if we first have drug testing in place. We are missing out on reimbursement from the State for the current latent print verifications that we are already doing in-house now.
- We can offer neighboring departments to perform testing for their high profile or high-demand crimes on a case-by-case basis. We can then request the reimbursement funding for assisting with their case.
- The possibility exists that we could offer neighboring departments with this testing on a per-year contract basis that would allow us to collect the State reimbursement on their behalf for our program.

Where this will take us:

- Upon approval of our proposals, our Forensic Science Unit would then begin the process for accreditation with the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD-LAB).
- This accrediting body is a non-profit organization which accredits all major crime laboratories both across our country and internationally.
- This board helps to assure that the laboratory is run effectively, efficiently, and is backed with sound and accepted science.
- They conduct random inspections, quality control reviews of statistics and tests performed, as well as require yearly proficiency testing among the disciplines to assure the laboratory is functioning to the best of its ability.
- By obtaining this certification, as well as the possibility of others, it will further validate our laboratory and our procedures in a courtroom setting. When we testify in court and are able to provide proof that we are ASCLD-LAB certified, it would boost our reputation and credibility as to our testimony and the validity of our conducted tests.
- ASCLD-LAB is the CALEA equivalent for forensic science laboratories.

Forensic Science Unit

Wyoming Department of Public Safety

Introduction

- Terra Wesseldyk
- BA in Biology
 - Began career with the Battle Creek Police Department FSU
 - 1999-2012
 - Crime Technician
 - Crime Lab Specialist
 - Certified Latent Print Examiner (only about 800 worldwide)
 - Court recognized expert in Marijuana identification
 - Meth Lab Responder
 - ASCLD-LAB Assessor
 - Currently working as the Forensic Science Unit Supervisor for WYDPS

Where we are now

- Officers collect and package evidence at the WYDPS, where it is then stored by the technicians.
- Detectives /technicians take evidence from our FSU to MSP lab for each case and technicians go to MSP Lab at least once a week for evidence pick-up.
- Blood draws for Drunk Driving arrests are mailed through the US Post Office.

Where we are now

- 2 week turnaround for Drug cases taken to MSP Lab
 - Preliminary examinations adjourned
 - Adding additional work for court employees/attorneys/officers
 - Cases pled out at lesser charges
- 2-3 week turnaround for Drunk Driving blood draws sent to MSP

Where we can be

- 48 hour turnaround time if we complete testing in-house for drugs and blood alcohol
 - Test results ready for preliminary exam for Prosecutor's Office/City Attorney
 - Evidence no longer needing to be transported to another lab
 - Skills gained and used by our own personnel
 - Dilley already trained in blood alcohol testing
 - Dilley/Yurkovska have already begun training in drug testing – Kalamazoo County Lab/Battle Creek PD Lab

Cost return

- Although we are anticipating initial startup cost of around \$100,000, we also anticipate a return on our investment through State funded reimbursement.
 - Forensic Funding money return – anticipate up to \$15,000/year (drugs/latents)
 - Additional Forensic Funding may be possible in the future if we provide services to local agencies
 - Time - taking/picking up evidence at the State Lab
 - Detectives/Technicians

Equipment - *blood alcohol, toxicology, drugs, arson

- **Gas Chromatography/Mass Spectrometry**
 - GC/MS is as close to being a perfect drug test as it's possible to get. It turns the sample to a gas and analyzes the way the components of that gas line up.
- **Fourier Transform Infrared Spectroscopy (FTIR)**
 - Sends a beam of light at the sample and measures how much light is absorbed.
- **Polarizing Light Microscope**
 - Necessary for Marijuana examination as a visual examination is part of the drug testing procedure.

Accreditation - The Goal

- **SCIENTIFIC WORKING GROUP FOR THE ANALYSIS OF SEIZED DRUGS (SWGDRUG)**

The use of the previous described instruments meets important guidelines for SWGDRUG

****ASCLD-LAB**

STAFF REPORT

Date: November 13, 2013
Subject: Fire Service Training Budget
From: Captain Kim Koster
Meeting Date: November 18, 2013

Recommendation:

It is recommended that the City of Wyoming transfer \$7,000 from the General Fund to the Department of Public Safety Fire Services training budget. The additional funds are needed in order for paid-on-call firefighters, dual trained employees and newly hired full-time firefighters to participate in a “live-burn” training exercise. In addition, the funds would be used to send one fire officer through the Grand Rapids Police Department’s Leadership institute, a program well-known for its excellence.

The Wyoming Department of Public Safety has developed a Staffing & Deployment plan which will require additional training for the paid-on-call firefighter staff as well as the dual-trained city employees. Peak load staffing allows the department to deploy resources and schedule its personnel (full-time firefighters, paid-on-call firefighter, and dual-trained city employees) in a manner more consistent with the demand for service. As part of that model, paid-on-call firefighters and dual-trained employees may be scheduled to work shifts along with full-time firefighting staff. Prior to filling shifts, however, they will be required to undergo a basic skills assessment, including the aforementioned live-fire training exercise.

Sustainability Criteria:

Environmental Responsibility – The proposed training will be provided by the Grand Rapids Fire Department who will follow all NFPA guidelines and provide all necessary environmental protections at their training location.

Social Equity – The proposed training will assist the Wyoming Department of Public Safety in providing safe, effective and efficient fire and medical response to all areas of the City. By increasing the available staff and resources, the safety of our residents will be enhanced.

Economic Strength – The proposed training will allow the department to maximize the talent of its paid-on-call and dual-trained personnel. After successfully completing the live-burn exercise, the trainees will be utilized to fill shifts during peak call times. This allows for more efficient and cost-effective delivery of service.

Discussion:

See attached documents.

Budget Impact:

The current FY 2014 training budget for Fire Services is \$4,000. More than half of these funds have already been used for training regularly attended by full-time firefighters throughout the year.

In order to accomplish the goals set forth in the Staffing & Deployment plan, we must increase the training provided to those paid-on-call and dual employees that are willing to support and augment our full-time firefighting staff.

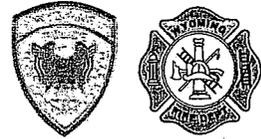
The cost of the “live-burn” training is \$4,500 for sixteen students. We currently have twenty-six employees that could be scheduled for training and estimate the training to cost approximately \$5,500. The cost for the Leadership Institute, which is a four-week program, is \$1,500 for one student.

We recommend that \$7,000 be transferred to account:

Firefighting – Travel and Training 101-337-33900-860.000

Interdepartmental Correspondence

TO: Curtis Holt – City Manager
FROM: Chief James E. Carmody
DATE: November 1, 2013
SUBJECT: Fire Service Training Budget



Public Safety
Administration

Curtis;

I have attached a proposal from the Grand Rapids Fire Department regarding live-fire training for our Fire Service personnel, which would include all POC, Dual Employees (DE), and new career firefighters in training. We have determined that successfully completing a live-fire exercise will be mandatory for at least all POC and DE fire service personnel as part of their evaluations for basic skill assessments. It would also provide a controlled training exercise for our career staff, as well.

I have also attached the training information for the Grand Rapids Police Department's Leadership Institute. This is probably one the best leadership training programs in the Country. We have made this training program a part of our required career path curricula for building our future leaders, so we are sending two of our police command officers who have not yet attended this program. There are six positions still open in the class and we would like to send one of our fire officers to this training. Currently, the only developmental leadership training the fire officers get is through the National Fire Academy.

The problem that we face is this; the Fire Department only budgeted \$2,000.00 for training, which is pretty much used up. We anticipate that to do both, it would cost approximately \$6,000.00. Is there any possibility of making a budget adjustment to the Fire training budget so we can participate in these two very important training events?

A handwritten signature in black ink, appearing to read 'James E. Carmody', written over a horizontal line.

Chief James E. Carmody
Director of Police and Fire Services

cc: Chief Austin
Capt. Koster
Capt. Snyder

HONOR - COURAGE - DUTY - TRUST

GRAND RAPIDS FIRE DEPARTMENT

REGIONAL FIRE TRAINING CENTER

1101 MONROE NW
GRAND RAPIDS, MI 49503

RTC Live Fire Training Program

Basic Fire Behavior and Fire Attack Class (16 student's maximum per class)

Objectives:

The Students will:

- Conduct a 360 degree "Size up" of the fire scenario and relay findings to Command
- Effectively use their Personal Protective Equipment including SCBA
- Observe interior fire behavior and incorporate the use of a thermal imaging camera (TIC).
- Observe exterior fire conditions, read smoke and discuss ventilation techniques.
- Participate as part of a "Fire Attack Group" and learn hose selection and fire stream application to extinguish a fire.
- Participate in the safety role as part of a Rapid Intervention Crew
- Understand the use of the Incident Command System during Fire ground Operations
- Participate in a Fire Attack using the Positive Pressure Attack (PPA) technique
- Understand the importance of emergency scene rehabilitation (Rehab)

Requirements:

All participates:

- Must have completed and be certified MFFTC Firefighter I & II
- Have NFPA 1971 compliant PPE and NFPA 1981 compliant SCBA and a spare air bottle
- Adhere to all GRFD Live Fire Training Policies

The Training will include:

- Pre-fire medical evaluation forms and liability waivers completed by all participants
- Pre-fire Personal Protective Equipment Checks
- Pre-fire Safety Briefing and Training Overview
- Pre-fire Live Burn Facility familiarization and walk-through
- A four evolution rotation through the following groups
 - An Ignition and Interior Fire Behavior Group
 - A Fire Attack Group which conducts a 360 size up and addresses ventilation concerns
 - A Rapid Intervention Crew as a safety backup to the Fire Attack Group
 - A Rehab Group- rest, hydration, and medical evaluation
- Each student will participate in three live fire scenarios and rest for one
- Post -fire medical evaluation
- Training De-briefing and Demobilization

GRAND RAPIDS FIRE DEPARTMENT

REGIONAL FIRE TRAINING CENTER

1101 MONROE NW
GRAND RAPIDS, MI 49503

The GRFRTC will provide certified personnel for the following roles:

- (1) GRFD Live Fire Instructor In Charge (IIC) Operate as Command
- (1) GRFD Live Fire Certified Safety Officer
- (3) GRFD Live Fire Instructor / Assistant (1-Fire Attack, 1- Ignition, 1-RIC)
- (2) GRFD Equipment Operators (1-Primary Engine, 1-Back Up Engine)
- (1) GRFD Rehab/Medical Group Supervisor

The GRFRTC will provide the following equipment and supplies:

- Use of the GRFD Live Fire Training Facility
- 2 Fire Engine/Pumpers and necessary fire attack equipment
- 2000 gallons of suppression water on site
- 20 wood pallets, 6 bales of straw, 4 flares (4 Fires)
- Rehab supplies; coolers, ice, water, sport drinks, snack, medical equipment, etc.
- Rapid intervention equipment including RIC air supply
- (8) Portable Radios for Instructor positions
- Thermal Imaging Camera
- Gas Powered Positive Pressure Blower
- Pre-Fire Medical Evaluation Forms

Estimated Cost:

- 8 instructors
- Equipment – Fire Engines, radios, TIC, fans, RIC
- Supplies – rehab, medical, pallets and straw
- Burn Building

Total Estimated Charge for (1) - 4 Hour Training Class – 16 Students \$ 4,500.00

Note – this is a minimum charge even if you have fewer students.

The 2013-14 Leadership Institute Curriculum and Schedule – Week One December 9-13

	Monday December 9	Tuesday December 10	Wednesday December 11	Thursday December 12	Friday December 13
0800	Introduction and Overview	Added Value Leadership and Customer Service Chief <i>Harry P. Dolan (Ret)</i>	Societal Trends <i>Dr. Lew Bender</i>	Diversity Field Trip, <i>Holocaust Memorial Center and African American History Museum</i>	Diversity Issues for Leadership <i>Gregory Smith, The Center for American and International Law</i>
0830	Team Building <i>Battalion Chief Kevin Sehlmeier, GRFD</i>				
1000					
1100					
1200	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1300	Peer Support <i>Dr. Paul Laberteaux, Clinical Psychologist</i>	Added Value Leadership and Customer Service Chief <i>Harry P. Dolan (Ret)</i>	Problem Employees <i>Dr. Lew Bender</i>	Diversity Field Trip, <i>Holocaust Memorial Center and African American History Museum</i>	Diversity Issues for Leadership <i>Gregory Smith, The Center for American and International Law</i>
1400					
1500					
1600					
1700					

The 2013-14 Leadership Institute Curriculum and Schedule – Week Two January 13-17

	Monday January 13	Tuesday January 14	Wednesday January 15	Thursday January 16	Friday January 17
0800	Leadership and Mastering Performance Management: Phase I <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase I <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase III <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase III <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase III <i>Bill Westfall, Gallagher-Westfall Group</i>
0830					
1000					
1100					
1200	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1300	Leadership and Mastering Performance Management: Phase I <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase I <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase III <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase III <i>Bill Westfall, Gallagher-Westfall Group</i>	Leadership and Mastering Performance Management: Phase III <i>Bill Westfall, Gallagher-Westfall Group</i>
1400					
1500					
1600					
1700					

The 2011-12 Leadership Institute Curriculum and Schedule – Week Three February 24-28

	Monday February 24	Tuesday February 25	Wednesday February 26	Thursday February 27	Friday February 28
0800	Bullet Proof Mind <i>Lt. Col (RET) Dave Grossman</i>	Organizational Risk Management <i>Gordon Graham, Graham Research Consultants</i>	Communications Skills for Law Enforcement Leaders (Socially Intelligent Communication) <i>Steve Sampson, SoTelligence, Inc</i>	Communications Skills for Law Enforcement Leaders (Socially Intelligent Communication) <i>Steve Sampson, SoTelligence, Inc</i>	Challenging the Organizational Culture: Proactive Leadership Strategies <i>Jack Enter, Jack Enter and Associates</i>
0830					
1000					
1100					
1200	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1300	Bullet Proof Mind <i>Lt. Col (RET) Dave Grossman</i>	Organizational Risk Management <i>Gordon Graham, Graham Research Consultants</i>	Communications Skills for Law Enforcement Leaders (Socially Intelligent Communication) <i>Steve Sampson, SoTelligence, Inc</i>	Communications Skills for Law Enforcement Leaders (Socially Intelligent Communication) <i>Steve Sampson, SoTelligence, Inc</i>	Challenging the Organizational Culture: Proactive Leadership Strategies <i>Jack Enter, Jack Enter and Associates</i>
1400					
1500					
1600					
1700					

The 2013-14 Leadership Institute Curriculum and Schedule – Week 4 March 17-21

	Monday March 17	Tuesday March 18	Wednesday March 19	Thursday March 20	Friday March 21
0800	How to Navigate in the Political Arena <i>Chief James Carmody, WYPD</i>	Public Safety Media Relations <i>Capt. Dave Bursten, Indiana State Police</i>	Leadership Paper Presentations <i>LI Participants</i>	Leadership Paper Presentations <i>LI Participants</i>	Leadership Paper Presentations <i>LI Participants</i>
0830					
1000					
1100					
1200	LUNCH	LUNCH	LUNCH	LUNCH	
1300	Presidential Leadership Styles <i>Gleaves Whitney, Director, Hauenstein Center for Presidential Studies, GVSU</i>	Public Safety Media Relations <i>Capt. Dave Bursten, Indiana State Police</i>	Leadership Paper Presentations <i>LI Participants</i>	Leadership Paper Presentations <i>LI Participants</i>	LUNCH
1400					Certificate of Completion Ceremony
1500					
1600					
1700					

RESOLUTION NO. _____

RESOLUTION TO SET A PUBLIC HEARING
TO CONSIDER REVOCATION OF THE BUSINESS LICENSE OF
LA HACIENDA & UNIQUE CATERING,
1548B 28TH STREET SW

WHEREAS:

1. The Police Department asked the City Clerk to suspend the business license of La Hacienda & Unique Catering, 1548B 28th Street SW, for violations of Section 14-52 of the Code of the City of Wyoming.
2. The City Clerk suspended the business license of La Hacienda & Unique Catering on October 22, 2013, and notified the owner Anjenette Barnes by first class mail, certified mail, email and voice mail.
3. Anjenette Barnes appeared before the City Council on November 4, 2013 during public comment and said she intended to close the business.
4. In accordance with Section 14-53 of the Code of the City of Wyoming, a license shall not be revoked until a hearing has been held.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council will conduct a public hearing on December 2, 2013 at 7:02 p.m. to consider revocation of the business license of La Hacienda & Unique Catering.
2. Notice of the public hearing will be published in the Advance Newspapers and mailed by first class mail to the licensee at the business mailing address.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO APPROVE
TRAFFIC CONTROL ORDER NO. 3.02-13

WHEREAS:

1. Traffic Control Order No. 3.02-13 as set forth in exhibit attached hereto and made a part of this Resolution, has been proposed in the City of Wyoming
2. It is recommended by the City Traffic Engineer, as required by the Uniform Traffic Code for Cities, Townships and Villages, Part 2, Section R 28.1153, issued in October 2002 by the Commissioner of the Michigan State Police, and adopted by the City of Wyoming, that said Traffic Control Order should be approved by the City Council as permanent.

NOW, THEREFORE, BE IT RESOLVED:

1. That such final approval be and is hereby granted that the aforesaid Traffic Control Order No 3.02-13 be made a permanent part of the Traffic Control Order Files of the City of Wyoming.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Traffic Control Order
Map



- MAYOR
Jack A. Poll
- AT-LARGE COUNCILMEMBER
Sam Bolt
- AT-LARGE COUNCILMEMBER
Kent Vanderwood
- AT-LARGE COUNCILMEMBER
Dan Burrill
- 1ST WARD COUNCILMEMBER
William A. VerHulst
- 2ND WARD COUNCILMEMBER
Richard K. Pastoor
- 3RD WARD COUNCILMEMBER
Joanne M. Voorhees
- CITY MANAGER
Curtis L. Holt

November 18, 2013

PERMANENT
TRAFFIC CONTROL ORDER NO. 3.02-13

Pursuant to provisions of Wyoming City Code, Chapter 78, Article II, adopting Sections R 28.1125 and R 28.1153 of the Michigan Uniform Traffic Code, the following regulatory order has been issued and shall take effect immediately:

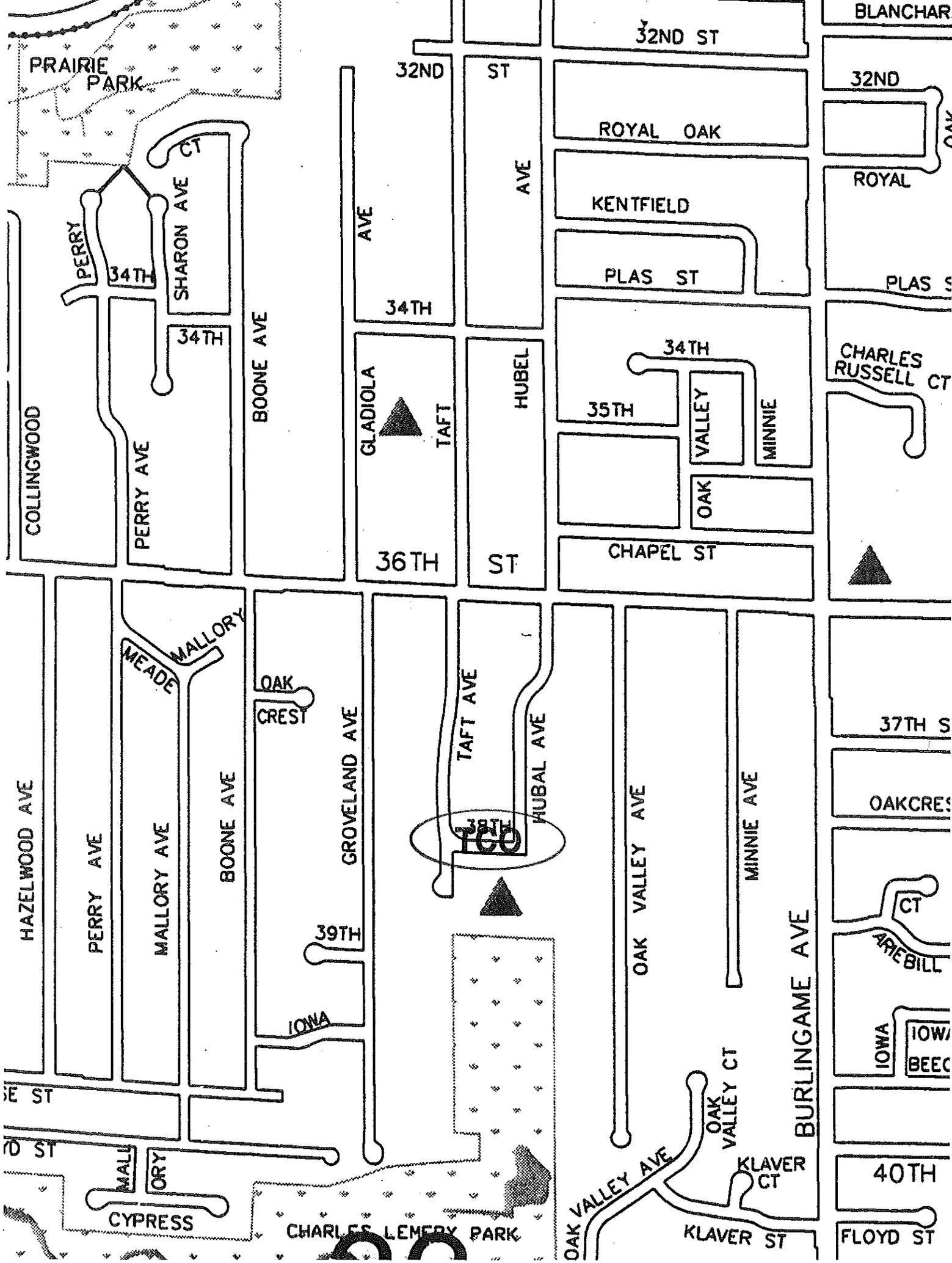
1. LOCATION:
38th Street, south side, Hubal Avenue to Taft Avenue
2. REGULATION:
 - A. Traffic Control Order 3.22-71, dated July 12, 1971, is hereby revoked
 - B. Change existing No Parking Bus Stop signs
3. SIGNS:
No Parking Parent Drop Off/Pick Up ONLY
4. EFFECTIVE:
Immediately

Authority,


William D. Dooley, P.E.
Traffic Engineer

WDD:kh

cc: Police Dept



BLANCHAR

32ND ST

32ND

ST

32ND

ROYAL OAK

PRAIRIE PARK

ROYAL

KENTFIELD

SHARON AVE CT

PLAS ST

PLAS S

34TH

34TH

34TH

34TH

CHARLES RUSSELL CT

COLLINGWOOD

AVE

BOONE AVE

GLADIOLA



TAFT

HUBEL

35TH

VALLEY

MINNIE

PERRY AVE

OAK

CHAPEL ST

36TH

ST



MEADE MALLORY

OAK CREST

TAFT AVE

HUBAL AVE

37TH S

HAZELWOOD AVE

PERRY AVE

MALLORY AVE

BOONE AVE

GROVELAND AVE

100

OAKCRES

39TH

IOWA

OAK VALLEY AVE

MINNIE AVE

BURLINGAME AVE

CT

ARIEBILL

SE ST

10 ST

CYPRESS

CHARLES LEMERY PARK

OAK VALLEY AVE

OAK VALLEY CT

KLAVER CT

IOWA BEEC

40TH

KLAVER ST

FLOYD ST

RESOLUTION NO. _____

RESOLUTION APPROVING THE TRANSFER OF NEW PERSONAL PROPERTY TAX EXEMPTIONS FROM PRICELINE.COM INCORPORATED TO BOOKING.COM (USA) INC.

WHEREAS:

1. Pursuant to 1998 PA 328, as amended, MCL 211.9f, the City Council approved and recommended to the State Tax Commission issuance of a new personal property tax exemption for Priceline.com Incorporated, DBA Booking.com.
2. The State Tax Commission issued that tax exemption.
3. Priceline.com Incorporated has filed an application to transfer this personal property tax exemption from Priceline.com Incorporated, to its wholly owned affiliate, booking.com (USA) Inc.
4. This tax exemption is subject to the terms and conditions of the New Personal Property Tax Exemption Agreement between the City and Priceline.com Incorporated dated August 11, 2008.
5. Priceline.com Incorporated has provided assurances that this request is solely based on financial and other business decisions and will have no impact on the jobs, assets or investments associated with this tax exemption.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council approves and recommends to the State Tax Commission approval of the transfer of the tax exemption granted in 2008 from Priceline.com Incorporated to booking.com (USA) Inc.
2. The Mayor, City Clerk and other City officials are authorized and directed to take all action as needed to implement and convey this approval and recommendation to the State Tax Commission.
3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT: Staff Memo

Resolution No. _____

Staff Report

Date: 11/12/2013
Subject: Priceline.com Personal Property Tax Abatement Transfer
From: Kelli VandenBerg, Assistant to the City Manager
Meeting Date: 11/18/2013

Recommendation:

Staff recommends Council approve the transfer of the New Personal Property Tax Abatement from Priceline.com Incorporated to booking.com (USA) Inc.

Sustainability Criteria:

Environmental Quality – Approval of this transfer does not significantly impact environmental quality.

Social Equity – Approval of this transfer does not significantly impact social equity.

Economic Strength – Approval of this application will help retain jobs and investment in an entity which is operating in the City of Wyoming and encourage continued investment in the area.

Discussion:

Priceline.com has been operating and growing in the City of Wyoming for 5 years and is the recipient of a new personal property tax abatement. For financial and other business reasons, Priceline.com wishes to reorganize and has requested a transfer of its existing personal property exemption from Priceline.com to booking.com (USA) Inc.

Company officials have indicated this reorganization will have no impact on the operations in their Wyoming facility. All employees, assets and investments will remain unchanged with the transfer from Priceline.com to booking.com (USA) Inc.

Budget Impact:

The approval of this transfer has no impact on the City's budget.

11/18/13
hai

RESOLUTION NO. _____

RESOLUTION TO AMEND THE CITY COUNCIL
POLICY MANUAL SECTION 10 - FINANCIAL POLICIES
BY ADDING SECTION 10.4 DEBT POLICY

WHEREAS:

The Finance Director has recommended adoption of a debt policy.

NOW, THEREFORE, BE IT RESOLVED:

The City Council Policy Manual Section 10 – Financial Policies is hereby amended to add Section 10.4 – Debt Policy, as attached.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Policy Manual Section 10.4

Resolution No. _____

Section 10.4 Debt Policy

General Policy Statement

The purpose of the City of Wyoming (the "City") Debt Management Policy is to manage the issuance of the City's debt obligations and maintain the City's ability to incur debt and other long-term obligations at favorable interest rates for capital improvements, facilities, and equipment that is beneficial to the residents of the City and necessary to essential services.

Definitions

Arbitrage Compliance - Arbitrage is the excess profit earned from the investment of tax-exempt bond proceeds in higher-yielding securities. Tax-exempt bond proceeds are subject to arbitrage "yield restriction" requirements. These define when investment in higher-yielding securities is allowed.

Backloading – To defer or postpone all or the greater part of a financial obligation until the end of a contract.

Conduit Financing - Conduit financing is the practice of using a municipal government to issue a bond for a private development project. These bonds are typically secured by the expected revenues from the project. Conduit financing is often used for joint municipal and private ventures.

Debt – any obligation of the City, whether short- or long-term or a capital lease entered into by the City.

Debt burden – Debt burden represents the amount of money needed to cover debt service payments. In general, the cost of debt includes interest and fees for attaining the debt.

Debt capacity analysis – The debt capacity of an organization is its ability to take on additional debt and to service the existing debt. Debt capacity analysis helps organizations determine how much additional debt they can issue without jeopardizing existing credit ratings.

Debt service coverage ratio – The ratio of projected operating revenues over total operating expenses less capital expenditures, depreciation and amortization. A minimum debt coverage ratio is established by City as 1.25.

Debt structure – A debt structure provides a historical window into an organization's liabilities, indicating the maturity dates of debt issues. The information is used to indicate how soon the organization must settle debts and whether it has the funds to do so.

Creditworthiness Objectives

Policy 1. Credit Ratings:

The City seeks to maintain the highest possible credit ratings for all categories of short- and long-term General Obligation and revenue debt that can be achieved without compromising the delivery of basic City services and the achievement of adopted City policy objectives.

The City recognizes that external, natural, or other events may from time to time affect the creditworthiness of its debt. Nevertheless, the City is committed to ensuring that actions within its control are prudent.

Policy 2. Financial Disclosure:

The City is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, City departments, other levels of government, and the general public to share comprehensible and accurate financial information. The City is dedicated to meeting secondary disclosure requirements on a timely and comprehensive basis, as promulgated by the Securities Exchange Commission.

The Official Statements accompanying debt issues, Comprehensive Annual Financial Reports, and Continuous Disclosure Statements will meet (at a minimum), the standards articulated by the Municipal Standards Rulemaking Board (MRSB), the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), Generally Accepted Accounting Principles (GAAP), and the Internal Revenue Service. The Finance Department shall be responsible for ongoing debt disclosure to established national information repositories and for maintaining compliance with disclosure standards promulgated by state and national regulatory bodies.

Policy 3. Capital Planning:

To enhance creditworthiness and minimize capital expenditures through prudent financial management, the City is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to systematic capital planning will be demonstrated through adoption and periodic adjustment of the ten-year Capital Improvement Plan (CIP).

Policy 4: Debt Limits

The City has set a target for the City's general obligation outstanding debt at 20% (except as a result of extenuating circumstances such as disasters) of the limit prescribed by State statute, which is currently 10% of actual value of property within the City. These rankings are consistent with the City's creditworthiness objectives.

It is the goal that each utility or enterprise will ensure capital financing needs are met by using a combination of current operating revenues, SRF (State Revolving Fund), and revenue bond financing. It is City policy that each utility or enterprise should provide adequate debt service coverage of at least 1.25 times the annual debt service costs. At times, the utility funds may set aside funds in advance of anticipated events to allow for rate smoothing thereby maintaining debt service coverage. An example of the debt coverage calculation is shown below. Utility revenue bond proceeds may be used to establish a debt service reserve as allowed by the Internal Revenue Service (IRS).

Debt Coverage Example

Operating revenues	\$ 20,932,810	
Operating Investment Income	<u>66,278</u>	
Total Operating Revenue	<u>21,499,088</u>	
Operating Expenses	20,895,810	
Less: Depreciation and Amortization	<u>5,854,583</u>	
Net Expenses	<u>15,041,227</u>	
Net Revenue Available for Debt Service	\$ <u>6,457,861</u>	(1)
Debt Service:		
Principal	\$ 2,665,000	
Interest	<u>2,150,467</u>	
Total Debt Service	\$ <u>4,815,467</u>	(2)
Debt Coverage Ratio (1 divided by 2)		1.34

Adequate funds for the repayment of principal and interest must be included in the requesting department's approved budget. Departments requesting capital financing must have an approved budget appropriation.

PURPOSE AND USES OF DEBT

Policy 5: Capital Financing:

The City normally relies on internally generated funds and/or grants and contributions from other governments to finance its capital needs. Debt will be issued for a capital purpose only when an appropriate means to achieve a fair allocation of costs between current and future beneficiaries and users, or in the case of an emergency capital need. Debt shall not fund operating expenses. Bond proceeds should be limited to financing capital expenditures such as the costs of planning, design, land acquisitions, buildings, permanent structures, attached fixtures or equipment, and movable pieces of equipment, such as fire engines, or other costs permitted by law. Acceptable uses of bond proceeds can be viewed as items which can be capitalized. Capitalized interest is an eligible item for bonding. Utility revenue bond proceeds may be used to establish a debt service reserve as allowed by federal and State law. Non-capital furnishings and supplies will not be financed from bond proceeds. Refunding bond issues designed to restructure currently outstanding debt are an acceptable use of bond proceeds. The City will not use short-term borrowing to finance operating needs except in the case of an extreme financial emergency which is beyond its control or reasonable ability to forecast. Recognizing that bond issuance costs add to the total interest cost of financing, bond financing should not be used if the aggregate cost of projects to be financed by the bond issue does not exceed \$1,000,000.

Policy 6. Asset Life:

The City will consider long-term financing for the acquisition, rehabilitation, or expansion of physical assets (Including land) only if they have a useful life of at least three years. . City debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed.

DEBT STANDARDS AND STRUCTURE

Policy 7. Length of Debt:

Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users. General obligation bonds will adhere to State Code as to length of debt. The term of the short-term financing will be limited to the usual useful life of the vehicle or equipment, but in no case will exceed ten years.

Policy 8. Debt Structure:

Debt will be structured to achieve the lowest possible net cost to the City given market conditions, the urgency of the capital project, the type of debt being issued, and the nature and type of repayment source.

Policy 9. Decision Analysis:

Whenever the City is contemplating a possible bond issue, the City is committed to support the analysis performed by the rating agencies and provide the required/requested information. The categories listed below are representative of the types of items to be considered. The results of the rating agencies will be presented by the Finance Director to the City Manager and City Council.

Debt Analysis

- Debt capacity analysis
- Purpose for which debt will be issued
- Debt structure
- Debt burden
- Debt history and trends
- Adequacy of debt and capital planning

Financial Analysis

- Stability, diversity, and growth rates of tax or other revenue sources
- Trend in assessed valuation and collections
- Current budget trends
- Appraisal of past revenue and expenditure trends
- History and long-term trends of revenues and expenditures
- Evidences of financial planning
- Adherence to generally accepted accounting principles
- Audit results
- Fund balance status and trends in operating and debt funds
- Financial monitoring systems and capabilities
- Cash flow projections

Governmental and Administrative Analysis

- Government organization structure
- Location of financial responsibilities and degree of control
- Adequacy of basic service provision
- Intergovernmental cooperation/ conflict and extent of duplication
- Overall city planning efforts

Economic Analysis

- Geographic and location advantages
- Population and demographic characteristics
- Wealth indicators
- Housing characteristics
- Level of new construction

- Types of employment, industry, and occupation
- Evidences of industrial decline
- Trend of the economy

Policy 10. Backloading:

The City will attempt to structure its total debt with level principal and interest payments over the life of the debt. "Backloading" of costs will be considered only when: natural disasters or extraordinary or unanticipated external factors make the short-term cost of the debt prohibitive; when the benefits derived from the debt issuance can be clearly demonstrated to be greater in the future than in the present; when such structuring is beneficial to the City's overall amortization schedule; or when such structuring will allow debt service to more closely match project revenues during the early years of the operation.

Policy 11. Refundings:

Periodic reviews of all outstanding debt will be undertaken to determine refunding opportunities. Refunding will be considered (within federal tax law constraints) if and when there is a net economic benefit of the refunding or the refunding is essential in order to release restrictive bond covenants, which affect the operations and management of the City.

In general, advance refunding for economic savings will be undertaken when a net present value savings of at least three percent (3%) of the refunded debt can be achieved. Current refunding, which produce a new present value savings of less than three percent, will be considered on a case-by-case basis taking into consideration bond covenants and general conditions. Refundings with negative savings will not be considered unless there is a compelling public policy objective.

Policy 12. Credit Enhancements:

Credit enhancement (letters of credit, bond insurance, etc.) may be used, but only when the net debt service on the bonds is reduced more than the costs of the enhancement.

Policy 13. Investment of Bond Proceeds:

All general obligation and revenue bond proceeds shall be invested separate from the City's consolidated cash pool unless otherwise specified by the bond legislation. Investments will be consistent with those authorized by State law and the City's investment policies in order to maintain safety and liquidity of the funds.

Policy 14. Costs and Fees

All costs and fees related to issuance of bonds will be paid out of bond proceeds and allocated across all projects receiving bond proceeds for the issue.

Policy 15. Competitive Sale:

In general, City debt will be issued through a competitive bidding process. Bids will be awarded on a true interest cost basis (TIC), providing other bidding requirements are satisfied.

Policy 16. Negotiated Sale:

Negotiated sales of debt may be considered in circumstances when the complexity of the issue requires specialized expertise, when the negotiated sale would result in substantial savings in time or money; or when market conditions or City credit are unusually volatile or uncertain.

Policy 17. Bond Counsel:

The City will retain external bond counsel for all debt issues. All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the debt, stating that the City has met all State constitution and statutory requirements necessary for issuance, and determining the debt's federal income tax status. The bond counsel retained must have comprehensive municipal debt experience and a thorough understanding of Michigan law as it relates to the issuance of municipal debt.

Policy 18. Financial Advisor:

The City will retain an external independent financial advisor. The utilization of the financial advisor for particular bonds sales will be at the discretion of the Finance Department on a case-by-case basis and pursuant to the financial advisory services contract. The major criteria in the selection process for a financial advisor will be comprehensive municipal debt experience, experience with diverse financial structuring and pricing of municipal securities, as well as overall cost of services.

Policy 19. Compensation for Services:

Compensation for bond counsel, underwriter's counsel, financial advisors, and other financial services will be consistent with industry standards for the desired qualification levels. These costs will be tracked by the Finance Department.

Policy 20. Selection Process:

Whenever a change of bond counsel or financial advisor occurs, RFPs/RFQs should be obtained. RFPs/RFQs will be reviewed by the Finance Director or designee, and the Finance Director shall inform the City manager and City Council of the selection.

Policy 21. Other Service Providers:

The Finance Director shall have the authority to periodically select other service providers (e.g. escrow agents, verification agents, trustees, arbitrage consultants, etc.) as necessary to meet legal requirements and minimize net City debt costs. These services can include debt restructuring services and security or escrow purchases. The Finance Director may select firm(s) to provide such financial services related to debt without a RFP or RFQ, consistent with City and State legal requirements.

Policy 22. Arbitrage Compliance:

The Finance Department shall maintain a system of record keeping, reporting and compliance procedures, with respect to all federal tax requirements which are currently, or may become, applicable throughout the lifetime of all tax-exempt, Build America, or other tax credit bonds.

Federal tax compliance, record-keeping, reporting and compliance procedures shall include, but shall not be limited to: (1) post-issuance compliance (including proper use of proceeds, timely expenditure of proceeds, proper use of bond finance property, yield restriction and rebate, and timely return filing); (2) proper maintenance of records to support federal tax compliance; (3) investments and arbitrage compliance; (4) expenditures and assets; (5) private business use; and (6) designation of primary responsibilities for federal tax compliance of all bond financings.

Policy 23. Financing Proposals:

Any capital financing proposal by a City department involving the pledge or other extension of City's credit through sale of securities, execution of loans or leases, marketing guarantees, or otherwise involving directly or indirectly the lending of pledging of the City's credit, shall be referred to the Finance Department for review. The Finance Department will determine a recommendation to be forwarded to the City Council for approval.

Policy 24. Communication and Disclosure:

Significant financial reports affecting or commenting on the City will be forwarded to the rating agencies. Each bond prospectus will follow the disclosure guidelines will follow the disclosure guidelines of the Government Finance Officers Association of the U.S. & Canada.

Policy 25. Conduit Financings

The City may act as a conduit issuer and issue municipal securities to raise capital for revenue-generating projects where the funds generated are used by a third party (known as a "conduit

borrower”) to make payments to investors. The conduit financing is typically backed by either the conduit borrower’s credit or funds pledged toward the project by outside investors. If a project fails and the security goes into default, it falls to the conduit borrower’s financial obligation, not the conduit issuer. The City is not responsible for repayment of these bonds. The City will charge a fee to cover all costs (including staff time) associated with the issuance of these bonds.

Policy 26. Assessment Bonds:

Special assessment bonds are bonds whose proceeds sponsor a certain, defined project. Property taxes paying for the bonds will be levied only on those directly benefiting from the project. Special assessment bonds are not backed by the full faith and credit of the City and as such carry more risk than most general obligation bonds. If approved by the City Council, special assessment bonds may be issued that do have the full faith and credit of the City and these will be called “general obligation special assessment bonds.”

Except as otherwise provided by law, the rate of interest payable on unpaid balances of special assessments levied against benefited properties shall not exceed the maximum rate in effect at the time of adoption of the final assessment schedule, as established by rule pursuant to Act 185 of 1957 section 123.755, Section 25 (as amended) of the State of Michigan Compiled Laws.

RESOLUTION NO. _____

RESOLUTION TO AMEND THE EMPLOYMENT CONTRACT
BETWEEN THE CITY OF WYOMING AND
THE WYOMING FIRE FIGHTERS ASSOCIATION

WHEREAS:

1. The Wyoming City Council has an employment contract with the Wyoming Fire Fighters Association.
2. It is recommended that the City Council amend the Employment Contract in accordance with the attached Letters of Agreement and authorize the City Manager to execute the Letters of Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby approve the amendments to the Wyoming Fire Fighters Association Employment Contract and authorizes the City Manager to execute the Letters of Agreement.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Memorandum

Letter of Agreement – 12-Hour Schedule

Letter of Agreement – Field Training Firefighter

Letter of Agreement – Deletion of the Training Memorandum of Understanding

Resolution No. _____

MEMORANDUM Human Resources
City of Wyoming

TO: Curtis Holt, City Manager

FROM: James Carmody, Director of Police and Fire Services
Kim Oostindie, Director of Human Resources

DATE: November 6, 2013

RE: Letters of Agreement with the Wyoming Fire Fighters Association

Over the past several months, representatives from the Department of Public Safety, Human Resources and the Wyoming Fire Fighters Association have worked cooperatively to draft letters of agreement to enable the City to initiate a 12-hour deployment option for fire services. As the current contract with the Wyoming Fire Fighters Association specifically identifies a 24-hour schedule, many aspects of the contract had to be reviewed. Ultimately, three letters of agreement have been prepared to address those areas of the contract, as well as an existing memorandum of understanding.

The first letter of agreement addresses the contractual logistics of implementing and operating under the 12-hour schedule. The second letter of agreement addresses the need and desire for Field Training Firefighters, echoing the Field Training Officer program under Police Services. The third and final letter of agreement addresses an existing memorandum of understanding which limits certain aspects of training. Collectively, these documents will allow the City to begin a 12-hour deployment and address contractual and training needs associated with it.

We are requesting your authorization to move forward with these letters of agreement. If you concur, we propose placing this information on the November 12, 2013, City Council Work Session and ultimately go before Council on November 18, 2013.

Attachment: Letter of Agreement – 12-Hour Work Schedule
Letter of Agreement – Field Training Firefighter
Letter of Agreement – Deletion of Training Memorandum of Understanding

Cc: Eric Campbell, President of Wyoming Fire Fighters Association

CITY OF WYOMING –and- WYOMING FIRE FIGHTERS ASSOCIATION

Letter of Agreement

(12-Hour Work Schedule)

The **CITY OF WYOMING** (“Employer”) and the **WYOMING FIRE FIGHTERS ASSOCIATION** (“Union”) agree as follows:

- 1) The City shall have the right to implement a 12-hour work schedule for suppression employees in the Firefighter rank, subject to the provisions of this Letter of Agreement. If the City implements a 12-hour work schedule, the City may end it and return to the previous work schedule at any time.
- 2) Work Week: The 12-hour work schedule shall consist of shifts of twelve (12) consecutive hours per day worked in a 96-hour 14-day duty cycle as scheduled by the Director of Police and Fire Services or his designee. A schedule for each 28 days shall be posted for work days, hours, and days off. Time taken for sick leave, vacation, holidays, personal days, or compensatory time off shall be credited against the employee’s accumulation in an amount equal to the number of hours the employee is absent from the work schedule.
- 3) The hours of the 12-hour shift will be established at a minimum of seven calendar days prior to the shift bid. The hours may be changed during the year by mutual agreement of the parties or by the Director of Police and Fire Services in emergency situations.
- 4) Rate of Pay: The hourly wage rates for employees assigned to a 12-hour work schedule shall be the same as those specified for a 24-hour work schedule.
- 5) Overtime Pay: Time and one-half shall be paid to employees assigned to a 12-hour work schedule for any hours worked over twelve (12) hours in any one regularly scheduled work day (except for the normal 28-day schedule shift change).
- 6) Food Allowance: Employees assigned to a 12-hour work schedule shall not receive a food allowance.
- 7) “L-Days”: Employees assigned to a 12-hour work schedule shall not receive “L days.”
- 8) Sick Leave: Employees assigned to a 12-hour work schedule shall accumulate sick leave at the rate of 9.5 hours for each full calendar month of employment, exclusive of leaves of absence as specified in Article X.

- 9) Vacation Leave: Employees assigned to a 12-hour work schedule shall accumulate vacation on the same basis as specified for suppression employees in Article XI, Section 1.
- 10) Floating Holidays: Employees assigned to a 12-hour work schedule shall receive 36 hours of Floating Holidays.
- 11) Holiday Compensation:
- a) When working a scheduled holiday, employees assigned to a 12-hour work schedule shall receive one and one-half (1 ½) times straight pay plus 12 hours of straight pay.
 - b) When a holiday falls on an employee's scheduled day off, the employee shall receive 12 hours at straight pay for that day.
- 12) If an employee changes between schedules (12-hour or 24-hour), the accrual of paid benefits will be pro-rated and adjusted to the appropriate schedule.
- 13) All provisions of the collective bargaining agreement apply to employees assigned to a 12-hour work schedule except to the extent they are inconsistent with this Letter of Agreement.
- 14) Current members of the IAFF Local 2758 hired prior to January 1, 2009 shall not be forced into the 12 hour suppression work schedule. This does not prohibit these members from the opportunity to voluntarily bid on the 12 hour schedule.
- 15) This Letter of Agreement is subject to approval by the City Council.

CITY OF WYOMING

Date: _____

By: _____
Its: City Manager

WYOMING FIRE FIGHTERS
ASSOCIATION

Date: 5-Nov-13

By: E. Cybill
Its: _____

LETTER OF AGREEMENT

Field Training Firefighter

The **CITY OF WYOMING** (Employer) and the **WYOMING FIRE FIGHTERS ASSOCIATION** (Union) agree to modify the collective bargaining agreement to provide as follows:

- 1) Whenever a designated employee is performing duties of a Field Training Firefighter, the employee shall be paid an additional one dollar (\$1.00) per hour.
- 2) This Letter of Agreement is subject to approval by the City Council.

CITY OF WYOMING

Date: _____

By: _____

Curtis Holt

Its: City Manager

WYOMING FIRE FIGHTERS
ASSOCIATION

Date: 5-Nov-13

By: E. Cypell

Its:

LETTER OF AGREEMENT

Deletion of Training Memorandum of Understanding

The **CITY OF WYOMING** (Employer) and the **WYOMING FIRE FIGHTERS ASSOCIATION** (Union) agree to modify the collective bargaining agreement to provide as follows:

- 1) The Memorandum of Understanding dated September 6, 2005 on page 37 of the Employment Contract and summarized below is hereby deleted from the Employment Agreement and no longer applicable.

September 6, 2005

Employees shall not be required to attend training programs that are conducted by City of Wyoming Fire Department employees after 5:00 PM. In the event no other time is available other than after 5:00 PM to conduct a specific training program by external trainers, the Fire Chief or Deputy Fire Chief will notify the Association and employees affected so that training can be scheduled.

CITY OF WYOMING

Date: _____

By: _____

Curtis Holt

Its: City Manager

WYOMING FIRE FIGHTERS
ASSOCIATION

Date: 5-Nov-13

By: E. Cyphll

Its:

RESOLUTION NO. _____

RESOLUTION FOR ELECTION TO COMPLY WITH
SECTION 4 OF PUBLIC ACT 152 OF 2011

WHEREAS:

1. Public Act 152 of 2011, the Publicly Funded Health Insurance Contribution Act, establishes limits on a public employer's expenditures for employee medical benefit plans.
2. Section 4 of the Act provides that each year, by a majority vote of its governing body, a public employer may elect to comply with the Act by not paying more than 80% of the total annual costs of all the medical benefit plans it offers or contributes to for its employees and elected public officials, instead of complying with the specified dollar amount "hard caps" under Section 3 of the Act.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby elect to comply with Section 4 of Public Act 152 of 2011 instead of Section 3.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

ATTACHMENTS:
Memorandum
Public Act 152

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

MEMORANDUM

To: Curtis Holt, City Manager
From: Kim Oostindie, Director of Human Resources
Date: November 13, 2013
Re: Compliance with PA 152

Attached is the resolution that we bring to Council each year, to comply with Public Act 152 of 2011, the Publicly Funded Insurance Contribution Act. This Act establishes limits on a public employer's expenditures for employee medical benefits plans. An annual resolution is required under the Act.

The City Council has elected to comply with the Act by not paying more than 80% of the total annual costs of the medical plan, instead of complying with the State specified dollar amount "hard caps." All employment contracts and agreements now include language requiring employees to contribute 20% toward the cost of their health insurance.

The resolution changed somewhat this year, in that the item referencing not having to comply with PA 152 until the bargaining agreements expire is no longer effective and has been removed from the resolution.

I will submit the annual resolution for the November 18 Council meeting.

Act No. 152
Public Acts of 2011
Approved by the Governor
September 24, 2011
Filed with the Secretary of State
September 27, 2011
EFFECTIVE DATE: September 27, 2011

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Jansen

ENROLLED SENATE BILL No. 7

AN ACT to limit a public employer's expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "publicly funded health insurance contribution act".

Sec. 2. As used in this act:

(a) "Designated state official" means:

(i) For an election affecting employees and officers in the judicial branch of state government, the state court administrator.

(ii) For an election affecting senate employees and officers, the secretary of the senate.

(iii) For an election affecting house of representatives employees and officers, the clerk of the house.

(iv) For an election affecting legislative council employees, the legislative council.

(v) For an election affecting employees in the state classified service, the civil service commission.

(vi) For an election affecting executive branch employees who are not in the state classified service, the state employer.

(b) "Flexible spending account" means a medical expense flexible spending account in conjunction with a cafeteria plan as permitted under the federal internal revenue code of 1986.

(c) "Health savings account" means an account as permitted under section 223 of the internal revenue code of 1986, 26 USC 223.

(d) "Local unit of government" means a city, village, township, or county, a municipal electric utility system as defined in section 4 of the Michigan energy employment act of 1976, 1976 PA 448, MCL 460.804, an authority created under chapter VIA of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.108 to 259.125c, or an authority created under 1939 PA 147, MCL 119.51 to 119.62.

(e) "Medical benefit plan" means a plan established and maintained by a carrier, a voluntary employees' beneficiary association described in section 501(c)(9) of the internal revenue code of 1986, 26 USC 501, or by 1 or more public employers, that provides for the payment of medical benefits, including, but not limited to, hospital and physician services, prescription drugs, and related benefits, for public employees or elected public officials. Medical benefit plan does not include benefits provided to individuals retired from a public employer.

(f) "Public employer" means this state; a local unit of government or other political subdivision of this state; any intergovernmental, metropolitan, or local department, agency, or authority, or other local political subdivision; a school district, a public school academy, or an intermediate school district, as those terms are defined in sections 4 to 6 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6; a community college or junior college described in section 7 of article VIII of the state constitution of 1963; or an institution of higher education described in section 4 of article VIII of the state constitution of 1963.

Sec. 3. Except as otherwise provided in this act, a public employer that offers or contributes to a medical benefit plan for its employees or elected public officials shall pay no more of the annual costs or illustrative rate and any payments for reimbursement of co-pays, deductibles, or payments into health savings accounts, flexible spending accounts, or similar accounts used for health care costs, than a total amount equal to \$5,500.00 times the number of employees with single person coverage, \$11,000.00 times the number of employees with individual and spouse coverage, plus \$15,000.00 times the number of employees with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2012. A public employer may allocate its payments for medical benefit plan costs among its employees and elected public officials as it sees fit. By October 1 of each year after 2011, the state treasurer shall adjust the maximum payment permitted under this section for each coverage category for medical benefit plan coverage years beginning the succeeding calendar year, based on the change in the medical care component of the United States consumer price index for the most recent 12-month period for which data are available from the United States department of labor, bureau of labor statistics.

Sec. 4. (1) By a majority vote of its governing body, a public employer, excluding this state, may elect to comply with this section for a medical benefit plan coverage year instead of the requirements in section 3. The designated state official may elect to comply with this section instead of section 3 as to medical benefit plans for state employees and state officers.

(2) For medical benefit plan coverage years beginning on or after January 1, 2012, a public employer shall pay not more than 80% of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials. For purposes of this subsection, total annual costs includes the premium or illustrative rate of the medical benefit plan and all employer payments for reimbursement of co-pays, deductibles, and payments into health savings accounts, flexible spending accounts, or similar accounts used for health care but does not include beneficiary-paid copayments, coinsurance, deductibles, other out-of-pocket expenses, other service-related fees that are assessed to the coverage beneficiary, or beneficiary payments into health savings accounts, flexible spending accounts, or similar accounts used for health care. Each elected public official who participates in a medical benefit plan offered by a public employer shall be required to pay 20% or more of the total annual costs of that plan. The public employer may allocate the employees' share of total annual costs of the medical benefit plans among the employees of the public employer as it sees fit.

Sec. 5. (1) If a collective bargaining agreement or other contract that is inconsistent with sections 3 and 4 is in effect for a group of employees of a public employer on the effective date of this act, the requirements of section 3 or 4 do not apply to that group of employees until the contract expires. A public employer's expenditures for medical benefit plans under a collective bargaining agreement or other contract described in this subsection shall be excluded from calculation of the public employer's maximum payment under section 4. The requirements of sections 3 and 4 apply to any extension or renewal of the contract.

(2) A collective bargaining agreement or other contract that is executed on or after September 15, 2011 shall not include terms that are inconsistent with the requirements of sections 3 and 4.

Sec. 6. A public employer may deduct the covered employee's or elected public official's portion of the cost of a medical benefit plan from compensation due to the covered employee or elected public official. The employer may condition eligibility for the medical benefit plan on the employee's or elected public official's authorizing the public employer to make the deduction.

Sec. 7. (1) The requirements of this act apply to medical benefit plans of all public employees and elected public officials to the greatest extent consistent with constitutionally allocated powers, whether or not a public employee is a member of a collective bargaining unit.

(2) If a court finds the requirements of section 3 to be invalid, the expenditure limit in section 4 shall apply to a public employer that does not exempt itself under section 8, except that the requirement for a majority vote of the governing body of the public employer in section 4 shall not apply. If a court finds section 4 to be invalid, the expenditure limit in section 3 shall apply to each public employer that does not exempt itself under section 8.

Sec. 8. (1) By a 2/3 vote of its governing body each year, a local unit of government may exempt itself from the requirements of this act for the next succeeding year.

(2) A 2/3 vote of the governing body of the local unit of government is required to extend an exemption under this section to a new year.

(3) An exemption under this section is not effective for a city with a mayor who is both the chief executive and chief administrator, unless the mayor also approves the exemption.

(4) An exemption under this section is not effective for a county with a county executive who is both the chief executive and chief administrator, unless the county executive also approves the exemption.

Sec. 9. If a public employer fails to comply with this act, the public employer shall permit the state treasurer to reduce by 10% each economic vitality incentive program payment received under 2011 PA 63 and the department of education shall assess the public employer a penalty equal to 10% of each payment of any funds for which the public employer qualifies under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, during the period that the public employer fails to comply with this act. Any reduction setoff or penalty amounts recovered shall be returned to the fund from which the reduction is assessed or upon which the penalty is determined. The department of education may also refer the penalty collection to the department of treasury for collection consistent with section 13 of 1941 PA 122, MCL 205.13.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A SAW GRANT AGREEMENT

WHEREAS:

1. Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (“Part 52”), provides at MCL 324.5204e that the Michigan Finance Authority (the “MFA”) in consultation with the Michigan Department of Environmental Quality (the “DEQ”) shall establish a strategic water quality initiatives grant program.
2. Provisions of 2012 PA 511, provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control.
3. Provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the “SAW Grant Agreement”) that requires the Municipality to repay the grant under certain conditions as set forth in MCL324.5204e., as amended.
4. The Municipality (“Wyoming”) does hereby determine it necessary to establish an Asset Management Plan for the sewage collection and treatment system.
5. It is the determination of Wyoming that at this time, a grant in the aggregate principal amount not to exceed \$1,000,000 (“Grant”) be requested from the MFA and the DEQ to pay for the planning and/or design activities.
6. Wyoming shall obtain this Grant by entering in the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Manager, a position currently held by Curtis L. Holt, is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between Wyoming, the MFA and DEQ (attached hereto as Appendix 1) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. Wyoming shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if Wyoming is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation from the general funds of Wyoming, and Wyoming is required, if necessary, to levy ad valorem taxes on all taxable property in Wyoming for the payment thereof, subject to applicable constitutional, statutory, and Wyoming tax rate limitations.
5. Wyoming shall not invest, reinvest or accumulate any monies deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirement of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. Wyoming acknowledges that the SAW Grant Agreement is a contract between Wyoming, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT:
MDEQ Grant Agreement

Resolution No. _____

_____ of _____
County of _____

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the _____ of the _____ of _____
County of _____, State of Michigan, (the "Municipality") held on
_____.

PRESENT: Members: _____

ABSENT: Members: _____

Member _____ offered and moved the adoption of the following resolution,
seconded by Member _____.

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and
Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL
324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan
Department of Environmental Quality (the "DEQ") shall establish a strategic water quality
initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to
municipalities for sewage collection and treatment systems or storm water or nonpoint source
pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other
applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient
shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality
to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (select one or more)
 establish an asset management plan, establish a stormwater management plan, establish a
plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue
innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged
community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed _____ (“Grant”) be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____ (*title of the designee’s position*), a position currently held by _____ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

NAYS: Members:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the _____ of the _____ of _____, County of _____, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Name
_____ of _____, Clerk
_____ of _____ County of _____



Michigan Finance Authority

Stormwater, Asset Management, and Wastewater (SAW) GRANT AGREEMENT

This Grant Agreement ("Agreement") is made as of _____ 20____, among the Michigan Department of Environmental Quality, Office of Drinking Water and Municipal Assistance (the "DEQ"), the Michigan Finance Authority (the "Authority") (the DEQ and the Authority are, collectively, the "State") and the _____, County of _____ ("Grantee") in consideration for providing grant assistance to the Grantee.

The purpose of this Agreement is to provide funding for the project named below. The State is authorized to provide grant assistance pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Legislative appropriation of funds for grant disclosure is set forth in 2013 Public Act 59.

The Grantee shall be required to repay the grant made under this Agreement (the "Grant"), within 90 days of being informed by the State to do so, under certain conditions, as set forth in Section XVIII. Program Specific Requirements: SAW Grant.

Award of a Grant under this Agreement and completion of the activities identified in Exhibit A does not guarantee loan assistance from the State Revolving Fund, Strategic Water Quality Initiatives Fund, or Stormwater, Asset Management or Wastewater.

GRANTEE INFORMATION:

Name/Title of Authorized Representative

Address

Address

Telephone number

E-mail address

GRANT INFORMATION:

Project Name: _____
Project #: _____
Amount of Grant: \$ _____
Amount of Match \$ _____
Project Total \$ _____ (grant plus match)
Start Date: _____ End Date: _____

DEQ REPRESENTATIVE:

Name/Title

Address

Address

Telephone number

E-mail address

AUTHORITY REPRESENTATIVE:

Name/Title

Address

Address

Telephone number

E-mail address

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

The individuals signing below certify by their signatures that they are authorized to sign this Grant Agreement on behalf of their respective parties, and that the parties will fulfill the terms of this Agreement, including the attached Exhibit A, and use this Grant only as set forth in this Agreement.

GRANTEE

Signature of Grantee

Date

Name and title (typed or printed)

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

Its Authorized Officer

Date

MICHIGAN FINANCE AUTHORITY

Its Authorized Officer

Date

I. PROJECT SCOPE

This Agreement shall be in addition to any other contractual undertaking by the Grantee contained in the Resolution authorizing the Grant (the "Resolution").

This Agreement, including its exhibit(s), constitutes the entire agreement between the DEQ, the Authority, and the Grantee.

- (A) The scope of this Grant is limited to the activities specified in Exhibit A (the "Project"), and such activities as are authorized by the State under this Agreement. Any change in project scope requires prior written approval in accordance with Section III, Changes, in this Agreement.
- (B) By acceptance of this Agreement, the Grantee commits to complete the Project identified in Exhibit A within the time period allowed for in this Agreement and in accordance with the terms and conditions of this Agreement.

II. AGREEMENT PERIOD

This Agreement shall take effect on the date that it has been signed by all parties (the "Effective Date"). The Grantee shall complete the Project in accordance with all the terms and conditions specified in this Agreement no later than the End Date shown on page one. **Only costs incurred on or after January 2, 2013 and between the Start Date and the End Date shall be eligible for payment under this Grant.**

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

III. CHANGES

Any decreases in the amount of the Grantee's compensation, significant changes to the Project, or extension of the End Date, shall be requested by the Grantee in writing, and approved in writing by the State in advance. The State reserves the right to deny requests for changes to the Agreement including its Exhibit A. No changes can be implemented without approval by the State.

IV. GRANTEE PAYMENTS AND REPORTING REQUIREMENTS

The Grantee shall meet the reporting requirements specified in Section XVIII of this Agreement.

V. GRANTEE RESPONSIBILITIES

- (A) The Grantee agrees to abide by all local, state, and federal laws, rules, ordinances and regulations in the performance of this Grant.
- (B) All local, state, and federal permits, if required, are the responsibility of the Grantee. Award of this Grant is not a guarantee of permit approval by the state.
- (C) The Grantee shall be solely responsible to pay all taxes, if any, that arise from the Grantee's receipt of this Grant.
- (D) The Grantee is responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services furnished by its subcontractors under this Agreement. The State will consider the Grantee to be the sole point of contact concerning contractual matters, including payment resulting from this Grant. The Grantee or its subcontractor shall, without additional grant award, correct or revise any errors, omissions, or other deficiencies in designs, drawings, specifications, reports, or other services.
- (E) The DEQ's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the Grantee of responsibility for the technical adequacy of the work. The DEQ's review, approval, acceptance, or payment for any of the services shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- (F) The Grantee acknowledges that it is a crime to knowingly and willfully file false information with the State for the purpose of obtaining this Agreement or any payment under the Agreement, and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the Grant.

VI. ASSIGNABILITY

The Grantee shall not assign this Agreement or assign or delegate any of its duties or obligations under this Agreement to any other party without the prior written consent of the State. The State does not assume responsibility regarding the contractual relationships between the Grantee and any subcontractor.

VII. NON-DISCRIMINATION

The Grantee shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq*, and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Grantee agrees to include in every subcontract entered into for the performance of this Agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of this Agreement.

VIII. UNFAIR LABOR PRACTICES

The Grantee shall comply with the Employers Engaging in Unfair Labor Practices Act, 1980 PA 278, as amended, MCL 423.321 *et seq*.

IX. LIABILITY

(A) The Grantee, not the State, is responsible for all liabilities as a result of claims, judgments, or costs arising out of activities to be carried out by the Grantee under this Agreement, if the liability is caused by the Grantee, any subcontractor, or anyone employed by the Grantee.

(B) All liability as a result of claims, demands, costs, or judgments arising out of activities to be carried out by the State in the performance of this Agreement is the responsibility of the State and not the responsibility of the Grantee if the liability is materially caused by any State employee or agent.

(C) In the event that liability arises as a result of activities conducted jointly by the Grantee and the State in fulfillment of their responsibilities under this Agreement, such liability is held by the Grantee and the State in relation to each party's responsibilities under these joint activities.

(D) Nothing in this Agreement should be construed as a waiver of any governmental immunity by the Grantee, the State, its agencies, or their employees as provided by statute or court decisions.

X. CONFLICT OF INTEREST

No government employee or member of the legislative, judicial, or executive branches or member of the Grantee's governing body, its employees, partner, agencies or their families shall have benefit financially from any part of this Agreement.

XI. AUDIT AND ACCESS TO RECORDS

See Section XVIII (C).

XII. INSURANCE

(A) The Grantee shall maintain insurance or self insurance that will protect it from claims that may arise from the Grantee's actions under this Agreement or from the actions of others for whom

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

the Grantee may be held liable.

- (B) The Grantee must comply with applicant workers' compensation laws while engaging in activities authorized under this Agreement.

XIII. OTHER SOURCES OF FUNDING

The Grantee guarantees that any claims for reimbursement made to the State under this Agreement shall not be financed by any source other than the State under the terms of this Agreement. If funding is received through any other source, the Grantee agrees to delete from Grantee's billings or to immediately refund to the State, the total amount representing such duplication of funding.

XIV. COMPENSATION

- (A) A breakdown of Project costs covered under this Agreement is identified in Exhibit A. The State will pay the Grantee a total amount not to exceed the amount on page one of this Agreement, in accordance with Exhibit A, and only for expenses incurred. All other costs over and above the Grant amount, necessary to complete the Project, are the sole responsibility of the Grantee.
- (B) The Grantee is committed to the match amount on page one of this Agreement, in accordance with Exhibit A. The Grantee shall expend all local match committed to the Project by the End Date of this Agreement.
- (C) The State will approve payment requests after approval of reports and related documentation as required under this Agreement.
- (D) The State reserves the right to request additional information necessary to substantiate payment requests.

XV. CLOSEOUT

- (A) A determination of Project completion shall be made by the DEQ after the Grantee has met any match obligations and satisfactorily completed the activities and provided products and deliverables described in Exhibit A.
- (B) Upon issuance of final payment from the State, the Grantee releases the State of all claims against the State arising under this Agreement. Unless otherwise provided in this Agreement or by State law, final payment under this Agreement shall not constitute a waiver of the State's claims against the Grantee.
- (C) The Grantee shall immediately refund to the State any payments or funds in excess of the costs allowed by this Agreement.

XVI. CANCELLATION

This Agreement may be canceled by the State, upon 30 days written notice, due to Executive Order, budgetary reduction, or other lack of funding upon request by Grantee or upon mutual agreement by the State and Grantee. The State reserves the right to provide just and equitable compensation to the Grantee for all satisfactory work completed under this Agreement.

XVII. TERMINATION

(A) This Agreement may also be terminated by the State for any of the following reasons upon 30 days written notice to the Grantee:

(1) If the Grantee fails to comply with the terms and conditions of the Agreement or with the requirements of the authorizing legislation cited on page 1 or the rules promulgated thereunder, or with other applicable law or rules.

(2) If the Grantee knowingly and willfully presents false information to the State for the purpose of obtaining this Agreement or any payment under this Agreement.

(3) If the State finds that the Grantee, or any of the Grantee's agents or representatives, offered or gave gratuities, favors, or gifts of monetary value to any official, employee, or agent of the State in an attempt to secure a subcontract or favorable treatment in awarding, amending, or making any determinations related to the performance of this Agreement.

(4) During the 30-day written notice period, the State shall also withhold payment for any findings under subparagraphs 1 through 3, above.

(5) If the Grantee or any subcontractor, manufacturer, or supplier of the Grantee appears in the register of persons engaging in unfair labor practices that is compiled by the Michigan Department of Licensing and Regulatory Affairs or its successor.

(B) The State may immediately terminate this Agreement without further liability if the Grantee, or any agent of the Grantee, or any agent of any subagreement, is:

(1) Convicted of a criminal offense incident to the application for or performance of a state, public, or private contract or subcontract;

(2) Convicted of a criminal offense, including but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees;

(3) Convicted under state or federal antitrust statutes;

(4) Convicted of any other criminal offense which, in the sole discretion of the State, reflects on the Grantee's business integrity; or

(C) If a grant is terminated, the State reserves the right to require the Grantee to repay all or a portion of funds received under this Agreement.

XVIII. PROGRAM-SPECIFIC REQUIREMENTS: SAW REPAYABLE GRANT

(A) General Representations. The Grantee represents and warrants to, and agrees with, the Authority and DEQ, as of the date hereof as follows:

(1) Grant funds shall be expended only to cover costs for the development of an Asset Management Plan, Stormwater Management Plan, innovative wastewater or stormwater technology, construction costs for disadvantaged communities, or for planning, design and user charge development.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

(2) Grant funds used for administrative activities or activities performed by municipal employees shall be limited to work that is directly related to the Project and is conducted by employees of the Grantee.

(3) The Grantee has full legal right, power and authority to execute this Agreement, and to consummate all transactions contemplated by this Agreement, the Resolution, and any and all other agreements relating thereto. The Grantee has duly authorized and approved the execution and delivery of this Agreement, the performance by the Grantee of its obligations contained in this Agreement, and this Agreement is a valid, legally binding action of the Grantee, enforceable in accordance with the terms thereof except as enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally, and by principles of equity if equitable remedies are sought.

(4) The Resolution has been duly adopted by the Grantee, acting through its executive(s) or governing body, is in full force and effect as of the date hereof, and is a valid, legally binding action of the Grantee, enforceable in accordance with the terms thereof except as enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally, and by principles of equity if equitable remedies are sought.

(5) The execution and delivery of this Agreement by the Grantee, and the fulfillment of the terms and conditions of, and the carrying out of the transactions contemplated by the Resolution and this Agreement do not and will not conflict with or constitute on the part of the Grantee a breach of, or a default under any existing law (including, without limitation, the Michigan Constitution), any court or administrative regulation, decree or order or any agreement, indenture, mortgage, obligation, lease or other instrument to which the Grantee is subject or by which it is bound and which breach or default would materially affect the validity or binding effect of the Grant, or result in a default or lien on any assets of the Grantee. No event has occurred or is continuing which with the lapse of time or the giving of notice, or both, would constitute a default by the Grantee under the Resolution or this Agreement.

(6) No consent or approval of, or registration or declaration with, or permit from, any federal, state or other governmental body or instrumentality, is or was required in connection with enactment by the Grantee of the Resolution, or execution and delivery by the Grantee of this Agreement which has not already been obtained, nor is any further election or referendum of voters required in connection therewith which has not already been held and certified and all applicable referendum periods have expired.

(7) Proceeds of the Grant will be applied (i) to the financing of the Project or a portion thereof as set forth in the Resolution and Exhibit A or (ii) to reimburse the Grantee for a portion of the cost of the Project. The Grantee will expend the proceeds of each disbursement of the Grant for the governmental purpose for which the Grant was issued.

(8) The attached Exhibit A contains a summary of the estimated cost of the Project, which the Grantee certifies is a reasonable and accurate estimate.

(9) The Grantee reasonably expects (i) to fulfill all conditions set forth in this Agreement to receive and to keep the Grant, and (ii) that no event will occur as set forth in this Agreement which will require the Grantee to repay the Grant.

(B) Repayment of Grant. The Grantee shall repay the Grant, within 90 days of being informed to do so, with interest calculated from the date Grant funds are first drawn at a rate not to exceed 8% per year, to be determined by the Authority, to the Authority for deposit into the SWQIF.

“(a) A grant recipient (shall) proceed with a project for which grant funding is provided within 3 years after the department approves the grant (executed grant agreement). For asset management programs related to sewage collection and treatment systems, this includes significant progress, as determined by the department, toward achieving the funding structure necessary to implement the program.

(b) The grant recipient (shall) repay the grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority for deposit into the fund if the applicant is unable to, or decides not to, proceed with a construction project or begin implementation of an asset management program for which grant funding is provided.”

SAW grant recipients for wastewater system asset management plans are required to make significant progress on the funding structure. Significant progress is defined as a 5-year plan to eliminated the gap with a minimum initial rate increase to close at least 10 percent of the funding gap. The first rate increase must be implemented within three years of the executed grant. The applicant will need to certify that all grant activities have been completed at the end of three years. Asset management plans for stormwater systems are to be implemented. Stormwater management grant recipients must develop a stormwater management plan. Innovative project grant recipients must proceed with full implementation or certify that the project is not financially or technically feasible.

(C) Covenants and Certifications.

(1) The Grantee has the legal, managerial, institutional, and financial capability to plan, design, and build the Project, or cause the Project to be built, and cause all facilities eventually constructed to be adequately operated.

(2) The Grantee certifies that no undisclosed fact or event, or pending litigation, will materially or adversely affect the Project, the prospects for its completion, or the Grantee's ability to make timely repayments of the grant if any of the two (2) conditions identified under Section XVIII(B) occur.

(3) The Grantee agrees to provide the minimum appropriate local match for grant-eligible costs and disburse match funds to service providers concurrent with grant disbursements.

(4) The Grantee agrees to maintain complete books and records relating to the grant and financial affairs of the Project in accordance with generally accepted accounting principles ("GAAP") and generally accepted government auditing standards ("GAGAS").

(5) The Grantee agrees that all municipal contracts related to the Project will provide that the contractor and any subcontractor may be subject to a financial audit and must comply with GAAP and GAGAS.

(6) The Grantee agrees to provide any necessary written authorizations to the DEQ and the Authority for the purpose of examining, reviewing, or auditing the financial records of the

Project. The applicant also agrees to require similar authorizations from all contractors, consultants, property owners or agents with which the applicant negotiates an agreement.

(7) The Grantee agrees that all pertinent records shall be retained and available to the DEQ and the Authority for a minimum of three years after satisfactory completion of the Project and final payment. If litigation, a claim, an appeal, or an audit is begun before the end of the three-year period, records shall be retained and available until the three years have passed or until the action is completed and resolved, whichever is longer.

(8) The Grantee agrees to ensure that planning and design activities of the Project are conducted in compliance with the requirements of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, its Administrative Rules; and all applicable state and federal laws, executive orders, regulations, policies, and procedures.

(9) The Grantee agrees that the Project shall proceed in a timely fashion and will exercise its best efforts to satisfy the program requirements as identified under Section XVIII(B) within three years of award of the SAW Grant from the Strategic Water Quality Initiatives Fund in accordance with Section 5204(e) of the Natural Resources and Environmental Protection Act 1994, PA 451, as amended.

(10) The Grantee acknowledges that acceptance of a wastewater asset management grant will subsequently affect future NPDES permits to include asset management language as applicable.

(D) Grantee Reimbursements and Deliverables

The Grantee may request grant disbursements no more frequently than monthly, using the Disbursement Request Form provided by the DEQ. Upon receipt of a disbursement request, the DEQ will notify the Authority, which will in turn disburse grant funds equal to 75 percent, 90 percent, or 100 percent of eligible costs, whichever percentage is applicable, that have been adequately documented. The forms provided by the State will include instructions on their use and shall be submitted to the DEQ representative at the address on page 1. All required supporting documentation (invoices) for expenses must be included with the disbursement request form. The Grantee is responsible for the final submittal of all documents prepared under this Grant and included in the Project Scope identified in Exhibit A.

(E) Miscellaneous Provisions.

(1) Applicable Law and Nonassignability. This Agreement shall be governed by the laws of the State of Michigan.

(2) Severability. If any clause, provision or section of this Agreement be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections.

(3) Execution of Counterparts. This Agreement may be executed in several counterparts each of which shall be regarded as an original and all of which shall constitute one and the same document.

XIX. USE OF MATERIAL

Unless otherwise specified in this Agreement, the Grantee may release information or material developed under this Agreement, provided it is acknowledged that the DEQ funded all or a portion of its development.

XX. SUBCONTRACTS

The State reserves the right to deny the use of any consultant, contractor, associate or other personnel to perform any portion of the project. The Grantee is solely responsible for all contractual activities performed under this Agreement. Further, the State will consider the Grantee to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the anticipated Grant. All subcontractors used by the Grantee in performing the project shall be subject to the provisions of this Agreement and shall be qualified to perform the duties required.

XXI. ANTI-LOBBYING

If all or a portion of this Agreement is funded with state funds, then the Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "Lobbying" means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action." The Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State. Further, the Grantee shall require that language of this assurance be included in the award documents of all subawards at all tiers.

XXII. IRAN SANCTIONS ACT

By signing this Agreement, the Grantee is certifying that it is not an Iran linked business, and that its contractors are not Iran linked businesses as outlined in Michigan Compiled Law 129.312

XXIII. DEBARMENT AND SUSPENSION

By signing this Agreement, the Grantee certifies to the best of its knowledge and belief that it, its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or the state.
- (2) Have not within a 3-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a 3-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.

SAMPLE

Project No. _____

SAW Grant Program

Exhibit A

Grantee: _____

Project Name: _____

DEQ Approved Grant Amount: \$ _____; _____
_____ Dollars

Time Period for Eligible Costs: Start Date _____ (month/year)

End Date _____ (month/year)

Description of Approved Project Scope:

DEQ Approved Project Costs	
1. Project Planning Costs	
2. Design Engineering Costs	
3. User Charge Development Costs	
4. Wastewater Asset Management Plan Costs	
5. Stormwater Asset Management Plan Costs	
6. Stormwater Management Plan Costs	
7. Innovative Wastewater and Stormwater Technology Costs	
8. Disadvantaged Community Construction Cost	
9. Cost Subtotal	
10. LESS Local Match	
11. Requested SAW Grant Amount (Line 9 minus Line 10)	

The following services have been determined to be ineligible for SAW Grant assistance, for the reasons listed, and have been excluded from the approved project costs shown above:

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

RESOLUTION NO. _____

RESOLUTION TO ACCEPT GRANT FUNDING RECEIVED THROUGH THE CITY OF
GRAND RAPIDS – MET MULTI-JURISDICTIONAL TASK FORCE

WHEREAS:

1. The City of Wyoming has requested to participate in the "BYRNE Memorial Justice Grant" MET – City of Grand Rapids Multi-Jurisdictional Task Force, as appointed by the United States Department of Justice.
2. The City of Wyoming would accept \$18,432 in grant funds designated towards the salary of one Wyoming Police Department Detective participating in the Multi-Jurisdictional Task Force.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Wyoming Police Department is authorized to receive said grant funds from the City of Grand Rapids, where their Police Department is serving as host agency for the Multi-Jurisdictional Task Force.
2. Chief James Carmody shall serve on the Board of Directors of the Task Force.
3. Timothy Smith shall serve as the Finance Director responsible for the Wyoming Police Department monthly financial status reports to be submitted to the City of Grand Rapids for reimbursement.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

Contract #: 201470973

Grant Agreement

hereinafter referred to as the "Agreement"

between

Michigan State Police

hereinafter referred to as the "Department"

and

City of Grand Rapids

300 Monroe Ave, N.W.
Grand Rapids, MI 49503

Federal I.D. #: 38-6004689

hereinafter referred to as the "Contractor"

for

M.E.T. - City of Grand Rapids

Metropolitan Enforcement Team (M.E.T.)

MSP Project # 70973-4-14-B

I. Period of Agreement:

This Agreement shall commence on 10/1/2013 and continue through 9/30/2014.

This Agreement is in full force and effect for the period specified.

All projects must be initiated within 60 days of the start date of this Agreement.

II. Funding Source and Agreement Amount:

This Agreement is designated as a subrecipient relationship with the following stipulations:

- A. Including federal funds and required local match, the total amount of this Agreement is \$ 331,776.
- B. The Department, under the terms of this Agreement, will provide federal pass-through funding not to exceed \$ 165,888.
- C. The Catalog of Federal Domestic Assistance (CFDA) number is 16.738.
- D. The CFDA Title is Formula Edward Byrne Justice Assistance Grant.
- E. The federal agency name is U.S. Department of Justice, Bureau of Justice Assi.
- F. The federal grant award number is 2013-DJ-BX-0109.
- G. The federal program title is Byrne JAG State FY 2014.

**MICHIGAN STATE POLICE
GRANTS MANAGEMENT DIVISION
PROGRAM BUDGET – COST DETAIL SCHEDULE
MSP PROJECT # 70973-4-14-B**

View at 100% or Larger
Use **WHOLE DOLLARS** Only

PROGRAM		BUDGET PERIOD		DATE PREPARED
Metropolitan Enforcement Team (M.E.T.)		From: 10/1/2013	To: 9/30/2014	10/15/2013
CONTRACTOR NAME		BUDGET AGREEMENT		AMENDMENT #
City of Grand Rapids		<input type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDMENT		
1. SALARY & WAGES	COMMENTS	POSITIONS REQUIRED	TOTAL SALARY	
POSITION DESCRIPTION				
Grand Rapids Police Department		0		\$66,000
		1. TOTAL SALARIES & WAGES:		
2. FRINGE BENEFITS (Specify)				
<input type="checkbox"/> FICA	<input type="checkbox"/> LIFE INS.	<input type="checkbox"/> DENTAL INS.	COMPOSITE RATE	
<input type="checkbox"/> UNEMPLOY INS.	<input type="checkbox"/> VISION INS.	<input type="checkbox"/> WORK COMP.	AMOUNT	%
<input type="checkbox"/> RETIREMENT	<input type="checkbox"/> HEARING INS.			
<input type="checkbox"/> HOSPITAL INS.	<input type="checkbox"/> OTHER (specify) _____			
			2. TOTAL FRINGE BENEFITS:	
3. TRAVEL (Specify if category exceeds 10% of Total Expenditures)				
			3 TOTAL TRAVEL:	
4. SUPPLIES & MATERIALS (Specify if category exceeds 10% of Total Expenditures)				
			4. TOTAL SUPPLIES & MATERIALS:	
5. CONTRACTUAL (Specify Subcontracts/Subrecipients)				
<u>Name</u>	<u>Address</u>	<u>Amount</u>		
Kent County Sheriffs Office		\$18,432	\$18,432	
Kentwood Police Department		\$18,432	\$18,432	
Michigan State Police		\$36,864	\$36,864	
			5. TOTAL CONTRACTUAL:	
6. EQUIPMENT (Specify items)				
			6. TOTAL EQUIPMENT:	
7. OTHER EXPENSES (Specify if category exceeds 10% of Total Expenditures)				
			7. TOTAL OTHER:	
8. TOTAL DIRECT EXPENDITURES (Sum of Totals 1-7)		8. TOTAL DIRECT EXPENDITURES:		
9. TOTAL EXPENDITURES (Sum of lines 8-9)				
Use Additional Sheets as Needed				

**MICHIGAN STATE POLICE
GRANTS MANAGEMENT DIVISION
PROGRAM BUDGET – COST DETAIL SCHEDULE
MSP PROJECT # 70973-4-14-B**

View at 100% or Larger
Use **WHOLE DOLLARS** Only

PROGRAM Metropolitan Enforcement Team (M.E.T.)		BUDGET PERIOD From: 10/1/2013 To: 9/30/2014		DATE PREPARED 10/15/2013
CONTRACTOR NAME City of Grand Rapids		BUDGET AGREEMENT <input type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDMENT		AMENDMENT #
1. SALARY & WAGES POSITION DESCRIPTION	COMMENTS	POSITIONS REQUIRED	TOTAL SALARY	
1. TOTAL SALARIES & WAGES:		0	\$66,000	
2. FRINGE BENEFITS (Specify)				
<input type="checkbox"/> FICA	<input type="checkbox"/> LIFE INS.	<input type="checkbox"/> DENTAL INS.	COMPOSITE RATE	
<input type="checkbox"/> UNEMPLOY INS.	<input type="checkbox"/> VISION INS.	<input type="checkbox"/> WORK COMP.	AMOUNT %	
<input type="checkbox"/> RETIREMENT	<input type="checkbox"/> HEARING INS.			
<input type="checkbox"/> HOSPITAL INS.	<input type="checkbox"/> OTHER (specify) _____			
			2. TOTAL FRINGE BENEFITS:	\$44,592
3. TRAVEL (Specify if category exceeds 10% of Total Expenditures)				
			3 TOTAL TRAVEL:	\$0
4. SUPPLIES & MATERIALS (Specify if category exceeds 10% of Total Expenditures)				
			4. TOTAL SUPPLIES & MATERIALS:	\$0
5. CONTRACTUAL (Specify Subcontracts/Subrecipients)				
<u>Name</u>	<u>Address</u>	<u>Amount</u>		
Wyoming Police Department		\$18,432	\$18,432	
Metropolitan Enforcement Team One Monroe Center NW Grand Rapids, MI, 495		\$18,432	\$18,432	
			5. TOTAL CONTRACTUAL:	\$221,184
6. EQUIPMENT (Specify items)				
			6. TOTAL EQUIPMENT:	\$0
7. OTHER EXPENSES (Specify if category exceeds 10% of Total Expenditures)				
			7. TOTAL OTHER:	\$0
8. TOTAL DIRECT EXPENDITURES (Sum of Totals 1-7)		8. TOTAL DIRECT EXPENDITURES:		\$331,776
9. TOTAL EXPENDITURES (Sum of lines 8-9) Use Additional Sheets as Needed				\$331,776

RESOLUTION NO. _____

A RESOLUTION TO APPROVE REVISIONS TO THE WYOMING
REHABILITATION MANUAL

WHEREAS:

1. The Wyoming Rehabilitation Manual outlines the policies and procedures for the City's Housing Rehabilitation Program, which is in need of revisions in response to the items identified in the recent HUD monitoring report and other housekeeping items.
2. The proposed revisions were reviewed and recommended by the Wyoming Community Development Committee.
3. The Wyoming Community Development Committee has recommended that the City Council approve these proposed revisions to the Wyoming Rehabilitation Manual.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby adopt the attached revised Wyoming Rehabilitation Manual, with the proposed Manual changes effective upon approval.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on:

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT:

Wyoming Rehabilitation Manual

STAFF REPORT

Date: November 12, 2013
Subject: Adoption of Revised Wyoming Rehabilitation Manual
From: Rebecca Rynbrandt, Director of Community Services
Meeting Date: November 18, 2013

RECOMMENDATION:

It is recommended by the Wyoming Community Development Committee that the City Council adopt the revised Wyoming Rehabilitation Manual.

SUSTAINABILITY CRITERIA:

Environmental Quality – The adopted City policies, programs and administrative processes in the Wyoming Rehabilitation Manual help to ensure an environment of safe housing and neighborhoods free from slums and blight.

Social Equity – The manual describes adopted City policies, programs and administrative processes of the rehabilitation program related to improvement of the health, safety and welfare of the City's low and moderate income residents. The manual works to ensure fair and equitable treatment.

Economic Strength – The adopted City policies, programs and administrative processes in the manual help to ensure the conservation and preservation of housing and improvement of neighborhood economic conditions, including but not limited to the preservation of property values.

DISCUSSION:

The City of Wyoming has been an entitlement City for Community Development Block Grant (CDBG) funds since the inception of the program in 1974. The Department of Housing and Urban Development (HUD) has set parameters for use of the grant monies, but individual communities may design their own programs and activities within the federal parameters. The Rehabilitation Program is one of the major activities outlined in the Five Year Consolidated Strategic Plan for the City of Wyoming. The Wyoming Rehabilitation Manual describes those adopted City policies, programs and administrative processes related to the structural rehabilitation portion of the overall CDBG Program.

In May 2013, the City Council approved a major update to the manual, with changes reflecting overall program and operational changes over the last ten years. These additional revisions are in response to the items identified in the recent HUD monitoring report and other housekeeping items. The proposed revisions follow:

Page 15 - *"Each appointed member shall sign a Conflict of Interest Attestation, stating they will agree and will comply with the Conflict of Interest Clause, Part of 24 CFR 570.611."*

Page 21 - *"A proper insurance certificate showing minimum coverage of workman's compensation protection of \$500,000 per occurrence, bodily injury of \$1,000,000 per person and per occurrence and property damage of \$1,000,000 per occurrence. An Indemnification Agreement must also be signed."*

Page 27 - *"Contractor application packets will be sent to the Small Business Administration, the West Michigan Minority Contractors Association and Section 3 Certified Contractors in an effort to take necessary steps to assure that minority firms, women's business enterprise, and labor surplus area firms are used when possible."*

Page 28 - *"Contractor and Subcontractor Verification . . . prior to contract award."*

Page 28 - *"Permits and Final Permit Inspections: The Building Rehabilitation Specialist shall confirm that the contractor has obtained all required permits prior to commencement of the project."*

Page 29 - *"Lead-Based Paint Poisoning Prevention in Certain Residential Structures: The Building Rehabilitation Specialist shall perform lead risk assessments and clearances and regularly test to make sure contractors use lead-safe work practices and that occupancy protection are properly carried out."*

At their meeting of November 6, 2013, the Wyoming Community Development Committee unanimously recommended that the City Council approve the proposed revisions to the Wyoming Rehabilitation Manual.

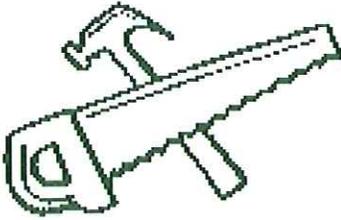
If adopted by City Council, the proposed Manual changes will be implemented immediately upon their approval.

ATTACHMENT:

Wyoming Rehabilitation Manual



CITY OF WYOMING REHABILITATION MANUAL



REHABILITATION MANUAL

Guidelines for Rehabilitation Programs

Sponsored by the

Community Development Program

CITY OF WYOMING, MICHIGAN

Wyoming Community Development Committee Approval:	4/3/13
Wyoming City Council Adoption:	5/20/13
Wyoming Community Development Committee Revised:	
Wyoming City Council Revised:	

	Complaint and Appeals Tier Chart	25
IX.	Homeowner Housing Rehabilitation Program Administration	26
	A. Introduction	26
	B. Application Process	26
	C. Bidding and Approval Process	27
	D. Financial Settlement	28
	E. Contract Management	28
	F. Case Close Out and Required Records	29
	G. Monthly Loan Payments	31
	H. Late Loan Payments	31
	I. Subordination	32
X.	Commercial Rehabilitation Program Administration	33
	A. Introduction	33
	B. Application Process	33
	C. Bidding and Approval Process	34
	D. Financial Settlement	34
	E. Contract Management	35
	F. Case Close Out and Required Records	35
	G. Late Loan Payments	35
	H. Subordination	36
XI.	Demolition Program Administration	37
	A. Introduction	37
	B. Application Process	37
	C. Bidding and Approval Process	37
	D. Settlement Documents	38
	E. Contract Management	38
	F. Case Close Out and Required Records	39
XII.	Homeowner Housing Emergency Repair Program Administration	41
	A. Introduction	41
	B. Waiver Allowances	41
	Appendix A Classification of Eligible Work Items	42
	A. Introduction	42
	B. Work Item Classifications	42

REHABILITATION MANUAL
LIST OF PARTICIPATING OFFICIALS
WYOMING, MICHIGAN

CITY COUNCIL

Jack Poll Mayor
William VerHulst 1st Ward
Richard Pastoor 2nd Ward
Joanne Voorhees. 3rd Ward
Kent Vanderwood At-Large
Sam Bolt At-Large
Dan Burrill At-Large

COMMUNITY DEVELOPMENT COMMITTEE

Christopher Hall - Chair
Deborah Krenz – Vice Chair
Tyler Jackson
Tamara Lopez
Phillip Ziemba

REHABILITATION COMMITTEE

Rebecca Rynbrandt Director of Community Services
James DeLange Chief Building Official
Timothy Cochran City Planner

PROJECT STAFF

Curtis Holt City Manager
Barbara VanDuren Deputy City Manager
Rebecca Rynbrandt Director of Community Services
Kimberly Lucar Administrative Aide
Kenneth Dalga. Building Rehabilitation Specialist

TABLE OF CONTENTS

I.	Introduction	1
A.	Description of the Community Development Rehabilitation Program	1
B.	Use of the Rehabilitation Manual	2
C.	Effective Date	2
II.	Definitions	3
III.	Homeowner Housing Rehabilitation Program	5
A.	Purpose	5
B.	Eligibility Requirements	5
C.	Funding Limitations	6
D.	Mortgage Requirements	6
E.	Eligible Improvements	7
F.	Deferred Loan/Grant or Loan Approval Authority	8
IV.	Commercial Rehabilitation Program	9
A.	Purpose	9
B.	Loan Eligibility Requirements	9
C.	Funding Limitations	9
D.	Mortgage Requirements	10
E.	Eligible Improvements	10
F.	Federal Regulations	11
G.	Loan Approval Authority	11
V.	Demolition Program	12
A.	Purpose	12
B.	Eligibility Requirements	12
C.	Funding Limitations	12
D.	Eligible Work	13
E.	Demolition Approval Authority	13
VI.	Homeowner Housing Emergency Repair Program	14
A.	Purpose	14
B.	Eligibility Requirements	14
C.	Funding Limitations	14
D.	Approval	14
VII.	General Administrative Responsibilities	15
A.	Community Development Committee	15
B.	The Rehabilitation Committee	16
C.	Community Development Department Staff	18
D.	Rehabilitation Program Loan Recipient	19
E.	Rehabilitation Contractor	20
VIII.	Appeals Procedure	23
A.	Purpose	23
B.	Basic Rights and Rules	23
C.	Review, Determination and Notification	24
D.	Judicial Review	24

SECTION I
INTRODUCTION

A. DESCRIPTION OF THE COMMUNITY DEVELOPMENT REHABILITATION PROGRAM:

1. Administration:

Since 1975, the Department of Housing and Urban Development has annually made available grants to communities for various community improvements under HUD's Community Development Block Grant Program (CDBG). HUD has set parameters for use of the grant monies, but the individual communities may design their own programs and activities within the federal parameters. In Wyoming the CDBG Program has been guided by the Five Year Consolidated Strategic Plan for the City of Wyoming, that sets general guidelines relative to where to spend the monies and for what purposes. The annual City HUD application refines and details the Plan guide. It is called the Wyoming Consolidated Housing and Community Development Plan (CHCDP) One Year Action Plan.

The Wyoming City Council adopts the CHCDP and approves the annual CHCDP application. However, to provide additional citizen input, the Council has appointed a citizens advisory committee known as the Community Development Committee to make recommendations to it covering the overall CDBG Program and the five year Plan.

While not involved with recommendations for the five year Plan or annual CDBG application, another Committee has responsibilities in the approval of site specific activities, based on the Plan and application. This is the Rehabilitation Committee, consisting of three staff members from the Community Services area.

Housed within the City of Wyoming's Community Services Division, the Community Development Department handles the day-to-day administration of the CDBG Program and serves as staff advisor to the Council, Community Development Committee and Rehabilitation Committee. The Community Development Department has such functions as preparing the CHCDP and annual CHCDP application, implementing CDBG projects and satisfying the HUD administrative requirements. Five other City departments have continuous input into the CDBG Program. The Planning Department assists in the identification of blighted areas, land use planning, and housing needs; the Building Inspections Department provides expertise in specialized building rehabilitation; the Engineering Department supervises major construction projects; the Accounting Department does the financial bookkeeping; and the Treasurer's Office acts as the collection agent for loan payments. Other City departments provide periodic assistance as needed.

For a more detailed description of the key Committees and C.D. Staff involved in the CDBG Program, refer to Section VII.

2. Objectives:

Beginning in 1974 and periodically thereafter, studies of the City have been conducted by

the Planning/Community Development Department staff to determine City and citizen needs within the framework of HUD-guidelines. These studies have located pockets of low and moderate income families and neighborhood development needs, including physical deterioration in housing and various City services. Based on the studies, the following CDBG Program objectives were developed and approved by the City Council:

- a. Elimination and prevention of slums and blight.
- b. Improvement of the health, safety and welfare of the City's low and moderate income residents.
- c. Conservation and preservation of housing.
- d. Improvement of neighborhood economic and social conditions.

The CHCDP and annual CHCDP applications and subsequent projects reflect these objectives.

B. USE OF THE REHABILITATION MANUAL:

This manual describes those adopted City policies, programs and administrative processes related to the structural rehabilitation portion of the overall CDBG Program. Program elements not included in the Manual include new construction and equipment projects, social programs, and other non-rehabilitation activities. An outline of the Manual follows:

- Sections I-II: Introductory Materials
- III-VI: Programs
- VII-VIII: General Administration
- IX-XII: Program Administration
- Appendix A: Classification of Eligible Work Items

Refer to the TABLE OF CONTENTS for the location of each of the sections.

C. EFFECTIVE DATE:

This manual supersedes all prior City of Wyoming Rehabilitation Manuals and is effective as of the date of Wyoming City Council adoption as noted on the title page.

SECTION II

DEFINITIONS

The definitions listed here are included to provide full understanding of the guidelines set forth in this Manual. Whenever possible, the definitions of terms are those set forth in the Municipal Codes and Ordinances of City of Wyoming, Michigan. None of the terms listed here are intended to nullify the provisions of any local code or ordinance.

Applicant: A family, person or owner who is applying for rehabilitation assistance.

Assessed Value: The value of a piece of property for tax purposes, as determined by the Wyoming City Assessor. Assumed to be one-half of market value.

Code Violations: Those conditions that are not in conformance with applicable Federal, State, County and City health, housing, building, fire prevention, housing maintenance, zoning codes and other public standards.

Contract: A written, signed agreement to perform housing improvement or demolition work.

Contractors: Any general contractor, sub-contractor, worker or supplier who does rehabilitation work for applicants under this program.

Community Development Office: A department of the City of Wyoming's Community Services area that is responsible for administering the Community Development Program.

Deferred Loan/Grant: An award of Community Development funds to an eligible applicant to be used for home repairs. The required amount of repayment of the funds, if any, is based upon the number of years that the mortgage is in effect.

General Improvement Items: Those rehabilitation improvement work items which increase the general value of a residence, such as carpeting, cabinets, interior painting or wall coverings, air conditioning, refrigerator, stove or oven, but are not code violations.

Gross Family Income: All income according to the HUD definition of "Annual Income", except that past and future overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services shall not be considered if deemed to be nonrecurring by the Rehabilitation Committee.

Housing Improvement Area: A portion of the City, designated by the Community Development Committee and the City Council, in which funds may be expended for Community Development Program activities.

H.U.D.: An office of the federal government known as the Department of Housing and Urban Development.

Inspector: A city employee whose responsibility is to enforce Michigan construction and property maintenance codes.

Incipient Code Violations: Those conditions, in the judgment of the Code Enforcement Inspector, Building Inspector, or Building Rehabilitation Specialist that are likely to deteriorate into actual code

violations in the near future.

Liquid Assets: All assets of an applicant, which shall include, but are not limited to, cash, checking and savings accounts, stocks, bonds, mutual funds, IRA's and real estate other than the principal residence.

Loan: An award of Community Development funds to an eligible applicant to rehabilitate property, which must be repaid in installment payments to the City.

Mortgage: A security document, in favor of the City, placed against the property of a loan or deferred loan/grant recipient, which states the repayment terms of the rehabilitation loan or deferred loan/grant.

Owner (Legally Authorized Agent): Persons or families who are the fee owners or contract for deed purchasers of eligible properties.

Rehabilitation: A repair or renewal treatment used to restore or revitalize deteriorating properties.

Severe Code Violations: Those code violations that directly and immediately endanger the public health, safety and welfare.

Target Area: Same as Housing Improvement Area.

SECTION III

HOMEOWNER HOUSING REHABILITATION PROGRAM

A. PURPOSE:

As a means of maintaining and improving the structural condition of neighborhoods, and to provide housing assistance to low and moderate income homeowners, deferred loan/grants and loans are available to low and moderate income homeowners in Community Development Target Areas for housing rehabilitation. Policies and rules pertaining to the Homeowner Housing Rehabilitation Program follow.

B. ELIGIBILITY REQUIREMENTS:

1. Property:

- a. Type/Location: The property shall be a single-family residence located anywhere in the city.
- b. Zoning: The property must be residentially zoned, according to the Wyoming Zoning Ordinance.
- c. Limit: Only one deferred loan or loan may be given per property in any 20 year period.

2. Applicant:

- a. Ownership: The applicant must be an owner-occupant or purchaser-occupant of the residence. A title search will be obtained for the property.
- b. Limit: The applicant may receive no more than one deferred loan or loan in any 20 year period.
- c. Income: For deferred loans/grants the gross family income of applicants shall not exceed 50% of the most current applicable median gross family income of the Grand Rapids Standard Metropolitan Statistical Area (SMSA). For loans, the gross family income limit shall be 80% of the SMSA figure. These figures shall be calculated based on SMSA family income data provided by the Economic Market and Analysis Division of HUD. Income calculations shall be based on averaging the total previous tax year's income with the current projected year's income, based on a normal week's salary. However, if the current projected year's income exceeds the program's income standards, the applicant is ineligible for funds.
- d. Ability to Repay: The applicant must verify to the City the ability to repay a loan; this requirement is waived for deferred loan/grants. For loans, the following documents shall be submitted:
 - IRS Personal Income Tax Report for previous year.
 - Current Income Verification form from employer(s), three most current payroll

stubs and/or other verification of non-wages income.

- Personal Credit Report (Ordered and reviewed by the Community Development Department).

- Title Report (Ordered and reviewed by the Community Development Department) verifying proof of home ownership and clear title.

- Personal Financial Statement/Monthly Budget (The ability to pay index on the PFS must be greater than \$100 a month per household member to qualify for approval of the loan.)

- e. Assets: For deferred loan/grant applicants, liquid assets cannot exceed \$15,000. For loan applicants, there are no asset limits.

C. FUNDING LIMITATIONS:

1. Maximum: The actual amount of all eligible work item costs and closing costs shall be the amount of funding to a limit of \$20,000.
2. Contingency: Up to an additional 10 percent of the funding amount of the initial contract may be authorized by the City and the applicant to cover unforeseen expenditures during construction. The amount may be used to cover legitimate repair costs associated with the original bid items or work specified in the contract. If the added repair costs exceed the 10% amount, the owner may escrow the additional monies or the Rehabilitation Committee may approve the added costs, provided that the total costs remain within the maximum funding limits.
3. Overages: Any work completed, not previously authorized by the City, that exceeds the maximum funding limitations shall be at the discretion and obligation of the owner.
4. Existing Debt: Funds shall not be available to refinance existing debt on the property.
5. Change Orders: Change orders may be made to substitute for contract items in order to comply with the limits set forth in III(C)(1) and III(C)(2), with the written approval of the appropriate Community Development staff member, owner(s) and contractor.

D. MORTGAGE REQUIREMENTS:

1. Mortgage Recording: The city must record a mortgage in the name of the City against any property for which a deferred loan/grant or loan has been approved. In cases where an applicant will not agree to a mortgage, the Rehabilitation Committee must disapprove the application. For a property under land contract, the contract seller must also sign the mortgage, except that this condition may be waived in instances where the land contract seller refuses to sign a mortgage and the applicant signs an assignment of land contract as security.
2. Transfer of Title: If the title of the property is transferred by the recipient to any party, other than his or her spouse, then the outstanding balance of the mortgage shall become due and payable on the closing date of the title transfer.

3. Pre-Payment: There shall be no penalty for total prepayment of loans.
4. Term: The term for a deferred loan/grant shall continue indefinitely until the outstanding loan amount is repaid. The applicant may choose to repay the loan or portions thereof at any time. The repayment shall be due upon transfer of title under the conditions of III(D)(2). That portion of the deferred loan/grant to be repaid (with the remainder deemed a grant) shall be according to the following schedule:

<u>Length of Time from the Mortgage Date</u>	<u>Repayment Rate</u>
0-1 Year	100%
1-2 Years	90%
2-3 Years	80%
3-4 Years	70%
4-5 Years	60%
5 or More Years	50%

The maximum term for a loan is 15 years, except that the Rehabilitation Committee may require a shorter term. The minimum monthly loan payment is \$25.00

5. Interest Rate: No interest shall be charged for deferred loan/grants. The annual interest rate for loans shall be three percent (3%).

E. ELIGIBLE IMPROVEMENTS:

(See Appendix A, "Classification of Eligible Work Items" for a detailed description of Code Violations versus General Improvement Items.)

1. Code Violations: All code violations shall be repaired within the maximum limitations. In the event that costs for these corrections exceed the limits, deletions may be made on certain repairs at the discretion of the Rehabilitation Committee. The committee may require the applicant to escrow additional monies to cover those items, which exceed the limitations prior to the approval of assistance. Garage repairs are also eligible.
2. Incipient Code Violations: The application may include incipient code violation repairs.
3. General Improvement Items: General Improvement Items, as defined in this Manual, not to exceed \$5,000 in total costs, may be included in an improvement loan, but not in a deferred loan/grant. All code violations shall be included for correction before approval of any general improvement items as determined by the Rehabilitation Committee.
4. Self-Help: Deferred loan/grants or loans shall not be used to finance work performed by the recipient or any unlicensed contractor. All work shall be on a contractual basis between the loan recipient and a contractor.

F. DEFERRED LOAN/GRANT OR LOAN APPROVAL AUTHORITY:

Sole approval of a deferred loan/grant or loan shall rest with the City, through the Rehabilitation Committee. A majority vote of the Rehabilitation Committee is required for the final approval of a deferred loan/grant or loan.

SECTION IV
COMMERCIAL REHABILITATION PROGRAM

A. PURPOSE:

A deteriorating neighborhood commercial sector is a blighting influence on the nearby residential neighborhood. Inadequate business parking or cramped space also inconveniences or underserves the residents. In order to maintain a strong neighborhood commercial sector and safeguard the adjoining neighborhood, loans are available to property owners of businesses for property improvement. Policies and rules pertaining to the Commercial Rehabilitation Program follow.

B. LOAN ELIGIBILITY REQUIREMENTS:

1. Property:

- a. Location: The business shall be located in a qualified target area designated as part of the Wyoming Community Development Block Grant Program.
- b. Zoning: The property must be eligible for use as commercial activities, according to the Wyoming Zoning Ordinance.
- c. Type of Structure: The structure must be at least 50 percent commercial in structural design.
- d. Limit: Only one loan may be given per structure per 20 year period.

2. Applicant:

- a. Ownership/Unit Eligibility: The applicant must be the owner/purchaser of the structure or unit. A title search will be obtained for the property.
- b. Ability to Repay: The applicant must verify to the City the ability to repay the rehabilitation loan. The following documents shall be submitted:
 - Personal Credit Report (Ordered and reviewed by the Wyoming Community Development Department).
 - Title Report (Ordered and reviewed by the Community Development Department) verifying proof of home ownership and clear title.
 - Personal Financial Statement/Monthly Budget (The ability to pay index on the PFS must be great than \$100 per month to qualify for approval of the loan).
 - Profit and loss statement (for loans over \$10,000).
 - Personal Income Tax forms (for loans over \$10,000).

C. FUNDING LIMITATIONS:

1. Maximum: The applicant shall be eligible for a loan up to \$10,000 with no matching private funds required. For project costs exceeding \$10,000, a dollar for dollar applicant match is required of that amount over \$10,000. No Community Development loan shall exceed \$25,000. Also, no loan may be given if the debt on the property exceeds two times the current City assessed value of the property, except that other types of loan guarantees may be provided, as per Section IV(D).
2. Contingency: Up to an additional 10 percent of the funding amount of the initial contract may be authorized by the City and the applicant to cover unforeseen expenditures during construction. The amount may be used to cover legitimate repair costs associated with original bid items or work specified in the contract. If the added repair costs exceed the 10% amount, the owner must escrow the additional monies or the Rehabilitation Committee may approve the added costs provided that the total costs remain within the maximum funding limits.
3. Overages: Any work completed, not previously authorized by the City, that exceeds the maximum funding limitations shall be at the discretion and obligation of the owner.
4. Existing Debt: Funds shall not be available to refinance existing debt on the property.
5. Change Orders: Change orders may be made to substitute for contract items in order to comply with the limits set forth in IV(C)(1) and IV(C)(2), with the written approval of the appropriate Community Development staff member, owner(s) and contractor.

D. MORTGAGE REQUIREMENTS:

1. Mortgage Recording: The City will record a mortgage in the name of the City against any property for which a rehabilitation loan has been approved. However, the Rehabilitation Committee may accept a mortgage on an alternate property of the applicant, providing that it satisfies the requirements of Section IV(C)(1). In cases where the applicant will not agree to a mortgage, the Rehabilitation Committee must disapprove the loan.
2. Transfer of Title: If the title to the property is transferred by the recipient to any party, other than his or her spouse, then the outstanding balance of the mortgage shall become due and payable on the closing date of the title transfer.
3. Pre-Payment: There shall be no penalty for total prepayment of the loan.
4. Term: The maximum term of a loan is fifteen years. The Rehabilitation Committee may require a shorter term loan. Minimum monthly loan payment shall be \$25.00.
5. Interest Rate: The annual interest rate shall be three percent.

E. ELIGIBLE IMPROVEMENTS:

1. Priority and Types of Improvements: The following types of eligible improvements are listed in order of priority:
 - a. Correction of severe code violations (See Appendix A) items.

- b. Creation of five or more parking spaces, where there is a parking deficiency.
- c. Facade improvements.
- d. Correction of other code or maintenance items. (Items a-c above must be completed first.)
- e. Repaving of existing parking allowed only when any of the above items are also being done. (Maximum of 50% of a loan for repaving.)
- f. Fencing and landscaping improvements when auxiliary to any of the other above improvements.

2. Self-Help: Loans shall not be used to finance work performed by the recipient. All work shall be on a contractual basis between the loan recipient and a licensed contractor.

F. FEDERAL REGULATIONS:

All Federal Regulations shall apply as required by HUD, periodically amended. The following federal regulations, as well as any required updates, shall be adhered to in commercial loan cases:

- 1. Davis Bacon Wage Rates
- 2. Copeland "Anti-Kickback" Act
- 3. Wage, Hour and Safety Act
- 4. HUD Section 3 Training Act
- 5. Equal Opportunity Statement
- 6. Affirmative Action Plan (for loans over \$10,000)
- 7. Invitational open bidding through the Community Development Department (for loans under \$10,000)

G. LOAN APPROVAL AUTHORITY:

Sole approval of a loan shall rest with the City, through the Rehabilitation Committee. A majority vote of the Rehabilitation Committee is necessary for the final approval of the loan.

SECTION V

DEMOLITION PROGRAM

A. PURPOSE:

Certain structures in the City evidence physical deterioration, or obsolescence, to such a high degree that restoration is no longer economically feasible. Yet, such structures remain standing, often for years, and have a blighting influence on the neighborhood. Therefore, non-repayable grants are made available for the demolition of such structures. Policies and rules related to the Demolition Program follow.

B. ELIGIBILITY REQUIREMENTS:

1. Property:

- a. Type/Location: Grants may be given to demolish structures that are deemed, by the Rehabilitation Committee, to be physically decayed and a blighting influence on the neighborhood. For commercial projects only, obsolescence may also be a qualifying factor, if the demolition is part of a commercial improvement project under Section IV of this Manual. The structure to be demolished shall be located anywhere in the city.
- b. Limit: Only one grant may be given per property.

2. Applicant:

- a. Ownership: The applicant must be the owner of the structure to be demolished and the related land area. A title search will be obtained for the property.
- b. Income: For demolition grants, the gross family income of applicants shall not exceed 80% of the Grand Rapids Standard Metropolitan Statistical Area (SMSA). These figures shall be calculated based on SMSA family income data provided by the Economic Market and Analysis Division of HUD. Income calculations shall be based on averaging the total previous tax year's income with the current projected year's income, based on a normal week's salary. However, if the current projected year's income exceeds the program's income standards, the applicant is ineligible for funds.
- c. Authorization and Release of Liability: All persons and/or organizations with an interest in the property must sign an "Authorization and Release of Liability" form which releases the City from any possible liability resulting from the demolition.
- d. Limit: Only one grant may be given per property owner.

C. FUNDING LIMITATIONS:

1. Maximum: The amount of the grant shall not exceed the costs of demolition of the structure plus related eligible work as defined in Section V D.

2. Contingency: Up to an additional 10 percent of the funding amount of the initial contract may be authorized by the city and the applicant as a contingency to cover unforeseen expenditures during the work. The amount shall be used to cover legitimate repair costs associated with original bid items or work specified in the contract.
3. Overages: Any work completed, not previously authorized by the City, that exceeds the contract shall be at the discretion and obligation of the owner.
4. Change Order: Change orders may be made to substitute for contracted items, with the written approval of the applicable Community Development Department staff member, owner(s) and contractor.

D. ELIGIBLE WORK:

1. Eligible Items: The following items may be removed from the site, subject to the approval of the Rehabilitation Committee:
 - a. Building structures, including decks, fences, garages or other blighted structures.
 - b. Concrete foundations, pads, floors, driveways, sidewalks, etc.
 - c. Trees, stumps, bushes, fencing, etc., located on public property.
2. Self-Help: The grant shall not be used to finance work performed by the recipient. All work shall be on a contractual basis between the recipient and a qualified contractor.

E. DEMOLITION APPROVAL AUTHORITY:

Sole approval of a demolition grant shall rest with the City. The Rehabilitation Committee shall have approval authority, by majority vote. For grants of \$8,500 or more, the Wyoming City Council must also approve the demolition.

SECTION VI

HOMEOWNER HOUSING EMERGENCY REPAIR PROGRAM

A. PURPOSE:

The Homeowner Housing Emergency Repair Program allows for the expediting of repair to those housing code violations creating a severe and immediate threat to the homeowner's health and safety while waiting for processing to correct housing code violations in the dwelling under the normal housing rehabilitation process as described in Section III.

B. ELIGIBILITY REQUIREMENTS:

1. Property: The property must satisfy the requirements of Section III(B)(1).
2. Applicant: The applicant must satisfy the requirements of Section III(B)(2), except that family income verification will be based on a preliminary reduced investigation to allow for a faster decision on the request.
3. Security Requirements: Eligible applicants must sign a mortgage or an assignment of land contract as security.
4. Limit: Emergency repair funds may not be awarded for structures previously repaired within the past 20 years through the Homeowners Housing Rehabilitation Program (Section III).

C. FUNDING LIMITATIONS:

1. Emergency Determination: An emergency repair item shall be a furnace replacement and/or a roof replacement. The Building Rehabilitation Specialist shall determine if items are an emergency and make a recommendation to the Rehabilitation Committee.
2. Other Improvements: Applicants receiving emergency repair funds will be placed at the front of the Community Development Department's waitlist and all other eligible home improvements may be addressed at that time to be included in the home rehabilitation deferred loan/grant or loan, as per Section III. The number of emergency cases per year shall be monitored to review any noticeable increases in requests.
3. Disqualification: In cases where formal verification indicates that the applicant is ineligible for funds, the emergency repair costs shall be deemed as a debt of the applicant to the City and shall become due and payable within 30 days from the date of disqualification of the application.

D. APPROVAL:

The Rehabilitation Committee shall determine and approve any emergency repair items and the amount of funding.

SECTION VII

GENERAL ADMINISTRATIVE RESPONSIBILITIES

A. COMMUNITY DEVELOPMENT COMMITTEE:

1. Purpose:

This Committee is formed to provide citizen representation to advise staff and the City Council relative to the overall Community Development Program, including in particular the Community Development Plan and the annual Community Development Applications.

2. Members:

This Committee shall have nine members, appointed by the City Council. Members shall serve for two years. However, for any City Official appointment (e.g., Council, Planning Commission), if that City Official is not reelected or reappointed to the respective City Council or Commission, then there shall automatically be a like vacancy on the Community Development Committee, with the City Council charged with appointing a replacement to complete the member's term. **Each appointed member shall sign a Conflict of Interest Attestation, stating they will agree and will comply with the Conflict of Interest Clause, Part of 24 CFR 570.611.**

When making appointments to the Committee, the Council shall strive to maintain a broadly representative Committee, but with emphasis on such groups as current and anticipated Community Development Target Area residents and businesses, lower income families, minorities, elderly, females, City Council and other City government commissions related to developmental activities. The Chair of the Committee shall be elected annually by the members, at the first meeting occurring after January 1st. The Director of Community Services shall be an ex-officio member of the Committee. The Community Development Department Administrative Secretary/Aide shall serve as Recording Secretary for this Committee.

3. Duties:

The Community Development Committee shall review and make recommendations to the City Council relative to the following items:

- a. Consolidated Housing and Community Development Plan (CHCDP): Every five years, or sooner if necessitated by changing developmental conditions, a new CHCDP is prepared by the Community Development Department staff. The Committee shall review said Plan, relative to such content as selection of project Target Areas, determination of neighborhood needs, general improvements for funding and priorities and phasing of funding.
- b. Community Development Application: Annually, the City must make application for another year's C.D. funding. The Committee shall work with the Community Development Department staff in the preparation of said application, considering in particular its appropriateness to the recommendation of the CHCDP.

- c. Rehabilitation Manual: The Rehabilitation Manual represents City policy, responsibilities and regulations relative to various Community Development rehabilitation programs. The Committee shall review the Manual, as prepared by the Community Development staff, for its appropriate relationship to items VII A-3, a-b above, overall HUD and City program objectives, and sound administrative practices.
- d. Miscellaneous Assistance: The Committee shall provide additional assistance related to the Community Development Program as requested by the City Council or the Community Development Department staff.

4. Meetings:

The Committee shall meet as needed to accomplish Committee business. Minutes shall be kept.

B. THE REHABILITATION COMMITTEE

1. Purpose:

This Committee is formed for the purpose of reviewing and approving Community Development residential loan, residential deferred loan/grant, commercial loan, homeowner housing emergency and corrective repair, and demolition applications. Review responsibilities shall include applicant eligibility, work items, costs and contractor eligibility. The Committee also makes determinations, when requested by the Director of Community Services, concerning actions to be taken relative to late loan payment cases.

2. Members:

The appointed members of this Committee shall be the Chief Building Official, the City Planner and the Director of Community Services. Each appointed member may authorize a substitute member to attend those meetings when the appointed member will be absent. The substitute member shall have the same voting privileges as the appointed member. There shall be a minimum of two appointed members and three total members at each meeting. The Director of Community Services shall serve as Chairman of the Committee.

3. Duties:

The Rehabilitation Committee shall have, but not be limited to the following duties:

- a. Committee Review: The Committee shall review all Community Development residential loan, residential deferred loan/grant, commercial loan and demolition applications and make appropriate modifications to contracts where necessary to promote the best interests of the program. Before the Committee shall approve a loan or deferred loan/grant, a minimum of two bids from qualified contractors must be received.
- b. Lowest Bidder: The Committee shall approve the lowest bidder, if qualified, to complete the work in cases of a deferred loan/grant. In loan cases, the Committee shall approve the lowest bidder, if qualified, unless the applicant requests to select a

- qualified contractor with a higher bid. This higher bid shall be approved by the Committee, provided the applicant escrows with the City prior to the execution of the contract, the difference between the low bid and the higher bid.
- c. Rebidding: Rebidding to all general contractors shall be conducted when any of the following occurs after formal bidding and prior to contract signing:
1. The applicant requests to include additional work items.
 2. The applicant requests to delete work items, which reduces the low bid by more than 20%.
 3. The applicant and City agree that there is an error in the bid specifications.
 4. If there are only two bidders on a job, and the low bidder withdraws, the applicant may request a rebid.
- d. Costs Exceeding Limits: The Committee shall have the discretion to approve a bid amount that is in excess of the maximum limits set forth in this Manual, provided that the applicant escrows with the City, prior to the execution of the contract, the difference between the maximum limits and the selected bid amount.
- e. Late Loan Payments: The Committee shall make determinations, if requested by the Director of Community Services, concerning actions to be taken in late loan payment cases.
- f. Waiver of Code Violations: The Committee shall have the discretion to waive code violations from being corrected in cases where the repair costs exceed the maximum limits for either a loan or grant, provided all serious code deficiencies are rectified and the applicant is financially unable to sustain the additional financial burden.
- g. Dilapidated Structures: The Committee shall have the discretion to determine whether any highly dilapidated structure shall be provided financial assistance. The Committee may recommend that the structure be acquired for demolition under the Community Development program or condemned by the City when it becomes vacant.
- h. Emergency Repair: The Committee shall have the authority to expend repair monies for Homeowner Housing Emergency Repairs. (See Section VI).
- i. Corrective Repairs: In instances related to the Homeowner Housing Rehabilitation Program (Section III) where construction problems may arise after closeout of the construction contract that relate either to: 1) incorrect original bid specifications to solve a specific rehabilitation problem, or 2) a contracted improvement proves faulty and the homeowner is unsuccessful in getting the contractor to rectify it, the Rehabilitation Committee may grant up to \$1,000 in Corrective Repair Funds to rectify the construction problem. However, the homeowner must make a written request for such funds within one year of the City Staff's final approval of the work from the original construction contract.

- j. Overcrowding: The Committee may approve the renovation of interior habitable space of a dwelling where there is evidence of overcrowding and a habitation violation will be rectified.
- k. Limiting Contractor Work: The Committee shall have the authority to remove a contractor from the bidders list if a contractor is exhibiting poor job performance or other violations of the Rehabilitation Manual. The Committee shall limit contractors to no more than five rehabilitation contracts at one time. The Community Development Department staff may not send out bids to any contractor having five contracts. If a contractor has fewer than five contracts, but is low bidder on sufficient rehabilitation jobs to result in the possibility of more than five jobs under contract, the homeowner(s) whose contract(s) would represent more than five to the contractor shall have the option of waiting for the contractor to complete other work to stay under the limit or to accept the price of the next lowest bidder.
- l. Waiver Clause: The Committee shall have the authority, based on unanimous decision, to waive any standards and requirements in any of the housing and commercial rehabilitation programs in instances where it determines that an emergency situation exists or where the waivers are of a type determined by the Committee to be within the overall intent of the programs. For any waiver granted, the specific description of the waiver and the reasons for it shall be indicated in the minutes of the Committee.

C. COMMUNITY DEVELOPMENT DEPARTMENT STAFF:

1. Director of Community Services:

- a. Function: The Director is charged with the overall management of the Department, including staffing and performance of the Community Development program.
- b. Sample Duties:
 - 1 Liaison with HUD, City Council, Community Development Committee, Rehabilitation Committee, other City Departments and Committees, and citizens.
 - 2. Overall planning, administration and implementation of all Community Development activities.
 - 3. Chairperson of the Rehabilitation Committee.

2. Administrative Secretary/Aide:

- a. Function: This position serves the Director of Community Services in various administrative aspects of the C.D. Program, particularly relative to satisfying HUD administrative paperwork. This position processes applications for structural rehabilitation loans and deferred loan/grants in the Department's Rehabilitation Programs (Sections III - VI).
- b. Sample Duties:

1. Maintains current knowledge of HUD Community Development Program requirements.
2. Assists in satisfying HUD administrative paperwork and reporting requirements.
3. Assists applicants in preparing the necessary forms for structural rehabilitation loan and deferred loan/grants.
4. Verifies the correctness of the applicant information, including financial qualifications and performs other required verifications.
5. Prepares the documentation and assists the Rehabilitation Committee in its determination relative to the qualifications of the applicant for funding.
6. Monitors repayment of loan monies, giving special attention to delinquent accounts.
7. Acts as the Recording Secretary of the Community Development Committee.

3. Building Rehabilitation Specialist:

- a. Function: The primary function of this position is to operate the structural inspection and rehabilitation aspects of the Department's Rehabilitation Programs (Sections III-VI).
- b. Sample Duties:
 1. Performs code inspections for the Community Development Program.
 2. Qualifies contractors.
 3. Prepares construction specifications and other documents related to job bidding and the structural rehabilitation aspects of the Residential Rehabilitation Program.
 4. Monitors contractor performance through job completion.
 5. Works with the general contractor and property owner to resolve construction problems.

D. REHABILITATION PROGRAM LOAN RECIPIENT:

1. Responsibilities:

The property owner who receives a loan or deferred loan/grant, has duties and responsibilities to insure that the repair work under the structural rehabilitation program (Sections III-VI) is a successful improvement undertaken with the full consent and satisfaction of the owner. These duties and responsibilities include:

- a. Asking questions to obtain a complete understanding of the program and its eligibility requirements, maximum fund limitations, and eligible repairs.
- b. Assisting the Administrative Secretary/Aide in confirming income, assets, and other required verification by providing employer, wage, dependent, bank, and other information.
- c. Carefully reviewing the work write-up prior to the bidding process and at the time of the preconstruction meeting, so that the nature and procedure of repair is fully understood.
- d. Working with the contractor and the C.D. Office in resolving any disagreements in a timely and equitable manner.
- e. Repaying loans or deferred loan/grants according to the contract agreement.

E. REHABILITATION CONTRACTOR:

1. Responsibilities:

Any contractor who participates in the structural Rehabilitation Programs is performing a vital role in improving the appearance, quality and longevity of structures in Wyoming. The contractor is an integral part of a team which is also composed of the Director of Community Services, Administrative Secretary/Aide, Building Rehabilitation Specialist, Rehabilitation Committee and the loan or deferred loan/grant recipient. Each participant must perform their expected function conscientiously and in a responsible manner so that unnecessary costs, construction delays, poor workmanship and other problems can be avoided. Contractor responsibilities may be amended from time to time in response to City of Wyoming and H.U.D. requirements. At a minimum, the contractor should realize this contribution and accept the duties and responsibilities which shall include:

- a. Inspecting the property for necessary repairs prior to submitting a bid proposal. This will reduce change orders and problems which can result from misinterpretations. Proposed repairs which the contractor is not technically familiar with should be inspected by the appropriate sub-contractor.
- b. Insuring that all workers and sub-contractors have the proper training, skills and certification.
- c. Supervising the workers and sub-contractors to insure that work is completed on time and in accordance with acceptable construction standards and procedures.
- d. Contacting the Community Development Office regarding any necessary contract revisions, change orders, or overages. The contractor must receive written permission before providing any additional work or materials.
- e. Taking pride in the job, regardless of the social or economic conditions of the property owner, or that governmental assistance is involved.

- f. Making sure the job site is kept as neat as possible while work is in progress, disposing of unused or discarded materials and cleaning the work site when the job is completed.
- g. Cooperating with the property owner and Community Development Department in resolving problems or complaints.
- h. If low bidder on a project, the contractor shall accept the job, unless the contractor provides a written bid withdrawal to the Rehabilitation Committee, stating the reasons therefore. If the job is rebid, the contractor may not submit a rebid. If the Rehabilitation Committee feels that a contractor has been misusing this privilege, it may disqualify the contractor from the program.

2. Minimal Qualifications for Selection

- a. Possessing a Residential Builders License, with experience in more than one type of residential construction.
- b. At least \$25,000 in annual gross personal income for each of the last two years from residential repair or construction work.
- c. Within the last two years, have completed:
 - at least 20 home repair jobs costing at least \$150,000 or
 - at least 6 new home construction jobs; or
 - any appropriate combination of the above, but no less than ten jobs.
- d. As a general contractor, have utilized at least 20 subcontractor contracts.

3. Application Materials:

- a. A copy of the organization's IRS profit and loss statements from the last two years. (Signed form 1040 – Schedule C or Form 1065.)
- b. A proper insurance certificate showing minimum coverage of workman's compensation protection of \$500,000 per occurrence, bodily injury of \$1,000,000 per person and per occurrence and property damage of \$1,000,000 per occurrence. An Indemnification Agreement must also be signed.
- c. A detailed two year work/training history.
- d. Information concerning any pending lawsuits concerning construction work.
- e. Consent to have the City perform a personal credit review.
- f. Ten residential construction references.
- g. Two business/supplier references.

- h. A list of subcontractors intended to be used for electrical, heating, and plumbing work.
 - i. A DUNS number (Data Universal Numbering System) must be submitted.
 - j. A City of Wyoming Business License must be obtained.
4. Staff Investigation:
- a. Michigan Department of Licensing and Regulation, Grand Rapids Branch
 - b. Better Business Bureau
 - c. Area Rehabilitation/Inspection Departments
 - d. Wyoming Building Inspections Department
 - e. Credit Bureau
 - f. HUD Debarred Contractors List
5. Conditions for Continued Contracting:
- a. The contractor will be on probation status until three jobs are satisfactorily completed. No more than three jobs may be undertaken during this probation period.
 - b. The contractor must follow all rules as stated in the Rehabilitation Manual.
 - c. A contractor may be disqualified from the Program for poor performance, as determined by the Rehabilitation Committee.
 - d. If disqualified from the housing rehabilitation program, the contractor may not reapply for 12 months.
 - e. A contractor may be disqualified for failure to bid on at least 25% of all rehabilitation jobs bid each fiscal year.

SECTION VIII

APPEALS PROCEDURE

A. PURPOSE:

This Section describes an appeals procedure for anyone not satisfied with decisions made by the Rehabilitation Committee or the Community Development Department Staff involving a Community Development Block Grant administration program.

B. BASIC RIGHTS AND RULES:

1. Right to Appeal:

A person may file an appeal in any case in which he/she believes that any person or group involved with a Community Development Program has made an unsatisfactory decision.

2. Right to Representation:

The appellant has the right to be represented by legal counsel and to be accompanied by an advisor, attorney or other representative in any personal appearance in connection with the appeal, but solely at the appellant's own expense.

3. Order of Appeal:

The appellant's request for an appeal must be in writing. It should be presented to the person or group who made the decision (see "Tier Chart"). The appellant may appeal a decision up the tier, one tier at a time, to the level deemed necessary.

4. Timing of Appeal:

Appeals of decisions made in the Community Development Program should be made within 30 days of the decision, except that complaints about completed rehabilitation work may be submitted to the City at any time within one year from the final inspection date of the rehabilitation project.

5. Content of Appeal:

The appeal request should be in letter form. It should include, at a minimum, the name of the appellant, the nature of the appeal and any available explanation details, such as dates and names of any persons or organizations involved.

6. Review of Files:

The Community Development office shall permit the person making a complaint or appeal to inspect and copy all files and records pertinent to his/her case, except materials deemed by the Director to be confidential. A Freedom of Information Act request must be made through the City Clerk's Office for copies of materials. The Community Development office shall send copies of pertinent information to higher tier persons or groups.

C. REVIEW, DETERMINATION AND NOTIFICATION:

1. Scope of Review:

All persons or groups in the appeal process shall review an appellant's request based on the following considerations:

- a. All applicable rules and regulations.
- b. All material submitted.
- c. All material upon which the appeal is based.
- d. Any other available information needed to insure a fair and full review.

2. Scope of Determination:

A written determination by the persons or groups in the appeal process shall include, but need not be limited to, the following:

- a. The person's or group's decision.
- b. The basis upon which the decision was made.
- c. A statement on how any relief will be provided, if applicable.

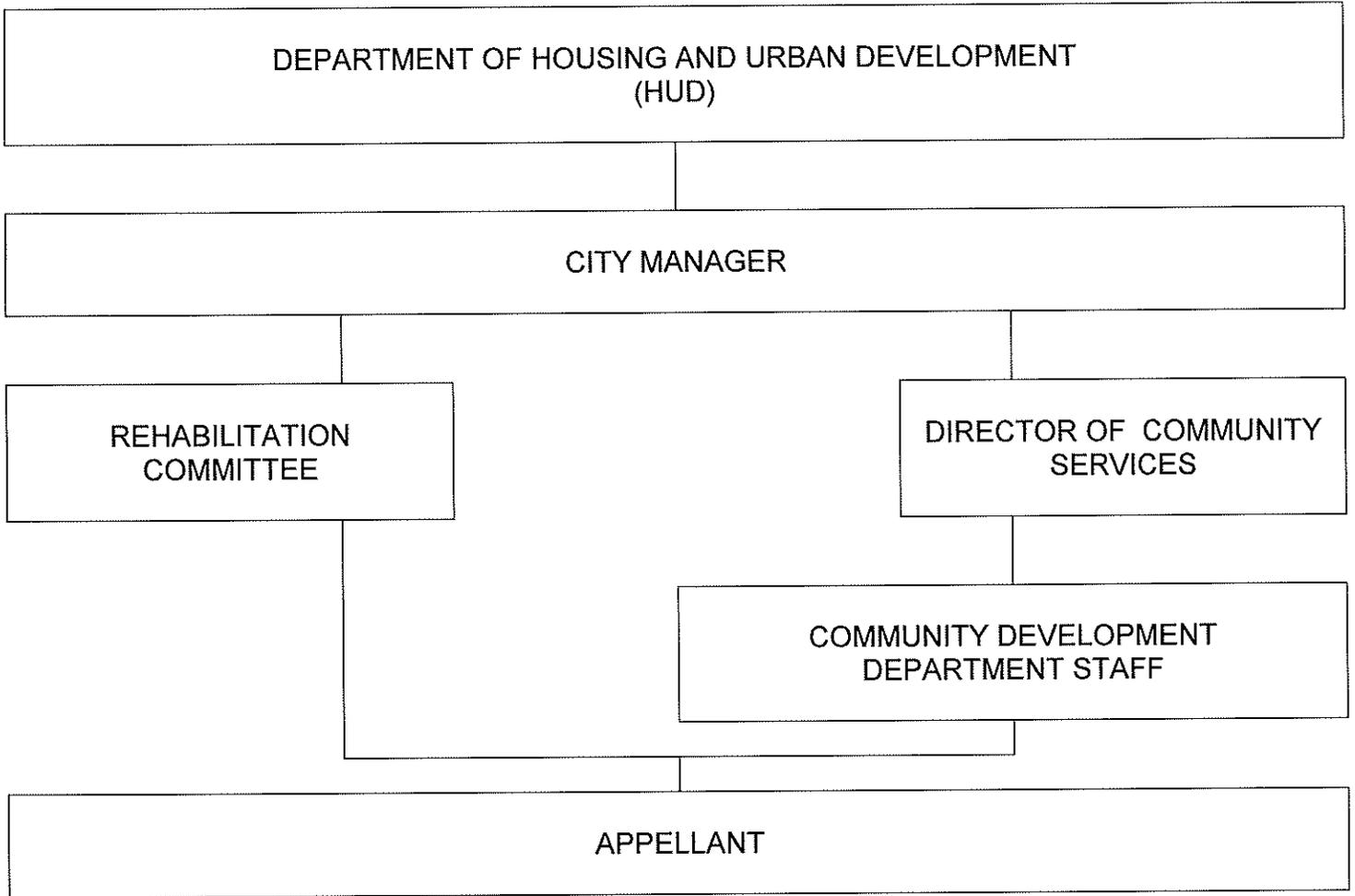
3. Timing and Notification:

The person or group involved in the appeal process shall make a written determination on each appeal within 30 days after receipt of the appeal request and shall furnish the appellant a copy of the decision.

D. JUDICIAL REVIEW:

Nothing in this section shall in any way preclude or limit an appellant from seeking judicial review of an appeal after exhaustion of such administrative remedies as are available under this Section.

COMPLAINT AND APPEALS TIER CHART



SECTION IX

HOMEOWNER HOUSING REHABILITATION PROGRAM ADMINISTRATION

A. INTRODUCTION:

This section is an overview of the administrative aspects of the Homeowner Housing Rehabilitation Program (Section III).

B. APPLICATION PROCESS:

1. Potential Applicants:

Potential applicants shall be notified of the opportunity to participate in the program through the use of mass mailing of pamphlets, meetings, newspapers and other advertising measures.

2. Applicant Waitlist:

Interested applicants shall notify the Administrative Secretary/Aide who shall record their name, address, telephone number and date of inquiry.

3. Selection of Applicants:

Applicants will be prioritized from the Applicant Waitlist by date of inquiry, except that shifts from the priorities may be made based on severity of need (e.g., emergency repairs such as a major wintertime roof leak or an irreparable furnace).

4. Eligibility Verification:

The Administrative Secretary/Aide shall verify the applicant's eligibility for assistance. The following checks will be performed:

- a. Title Search - Verification of property ownership
- b. Income Check - Verification of all sources of family income.
- c. Asset Check - Verification of savings and other assets.
- d. Credit Report - Confirmation of credit history of the applicant.
- e. Assessed Valuation Check - Determination of the current value of the property, property taxes owed, age of property and zoning classification.
- f. Employment Verification – Confirmation of employment status, history and current wage rate.
- g. U.S. Citizenship Verification – Signed confirmation by all household members of U.S. citizenship and/or legal residency.

5. Inspection:

A detailed inspection shall be done by the Building Rehabilitation Specialist.

6. Write-Up:

The Building Rehabilitation Specialist shall develop a work write-up which identifies the required work to be done with an estimate of costs involved.

7. Applicant Approval of Write-Up:

The applicant may then decide whether to continue with the application by approving the write-up.

8. Work Write-Up Review:

After eligibility has been verified, the amount and type of funds shall be determined. The work write-up may have to be changed, due to program funding limitations. The Building Rehabilitation Specialist will review and revise the work write-up if necessary.

9. Applicant's Final Approval of Work Write-Up:

The applicant shall review and approve the work write-up prior to bidding.

C. BIDDING AND APPROVAL PROCESS:

1. Prequalified Bidders:

The Administrative Secretary/Aide shall develop and maintain a prequalified contractors list which requires the approval of the Rehabilitation Committee.

The following checks are made to qualify contractors:

- a. Credit status
- b. Better Business Bureau Records
- c. Other municipalities' records
- d. City Building Department Inspectors
- e. State license
- f. Business performance
- g. Client references

Contractor application packets will be sent to the Small Business Administration, the West Michigan Minority Contractors Association and Section 3 Certified Contractors in an effort to take necessary affirmative steps to assure that minority firms, women's business enterprise, and labor surplus area firms are used when possible.

2. Bid Mailing:

Bid requests shall be sent to those contractors who have been prequalified.

3. Bid Openings:

The sealed bids will be received, publically opened and read by the City Clerk's Office, using standard City bidding procedure.

4. Contractor and Subcontractor Verification:

The Administrative Secretary/Aide shall check HUD's System for Award Management to verify debarment or excluded status **prior to contract award.**

5. Application Approval by City:

The Administrative Secretary/Aide shall prepare and present the final application and supporting materials to the Rehabilitation Committee for review. The Rehabilitation Committee shall review the application based on the applicant's eligibility, the work items to be done, the cost of the work and the eligibility of the contractor.

D. FINANCIAL SETTLEMENT:

1. Required Documents:

After obtaining Rehabilitation Committee approval, a financial settlement is held. The following documents shall be prepared by the Administrative Secretary/Aide and then received and signed as applicable, during the financial settlement meeting:

- a. Approved Application by Rehabilitation Committee
- b. Order to Proceed
- c. Truth in Lending
- d. Promissory Note
- e. Opportunity to Rescind
- f. Mortgage
- g. Contract
- h. Work Write-up

2. Contractor's Signature:

If the contractor cannot attend the financial settlement, the Building Rehabilitation Specialist shall obtain the signature of the contractor on the construction contract.

E. CONTRACT MANAGEMENT:

1. Proceed Order:

The Administrative Secretary/Aide shall forward the signed contract, work write-up and proceed order to the contractor and applicant.

2. Permits and Final Permit Inspections:

The Building Rehabilitation Specialist shall confirm that the contractor has obtained all required permits prior to commencement of the project.

3. Periodic Inspections:

The Building Rehabilitation Specialist shall make as many periodic inspections as may be required to insure the quality of the work.

4. Lead-Based Paint Poisoning Prevention in Certain Residential Structures:

The Building Rehabilitation Specialist shall perform lead risk assessments and clearances and regularly test to make sure contractors use lead-safe work practices and that occupancy protections are properly carried out.

5. Final Inspection:

After notification from the contractor that all work has been completed, the Building Rehabilitation Specialist will make a final inspection.

6. Applicant's Approval Statement:

Upon approval of the work, the Building Rehabilitation Specialist will obtain the applicant's approval of the completed work.

7. Contractor's Payment Request:

The Building Rehabilitation Specialist will notify the Administrative Secretary/Aide that payment may be given by submitting the following to the Administrative Secretary/Aide:

- a. Contractor's invoice
- b. Final Inspection/Completion Report
- c. Applicant's Approval Statement
- d. Loan Adjustment (if needed)

F. CASE CLOSE OUT AND REQUIRED RECORDS:

1. Invoice Submittal:

The Administrative Secretary/Aide shall submit the invoice for payment.

2. Loan Adjustment:

If the contingency amount of the loan agreement is not used (10% of construction costs), a loan adjustment is prepared by the Administrative Secretary/Aide, removing this amount from the mortgage balance. The signed original of the loan adjustment will be filed with the Clerk and shall supersede the mortgage and promissory note amount. A copy of the loan adjustment shall be sent to the Treasurer's Office, which shall receive the monthly loan payments.

4. Master Servicing File:

The recorded mortgage, promissory note and loan adjustment (if needed) shall be sent to the City Clerk's office for filing in their Master Servicing File.

5. Close Out Documents:

The Administrative Secretary/Aide shall close out the file by preparing a file cover sheet and checking that the following documents are in the file for HUD auditing purposes:

- a. Finalized Rehabilitation Application
- b. Draft Work Write-up and letter, signed only by homeowner
- c. Final Work Write-up
- d. Invoices, Purchase Orders and Change Orders (if any)
- e. Owners Completion
- f. Inspection Report
- g. Loan Adjustment (if applicable)
- h. Recorded Mortgage
- i. Promissory Note
- j. Title Search
- k. Assessor's Card
- l. Legal Documents (if any)
- m. Bid Tab
- n. Approved Bid
- o. Order to Proceed
- p. Contract Agreement
- q. General Agreement
- r. Truth in Lending
- s. Racial /Ethnic/Woman Contract & Subcontract Activity
- t. Affidavit of Contractor
- u. Original Application/Screening Questionnaire/Citizenship Verification

- v. Lead Based Paint/Environmental Protection Act Forms
- w. Income Verification/Financial Eligibility Information
- x. Warranty Information
- y. Historic Form
- z. Statistical Questionnaire
- aa. Lead Based Paint Report
- bb. Contractor Verifications
- cc. Environmental Review

G. MONTHLY LOAN PAYMENTS:

The Administrative Secretary/Aide shall send monthly billing statements the 15th day of each month to borrowers with outstanding loan balances. Payments are received by the Treasurer's Office and the payment records are forwarded to the Administrative Secretary/Aide for posting in the LA Pro database, which is the master database for the Housing Rehabilitation Program. The Administrative Secretary/Aide is responsible for the maintenance of this master database which contains all loans and deferred loans/grants information.

H. LATE LOAN PAYMENTS:

The actions described below will be taken when a loan recipient is delinquent with loan payments:

1. Routine Actions:

- a. Borrowers with outstanding loan balances are notified of past due amounts on a monthly basis on their billing statement.
- b. Delinquent Report: A report of loan delinquencies will be drafted by the Administrative Secretary/Aide and presented to the Committee on an annual basis. Following review of the report, the Committee may require collection actions to be taken.

2. Other Actions:

- a. Collection: The Committee may initiate any legal action, other than foreclosure, which is deemed necessary to affect collection (eg., temporarily reduce the payments, defer payments, extend the loan, small claims court, wage garnishment, calling the note).
- b. Foreclosure: If foreclosure procedures are deemed necessary, the Committee may recommend such action to the City Council for their approval.

I. SUBORDINATION:

A borrower may receive one subordination of the City's mortgage to a new or refinanced mortgage from a financial institution for any reason, provided that "cash out" does not exceed \$7,000 and the new debt-to-value is no more than 90%. A second subordination will only be considered if there is no cash out and there is an interest rate reduction of at least 1.0%. A charge of \$50 will be assessed to defer the city's costs for the subordination processing.

SECTION X

COMMERCIAL REHABILITATION PROGRAM ADMINISTRATION

A. INTRODUCTION:

This Section is an overview of the administrative aspects of the Commercial Rehabilitation Program (Section IV).

B. APPLICATION PROCESS:

1. Potential Applicants:

Potential applicants shall be notified of the opportunity to participate in the program through newspapers, meetings, door-to-door outreach and other advertising measures.

2. Applicants:

Interested applicants shall notify the Administrative Secretary/Aide.

3. Work Write-Up:

The applicant shall submit a work write-up listing the improvements requested for loan monies. The Administrative Secretary/Aide shall verify the loan eligibility of the improvement items.

4. Final Work Write-Up:

The Building Rehabilitation Specialist will assist in drafting plans and writing specifications if requested, but only in instances where an architect is not required to submit plans for obtaining a building permit. Plans must be approved by the applicant.

5. Eligibility Verification:

The Community Development Coordinator shall verify the applicant's eligibility. The following checks will be performed:

- a. Credit Report
- b. Financial Report
- c. Profit & Loss Report (for loans over \$10,000)
- d. Income Tax Report (for loans over \$10,000)

6. Pre-Application Approval by Applicant:

The applicant shall approve the pre-application. The Rehabilitation Committee shall review the pre-application, based on the applicant's eligibility and the work to be done.

C. BIDDING AND APPROVAL PROCESS:

1. Bid Packages:

A bid package will be prepared by the Administrative Secretary/Aide. The bid package shall contain:

- a. Plans or Work Write-Up
- b. Sample contract
- c. Federal Regulations
- d. Required wage rates
- e. Required City specifications
- f. Bid Proposal form

2. Applicant Receipt of Bids:

The applicant shall send out and receive bids from contractors of his choice. Two or more bids shall be obtained. The applicant shall select a contractor and submit the selection to the Administrative Secretary/Aide along with bid information from at least one other bidder.

3. Applicant Approval of Final Application:

The applicant shall approve the final application form.

4. Final Application Approval by City:

The Rehabilitation Committee shall review the final application, considering in particular any changed work items, the final cost of the work and the selected contractor.

D. FINANCIAL SETTLEMENT:

1. Required Documents:

The following documents shall be received and signed, as applicable, during the financial settlement meeting:

- a. Order to Proceed
- b. Truth in Lending
- c. Promissory Note
- d. Opportunity to Rescind
- e. Mortgage
- f. Contract

2. Contractor's Signature:

The Building Rehabilitation Specialist shall obtain the signature of the contractor on the contract.

E. CONTRACT MANAGEMENT:

1. Proceed Order:

The proceed order shall be sent to the contractor.

2. Building Permits:

The Building Rehabilitation Specialist shall obtain a copy of any required building permits

3. Non-Permit Items - Final Inspection:

After notification from the contractor that all non-permit items are completed, the Building Rehabilitation Specialist will make a final inspection.

4. Permit Items - Final Inspection:

After notification from the contractor that all permit items are completed, the Building Inspections Office will make a final inspection.

5. Applicant's Approval Statement:

The Building Rehabilitation Specialist will obtain the applicant's approval statement.

6. Contractor's Payment Request:

The following shall be received prior to processing the contractor's payment request:

- a. Invoice
- b. Final Inspection and Owners Completion Reports
- c. Loan Adjustment (if needed)

F. CASE CLOSE OUT AND REQUIRED RECORDS:

The Administrative Secretary/Aide shall be responsible for the case close out and required records according to the guidelines mentioned in Homeowner Housing Rehabilitation Program Administration (Section IX).

G. LATE LOAN PAYMENTS:

The same procedure concerning late loans will be used as stated in Homeowner Housing Rehabilitation Program Administration (Section IX).

H. SUBORDINATION:

A borrower may receive one subordination of the City's mortgage to a new or refinanced mortgage from a financial institution for any reason, provided that "cash out" does not exceed \$7,000 and the new debt-to-value is no more than 90%. A second subordination will only be considered if there is no cash out and there is an interest rate reduction of at least 1.0%. A charge of \$50 will be assessed to defer the city's costs for the subordination processing.

SECTION XI

DEMOLITION PROGRAM ADMINISTRATION

A. INTRODUCTION:

This Section is an overview of the administrative aspects of the Demolition Program (Section V).

B. APPLICATION PROCESS:

1. Potential Applicants:

Interested applicants should notify the Administrative Secretary/Aide, who shall pre-qualify the project based on proof of ownership, a field inspection by the Building Rehabilitation Specialist, and review of the program requirements.

2. Demolition Work Write-Up:

The Building Rehabilitation Specialist shall develop a detailed demolition work write up which identifies the required demolition work to be done, including the structures, foundations, trees and other items to be removed.

3. Applicant Approval of Work Write-Up:

The applicant shall approve the demolition work write-up.

C. BIDDING AND APPROVAL PROCESS:

1. Pre-Qualified Bidders:

The Building Rehabilitation Specialist shall pre-qualify contractors and maintain a demolition contractors list. However, contractors may be removed from the list, by action of the Rehabilitation Committee, based on poor performance. A State license is required for residential demolitions. The experience of the contractor shall determine qualifications for commercial demolition.

2. Bid Mailings:

Bid requests are sent to contractors on the demolition contractors list.

3. Bid Openings:

The sealed bids will be received, publically opened and read by the City Clerk's Office, using standard City bidding procedure.

4. Applicant Approval of Final Application:

The Building Rehabilitation Specialist shall obtain final approval of the applicant on the final application form.

5. Application Approval by City:

The Rehabilitation Committee shall review the application, the work items, the cost of the work and the contractor prior to approving the demolition project.

D. SETTLEMENT DOCUMENTS:

1. Required Documents:

The following documents must be executed by the applicant if the demolition project is not part of a commercial improvement project:

- a. Waiver of Claim to Personal Property
- b. Authorization and Release for the Removal of Real Property
- c. Proceed Order
- d. Contract

2. Contractor's Signature:

The Administrative Secretary/Aide shall obtain the signature of the contractor on the construction contract.

E. CONTRACT MANAGEMENT:

1. Utilities:

The Building Rehabilitation Specialist shall verify appropriate utility displacement. However, full responsibility for utility shut off or removal, as appropriate, shall rest with the owner and contractor prior to work being started.

2. Proceed Order:

The Administrative Secretary/Aide shall forward the contract and Proceed Order to the contractor and applicant.

3. Demolition Permit:

The contractor shall obtain the proper permit from the Building Inspections Office.

4. Project Management:

Any problems during the demolition work are to be worked out with the Building Rehabilitation Specialist, and/or the Building Inspections Office, as appropriate.

5. Final Inspection:

After notification from the contractor that all work has been completed, the Building

Rehabilitation Specialist shall do a final inspection.

6. Applicant's Approval Statement:

Upon doing the final inspection and the approval report, the Building Rehabilitation Specialist shall obtain the applicant's written approval of the demolition work.

7. Contractor's Payment:

A request for payment will not be processed until the following executed documents are received:

- a. Contractor's invoice
- b. Final Inspection Completion form
- c. Applicant's Approval statement

F. CASE CLOSE OUT AND REQUIRED RECORDS:

1. Submittal of Invoice:

The Administrative Secretary/Aide shall submit the invoice for payment.

2. Master Demolition File:

A record shall be posted to the file of the completed demolition work.

3. Close Out Documents:

The Administrative Secretary/Aide shall close out the case file by preparing a file cover sheet and checking that the following documents are in the file:

- a. Owner's request letter
- b. Inspection's "Dangerous Building" form, if applicable
- c. Approved application
- d. Contract
- e. Demolition Work Write-Up
- f. Invoices, Purchase Orders and Change Orders (if applicable)
- g. Proceed Order
- h. Inspections Report
- i. Applicant's Approval Statement

j. Environmental Review

SECTION XII

HOMEOWNER HOUSING EMERGENCY REPAIR PROGRAM ADMINISTRATION

A. INTRODUCTION:

This Section is an overview of the administrative aspects of the Homeowner Housing Emergency Repair Program (Section VI). The same administrative guidelines as discussed in Section IX (Homeowner Rehabilitation Administration) of this Manual shall apply for this Program, except for the additional waiver allowances listed below.

B. WAIVER ALLOWANCES:

Under emergency conditions, the Rehabilitation Committee may waive formal eligibility procedures and the formal bidding process. The work may be assigned by the Building Rehabilitation Specialist to a qualified contractor who can accomplish the job in a timely manner. Additional non-emergency repairs must meet the administrative guidelines as discussed in Section IX (Homeowner Rehabilitation Administration).

APPENDIX A

CLASSIFICATION OF ELIGIBLE WORK ITEMS

REHABILITATION PROGRAMS III, IV, VI

A. INTRODUCTION:

For a rehabilitation project, the Building Rehabilitation Specialist will make a determination on a final list of eligible work items using this classification system. In the event that all items on the list cannot be repaired due to maximum loan limits, deletions will be made based on the following described criteria. Severe code violations will not be deleted. Deletions of other items and/or violations shall be made in the following order:

1. General Improvement Items
2. Garage Repairs
3. Incipient Code Items
4. Code Violations

B. WORK ITEM CLASSIFICATIONS:

1. General Improvement Items:

These are improvements to residential property, other than code or incipient code items, that relate to the primary dwelling. Final approval of all general improvement items will be made by the Rehabilitation Committee.

Ineligible general improvement items include, but are not limited to:

Barbecue Pit	Kennels
Bath House	Tree Surgery (Other than a hazardous condition)
Burglar Alarms and Bars	Swimming Pools
Dishwashers	T.V. Antenna
Flower Boxes	
Green Houses	

2. Garage Repairs:

These are any item qualified under the Homeowner Housing Rehabilitation Program (Section III, Part E), except for general improvement items. Any new siding or roofing materials must match those on the house where feasible.

3. Incipient Code Items:

These are code items that, in the opinion of the Building Rehabilitation Specialist, will likely deteriorate into actual code violations in the near future.

4. Code Violations:

These are City Property Maintenance Code Violations not covered under the "Severe Code Violations" classification.

Included in this category shall be items required under the Michigan Building Code (MBC) and Michigan Residential Code (MRC), and Michigan State Energy Code to insure the adequate and efficient conservation of energy.

5. Severe Code Violations Listing:

These are City Housing Code violations that directly and immediately endanger the public health, safety and welfare. The following sections explain those situations considered to be extreme. These repairs must be done prior to that of any other repairs or improvements.

- a. ELECTRICAL: An electrical deficiency shall be deemed severe if it contributes to any of the following:
1. Severe over-loading.
 2. Non-insulated wiring in close proximity to heat runs, plumbing systems or appliances.
 3. Completely failed system.
 4. Failed system connected to electrically operated heating plants.
 5. Unprotected (not fused or no breaker) circuits.
 6. Ungrounded or improperly grounded circuits or systems.
 7. Outlets, switches or fixtures that contribute to immediate shorts, shocks, sparks or possible fire.
 8. The accumulation of water near electrical equipment appliances or fixtures.
- b. PLUMBING: A plumbing system deficiency shall be deemed severe if it contributes to any of the following:
1. Severely leaking supply lines.
 2. Severely leaking or obstructed waste lines, vents or traps.
 3. Lack of an operable flush toilet.
 4. Lack of operable washing and/or bathing facilities.
 5. Cross connection of supply and waste lines.

6. Failed septic tanks and dry wells.
 7. Water heaters that are unsafe due to: a leaking heat exchanger or tank, lack of proper or obstructed venting, connection to an unsafe fuel supply, inoperable or lack of proper safety valves, switches or other safety controls.
 8. Any plumbing system deficiency causing a sewer gas leak into the interior of the structure.
- c. HEATING: A heating system deficiency shall be deemed severe if it contributes to any of the following:
1. Burned or rusted out heat exchanger.
 2. Obstructed or lack of proper venting.
 3. Connection to an unsafe fuel supply.
 - 4) Inoperable or lack of proper safety valves, switches and other safety controls.
 - 5) Incapable of adequately heating the living space.
- d. STRUCTURAL: A structural deficiency shall be deemed severe if it contributes to any of the following:
1. The structural system (walls, chimney, roof, foundation, ceilings and floors) not safely carrying design imposed loads- or exhibiting extensive sagging due to material decay, fracturing or improper design.
 2. The structural system in potential danger of collapse
 3. The structural materials being excessively deteriorated or damaged allowing animals or excessive amounts of water to enter the interior of the structure, excluding open porches or steps.
 4. Water drainage causing significant damage or seepage into the structure.
- e. SANITATION: A sanitation deficiency shall be deemed severe if it contributes to any of the following:
1. The presence of sewage above ground level from a failed or improperly maintained septic or other waste system.
 2. Dangerous infestation of the structure or exterior from insects or rodents.
 3. The dangerous accumulation of litter, garbage, debris or abandoned vehicles, endangering the occupants of the dwelling unit or other structures.

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PAYMENT OF THE
COMMUNITY PUBLIC WATER SUPPLY FEE

WHEREAS:

1. The City of Wyoming owns and operates the Donald K. Shine Drinking Water Plant which serves the potable water needs of its residents and those of its wholesale customer communities.
2. Under authority of Public Act 399 of 1976 as amended, the State of Michigan is authorized to collect an annual fee from all community public water suppliers in the State of Michigan.
3. The fee for each public water supply, as shown on the attached fee schedule is determined by the size of the water system, specifically the number of residents being serviced by the water supply.
4. An annual fee for the City of Wyoming is due on November 30 of each year and the payment of the fee is an annual requirement by law for all operating community public water supplies.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby authorize annual payments to the State of Michigan Department of Environmental Quality for the community public water supply fee as required by law and authorizes the City Manager to authorize future annual payments in accordance with budget authorization.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

ATTACHMENTS:

DEQ Invoice
Fee Schedule

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

Michigan Dept of Environmental Quality
RESOURCE MANAGEMENT
Office of Drinking Water & Municipal Assistance
INVOICE



Issued under authority of Public Act 399 of 1976 as Amended
Failure to submit payment by the date due will result in a penalty as prescribed by law.
Community Public Water Supply Annual Fee

C0016498 Ref No: 07220
CITY OF WYOMING
DOOLEY, WILLIAM D.
2660 BURLINGAME AVE., S.W.
WYOMING, MI 49509

Invoice Number: 838057
Invoice Date: October 30, 2013
Payment Due: November 30, 2013

CITY OF WYOMING
DOOLEY, WILLIAM D.
2660 BURLINGAME AVE., S.W.
WYOMING, MI 49509

If you have any questions, please call 517-284-6511.

PAY ONLINE, visit <https://www.thepayplace.com/mi/deq/comm>
NEW OPTION TO PAY BY CREDIT OR DEBIT CARD (as well as e-check)

Invoice Item	Quantity	Unit Cost	Total Cost
WSSN: 07220; WYOMING	1	\$16,842.81	\$16,842.81

Payment Due: November 30, 2013

Total:	\$16,842.81
Tax:	\$0.00
Total Invoice:	\$16,842.81

PAY ONLINE, visit <https://www.thepayplace.com/mi/deq/comm>

MAKE CHECK OR MONEY ORDER PAYABLE TO: STATE OF MICHIGAN

TO ENSURE PROPER CREDIT, SEND THIS PORTION WITH PAYMENT TO:

Michigan Dept of Environmental Quality
Cashiers Office - COMM

PO Box 30657
LANSING, MI 48909-8157

(Please note or make any mailing corrections below)

CITY OF WYOMING
DOOLEY, WILLIAM D.
2660 BURLINGAME AVE., S.W.
WYOMING, MI 49509

C0016498 Ref No: 07220

INVOICE NO:
838057

RMD COMM

For Cashier's Use Only:

Fee Schedule Community Water Systems

The Safe Drinking Water Act, 1976, P.A. 399 as amended, requires an annual fee for each community water system based on the following classifications:

Fee Schedule 2014 Community Water Supply Program			
Population Served	2014 Full Fee	Credit Adjustment	Adjusted 2014 Fee
More than 500,000	\$133,103.17	\$4,791.71	\$128,311.46
100,001-500,000	\$27,637.19	\$994.94	\$26,642.25
50,001-100,000	\$17,471.79	\$628.98	\$16,842.81
25,001-50,000	\$10,324.25	\$371.67	\$9,952.58
10,001-25,000	\$5,558.78	\$200.12	\$5,358.66
5,001-10,000	\$3,017.86	\$108.64	\$2,909.22
1,001-5,000	\$1,270.68	\$45.74	\$1,224.94
401-1,000	\$794.19	\$28.59	\$765.60
101-400	\$635.34	\$22.87	\$612.47
25-100	\$397.09	\$14.30	\$382.79

PENALTY: After November 30, 2013, a penalty of 9 percent per annum on the unpaid balance is applied to the amount due. This invoice does not reflect any prior outstanding balances and/or late fees.

ANNUAL FEE ADJUSTMENT: The fee is adjusted annually based on the Detroit Consumer Price Index (CPI). Last year's rate was 3.3 percent.

CREDIT ADJUSTMENT: At the end of the fiscal year, 75 percent of unspent fee revenue from previous annual fee payments is applied as a credit on a pro rata basis to the fee the following year.

NOTE:

- NEW is the ability to make this payment with a credit or debit card as well as e-check. Visit our website at: <https://www.thepayplace.com/mi/deq/comm>
- If paying by check, please return the portion of the invoice indicated to receive proper credit.
- A written explanation is required to effect any change in the amount due.
- All changes to the amount due are subject to verification.

Any questions about invoices for community water systems please call (517) 284-6511.

RESOLUTION NO. _____

A RESOLUTION TO AWARD THE WYOMING SENIOR MULTI-PURPOSE ROOM
RENOVATION BID AND TO AUTHORIZE A BUDGET AMENDMENT
FOR THE PROJECT

WHEREAS:

1. The Wyoming Senior Center's Multi-Purpose Room has not been improved since its construction in 1977 and is now in need of renovation.
2. Eight bids were received for the renovation project ranging from a low of \$181,952 to a high of \$238,000.
3. The low bid from Vander Kodde Construction has been reviewed and found complete by staff and architect Progressive AE.
4. Funds are available in the Community Development Block Grant Fund account number 256-400-69214-965.060 and Parks and Recreation Operational Millage Fund Balance to pay for the project.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby award the bid for the Wyoming Senior Center Multi-Purpose Room Renovation in the amount of \$181,952 to Vander Kodde Construction.
2. The Wyoming City Council does hereby authorize the budget amendment for use of \$100,200 in Parks and Recreation Operational Millage fund balance.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Budget Amendment
Staff Report

CITY OF WYOMING BUDGET AMENDMENT

Date: November 18, 2013

Budget Amendment No. 028

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$100,200 of budgetary authority to provide for the use of Parks and Recreation Millage funds to be matched by CDBG funds to provide for the project award plus contingency per attached resolution.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>Parks and Recreation Fund</u>				
Parks and Recreation - Parks and Rec Senior Center - Capital Outlay Senior Center Imp 208-752-75800-975.225	\$14,000	\$100,200		\$114,200
Fund Balance/Working Capital (Fund 208)				\$100,200

Recommended: 
Finance Director


City Manager

Motion by Councilmember _____, seconded by Councilmember _____ that the General Appropriations Act for Fiscal Year 2013-2014 be amended by adoption of the foregoing budget amendment.

Motion carried: _____ yeas, _____ nays

I hereby certify that at a _____ meeting of the Wyoming City Council duly held on _____ the foregoing budget amendment was approved.

City Clerk

STAFF REPORT

Date: November 6, 2013

Subject: Wyoming Senior Center Community Room Renovation (Phase III Project)

From: Rebecca Rynbrandt, Director of Community Service

Meeting Date: November 12, 2013 (Work Session)

RECOMMENDATION: It is recommended that the City Council:

1. Award the bid to the low bidder Vander Kodde Construction in the amount of \$181,952 renovation of the Wyoming Senior Center (WSC) Community Room (a.k.a. Auditorium).
2. Approve a budget amendment to provide for the use of Parks and Recreation Millage funds to be matched by Community Development Block Grant (CDBG) funds to provide for the project award plus contingency. The budget amendment is in the amount of \$100,200.

SUSTAINABILITY CRITERIA:

Environmental Quality – In 2005 the City of Wyoming began a planning process called the Senior Visioning Initiative (SVI) to ascertain the changing needs of older adults and the projected impacts of the aging, in relation to services, programs, and facilities of the Wyoming Parks and Recreation Department, including that of the Wyoming Senior Center (WSC). An outcome from this work included a City Council approved facility renovation plan of the WSC to be completed in phases as funding allowed.

Social Equity – The City Council, Parks and Recreation Commission, Community Development Committee, and its citizens identified the need for this project within the community's SVI, 5-Year Recreation Master Plan, Community Development Action Plan, and FY 2014 budget.

Economic Strength – Well maintained, aesthetically pleasing, contemporary public facilities are catalysts in improving and maintaining the economic vitality of community. Public facilities through programmed and passive use provide for economic stimulus and community prosperity.

DISCUSSION:

The WSC Community Room has not been touched, outside of new paint, since 1977. Renovation of the community room shall complete Phase III of our renovation plans, following improvements to the entry and reception area (Phase I), and Game Room (Phase 2).

Eight bids were received for this work ranging from a low of \$181,952 to a high of \$238,000. Our consultant Progressive AE, formerly Design+, has joined with me in reviewing the bids. Finding positive references and having found low bidder Vander Kodde Construction's bid in order, we are recommending their award.

Joining the City in investing in the Community Room Renovation is the Wyoming Senior Center Fellowship Club. The Club has contributed \$60,000 towards the purchase of new chairs, tables, and bingo machine.

BUDGET IMPACT:

The WSC is located within a CDBG eligible area as well as provides services to CDBG eligible clientele as defined by the federal Housing and Urban Development Department.

Funds are available to finance this project out of the Community Development Block Grant fund and the Parks and Recreation Operational Millage fund.

Project Costs	
Vander Kodde Construction Low Bid	\$181,952
Project Contingency (10%)	\$18,200
Project Cost (Rounded)	\$200,200

Project Funding	
Community Development Block Grant 256-400-69214-956.060	\$100,000
Parks and Recreation Millage (Fund Balance)* 208-752-75800-975.225	\$100,200
Project Cost (Rounded)	\$200,200

A budget amendment would be necessary to transfer \$100,200 from the Parks and Recreation Fund Balance to account number 208-752-75800-975.225.

RESOLUTION NO. _____

RESOLUTION FOR AWARD OF BID

WHEREAS:

1. Formal bids have been obtained on the below listed item.
2. The bids received have been reviewed and evaluated as per the attached Staff Report.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bid for the listed items as recommended in the attached Staff Reports and summarized below.

Item	Recommended Bidders	Cost
Printing & Related Services	Gilson Graphics, Derk Pleter Company (dba Sir Speedy Printing), Wolverine Printing Company, Great Lakes Printing Solutions Inc. OfficeMax	Bid pricing as shown on the attached tabulation sheet

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 18, 2013.

ATTACHMENTS:
Staff Report
Tabulation Sheet

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: November 12, 2013

Subject: Printing and Related Services

From: Kim Oostindie, Director of Human Resources

Meeting Date: November 18, 2013

Recommendation:

It is recommended that the City Council accept the proposals received for printing and related services from Gilson Graphics, Derk Pleter Company (dba Sir Speedy Printing), Wolverine Printing Company and Great Lakes Printing Solutions, Inc. It is also recommended the City Council authorize printing services using the State of Michigan (MiDEAL) bid and the Kent County Reverse Auction (KCRA) prices.

Sustainability Criteria:

Environmental Responsibility

The City uses electronic forms of communication (website, forms, emails, etc.) when possible to communicate internally and externally reducing the use of paper, toner and fossil fuels for printing. However, there will always be requirements where printing is entirely necessary.

Social Equity

Printing of various forms of communications is necessary sometimes for internal records, invoicing and to reach out to Wyoming residents who do not use electronic forms of communication.

Economic Strength

Authorizing the acceptance of the proposals from Gilson Graphics, Derk Pleter Company (dba Sir Speedy Printing), Wolverine Printing Company and Great Lakes Printing Solutions, Inc. and using the MiDEAL, and KCRA allows departments to acquire their printing and related services as needed at the lowest possible prices thus, obtaining the greatest savings for the City of Wyoming.

Discussion:

On October 1, 2013, five proposals were received to provide printing and related services for a three year period. One hundred twelve requests for proposals (RFP) were sent to prospective bidders. The RFP included a request for information including: digital printing, copying and finishing, offset printing and high volume color printing. As shown on the attached tabulation sheet proposals were submitted from Gilson Graphics, Derk Pleter Company (dba Sir Speedy Printing), Wolverine Printing Company and Great Lakes Printing Solutions, Inc. Arc Michigan withdrew their proposal.

Representatives from various City departments reviewed the proposals and due to various printing needs and services and in order to obtain the best pricing at the time of the order, it is in the City's best interest to award all proposals submitted.

The MiDEAL program is an extended purchasing program which allows local units of government to use the State of Michigan contracts at no charge. The MiDEAL contract with OfficeMax for office supplies, toner and paper includes “copy and print services”. The City currently uses the MiDEAL contract for office supplies, toner and paper and will be able use the same website to place their printing services orders.

The KCRA is available for use by municipalities. This system works like a real-time online auction where the price is bid down by sellers who are competing to sell goods and services for progressively lower prices (think EBay in reverse). The City has obtained savings on toner and paper purchases through the KCRA.

Budget Impact:

Funds for the printing and related services are available in various departmental accounts and will be charged to the appropriate account at the time of purchase. It is estimated the City will spend approximately \$150,000 on printing services over the next three years.

		Wolverine Printing Company		Derk Pieter Company DBA Sir Speedy Printing	Gilson Graphics	Great Lakes Printing Solutions Inc.
	Cover Letter				Yes	
	Scope of Services			Yes		
	Ability To Respond			Yes		
	Qualifications/Equipment			Yes	Yes	
	Fee Schedule				Yes	
	Organizational Chart			Yes	Yes	
	Operational Plan			Yes	Yes	
	Addendum	Yes		Yes	Yes	Yes
	Samples of Work Provided			Yes		
	Sample PRICE LIST for misc. projects				Yes	
WATER QUALITY REPORT (Prices do not include design services)						
2014		\$875.00		\$1,356.00	\$1,183.00	
2015		\$899.00		\$1,410.45	\$1,218.00	
2016		\$926.00		\$1,466.87	\$1,253.00	
WATER & TAX BILLS						
2014	Regular Water Bills	\$241.00	month	\$344.60	\$120.96	\$5,878.24 (204,000 Forms printed for the year)
	Delinquent Notices	\$151.00	month	\$172.30	\$52.15	
	Final Notices	\$131.00	month	\$140.10	\$34.25	
	Tax Bills	\$609.00	printing	\$996.44	\$1,087.68	
2015	Regular Water Bills	\$248.00	month	\$358.38	\$124.59	
	Delinquent Notices	\$156.00	month	\$179.19	\$53.72	
	Final Notices	\$134.00	month	\$145.70	\$35.28	
	Tax Bills	\$627.00	printing	\$1,036.30	\$1,120.32	
2016	Regular Water Bills	\$255.00	month	\$372.68	\$128.33	
	Delinquent Notices	\$161.00	month	\$186.36	\$55.34	
	Final Notices	\$138.00	month	\$151.53	\$36.34	
	Tax Bills	\$646.00	printing	\$1,077.75	\$1,153.93	
WYOMING RECORD						
		Total Bid Price Per Month for Est. Monthly Amount				
2014		\$420.00	month	\$418.60	\$612.90	
2015		\$433.00	month	\$435.34	\$631.30	
2016		\$446.00	month	\$452.75	\$650.25	
OTHER ITEMS						
	Color Processing	More than 4 color processing		4 Color Processing	More than 4 color processing	More than 4 color processing
	Storage Capabilities	Yes		Yes	Yes	Yes
	Storage On-Site or Off-Site	On-site		On-site	On-Site	On-site
	Reference Included	Yes		Yes	Yes	No
	Will deliver to Presort Vendor:	Yes		Yes	Yes	Yes

ORDINANCE NO. 17-13

AN ORDINANCE TO REPEAL ARTICLE XV
OF CHAPTER 14 OF THE CODE OF
THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Article XV of Chapter 14 of the Code of the City of Wyoming is hereby repealed.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2013.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the ____ day of _____, 2013.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. 17-13

MEMORANDUM
City of Wyoming, Michigan

TO : Curtis L. Holt, City Manager

Cc: Barbara VanDuren, Deputy City Manager
Jack Sluiter, City Attorney

FROM: Heidi A. Isakson, City Clerk

DATE: October 9, 2013

RE: Proposed Repeal of Tattoo Business License Ordinance

Recommendation:

That City Council repeal Article XV of Chapter 14 (Tattoo Parlors) of the Code of the City of Wyoming.

Sustainability Criteria:

Environmental Quality – No impact

Social Equity – Removing requirements for tattoo or body art businesses that are duplicative or contradictory with State law, or that are more burdensome than for other business types with similar risks would be more equitable.

Economic Strength – Repeal of this ordinance would have a nearly neutral cost to the City of Wyoming, but would save individual tattoo businesses 60% in the annual license fee.

Discussion:

Public Act 375 of 2010 created a requirement in Michigan that “body art facilities” be licensed. It took some time for the Department of Public Health to develop the licensing requirements and application process, but the licensing of body art facilities (which includes tattoo, permanent make-up, piercing, etc.) is now up and running, with inspections performed by the Health Department in each county.

I have compared each of the requirements of our Ordinance for “Tattoo Parlors” with the handbook provided to body art facilities and the checklist used for inspections by the Health Department. The requirements in our Ordinance are either duplicative or contradictory and out-of-date.

I consulted with the City Attorney, Building Inspections, Planning and the Police Department and received confirmation that this section of the business license ordinance is no longer needed. Additionally, a requirement that licensees and their employees be of “good moral character” has been difficult to interpret, apply and enforce, and should be eliminated.

Beginning March 1, 2014, when the current Tattoo Parlor licenses expire, these businesses will be converted to “general” business licenses. Our ordinance does require that any business or occupation that requires a state license furnish evidence of that license to the City to obtain a business license, and that requirement will apply to these “body art” facilities.

Total 2012 revenue for Tattoo Parlors was \$700, at a license fee of \$100 per establishment. In the future the fee for these businesses will be \$40, so revenue will decline approximately \$400, out of total estimated business license revenue of about \$100,000.

ORDINANCE NO. 18-13

AN ORDINANCE TO AMEND SECTION 2-305(1)(b)
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 2-305(1)(b) of the Code of the City of Wyoming is hereby amended to read as follows:

(b) Annual service charge. The LINC Community Revitalization project at 1736 Godfrey Avenue S.W. and the property on which it is constructed shall be exempt from all property taxes from December 31, 2013 for a period of 15 years. The annual service charge shall be equal to 5% of the annual shelter rents.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2013.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2013.

Heidi A. Isakson
Wyoming City Clerk



October 30, 2013

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Request to amend Zoning Code Chapter 90 to establish
Form Based Code provisions.

Recommendation: To approve the subject Zoning Code amendments.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meetings on September 17, 2013 and October 15, 2013. Staff had the following comments:

On March 5, 2012, the City Council approved the Turn On 28th Street Corridor Sub Area Plan as an amendment to the City of Wyoming Land Use Plan 2020. The Sub Area Plan was the culmination of a two year transparent and inclusive community effort to re-imagine a one mile section of 28th Street between Clyde Park Avenue and Burlingame Avenue. The Sub Area Plan strives to guide the City by establishing a practical strategy to transform the aged commercial corridor into a vibrant, inviting, and sustainable mixed use district.

In order to implement the Sub Area Plan, new zoning codes are required to articulate set standards to the business community. Conventional zoning codes were recognized as being inadequate to properly articulate the placement of buildings, their appearance and the mixture of uses necessary for place making and being an economic development tool. Shortly after adoption of the Sub Area Plan, a City Council appointed Steering Committee was established to work with the consulting firms of Nederveld and Williams & Works and City staff to develop an appropriate Form Based Code (FBC) to establish, under law, these requirements.

After a year of development, the draft FBC was completed and supported by the Steering Committee. In order to present it to the community for consideration, two public outreach meetings were held at the Wyoming Library on August 27. The first meeting was held with area developers, commercial real estate agents, and financial interests. The second meeting was with corridor property owners and interested citizens. The feedback from both meetings was supportive of the FBC. Comments were obtained from those participating and were provided to the Planning Commission. In addition to the two public meetings, the FBC has been

- MAYOR
Jack A. Poll
- AT-LARGE COUNCILMEMBER
Sam Bolt
- AT-LARGE COUNCILMEMBER
Kent Vanderwood
- AT-LARGE COUNCILMEMBER
Dan Burrill
- 1ST WARD COUNCILMEMBER
William A. VerHulst
- 2ND WARD COUNCILMEMBER
Richard K. Pastoor
- 3RD WARD COUNCILMEMBER
Joanne M. Voorhees
- CITY MANAGER
Curtis L. Holt

widely announced and has been posted on the City website under the 28 West marketing link. Specific individual meetings with key property owners and City representatives have also occurred.

Although proposed as a part of the Zoning Code, the FBC's provisions are unique and will serve as a distinctive section. Rather than utilize text almost exclusively, the FBC uses extensive graphics and pictures along with the text to articulate the requirements to be very user friendly. The FBC is intended to be applied initially to the targeted 28th Street corridor area, but is expected to have other future applicability in established commercial areas of the City that are in need of revitalization. The FBC identifies six context zones within the 28th Street corridor, each with specific building design options, placements and uses. The FBC permits a wide range of land uses from a traditional downtown, retail, offices, educational, multifamily and single family residences. The FBC is structured to streamline the approval process by providing administrative approvals for projects meeting the specified project design options.

The FBC also establishes specific street design standards to properly connect the public realm of streets and sidewalks with the buildings fronting upon them. This connectivity of buildings, mixed uses and public spaces is what creates vibrant place making. The FBC goes further by establishing maximum parking and shared parking standards. The combination of building and parking alternatives allows developers to achieve greater use of their properties.

Some additional sign provisions are included that allow projecting signage from building faces into the public right-of-ways and also temporary sidewalk signs. Definitions have been included to help explain the FBC provisions and expands upon those existing within the Zoning Code.

Upon adoption of the Form Based Code, the City will initiate the rezoning of the 28th Street corridor between Clyde Park Avenue and Burlingame Avenue. Those properties are currently a mixture of DC Downtown Center, B-2 General Business, B-3 Planned Business and R-2 Single Family Residential zonings.

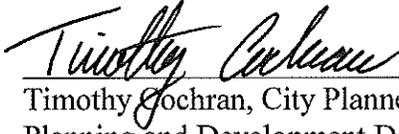
Recommendation:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to establish Form Based Code provisions.

At the public hearing on September 17, no one spoke and no letters were received. The Commission questioned various provisions throughout the FBC. After discussion, it was determined to appoint an ad hoc committee (Postema and

Bueche) to meet with the consultants and staff regarding the requirements in question. The Commission subsequently tabled the review until October 15. After the ad hoc meeting, and revisions to the draft FBC, the Commission again considered the amendments on October 15. Motion by Bueche, supported by Micele, to recommend to the City Council the subject Zoning Code amendments to establish the FBC provisions. After discussion, and further revisions, the motion carried unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of September 17 and October 15, 2013. The attached FBC has been updated to include the revisions from the October 15, 2013 Planning Commission meeting.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

cc: Curtis Holt, City Manager
Rebecca Rynbrandt, Director of Community Services

JRS/sak
11/12/13

ORDINANCE NO. 20-13

AN ORDINANCE TO ADD ARTICLE XXXI TO
CHAPTER 90 OF THE CODE OF THE CITY OF WYOMING
ENTITLED "FORM BASED CODE"

THE CITY OF WYOMING ORDAINS:

Section 1. That Article XXXI entitled "Form Based Code" is hereby added to Chapter 90 of the Code of the City of Wyoming to read as follows:

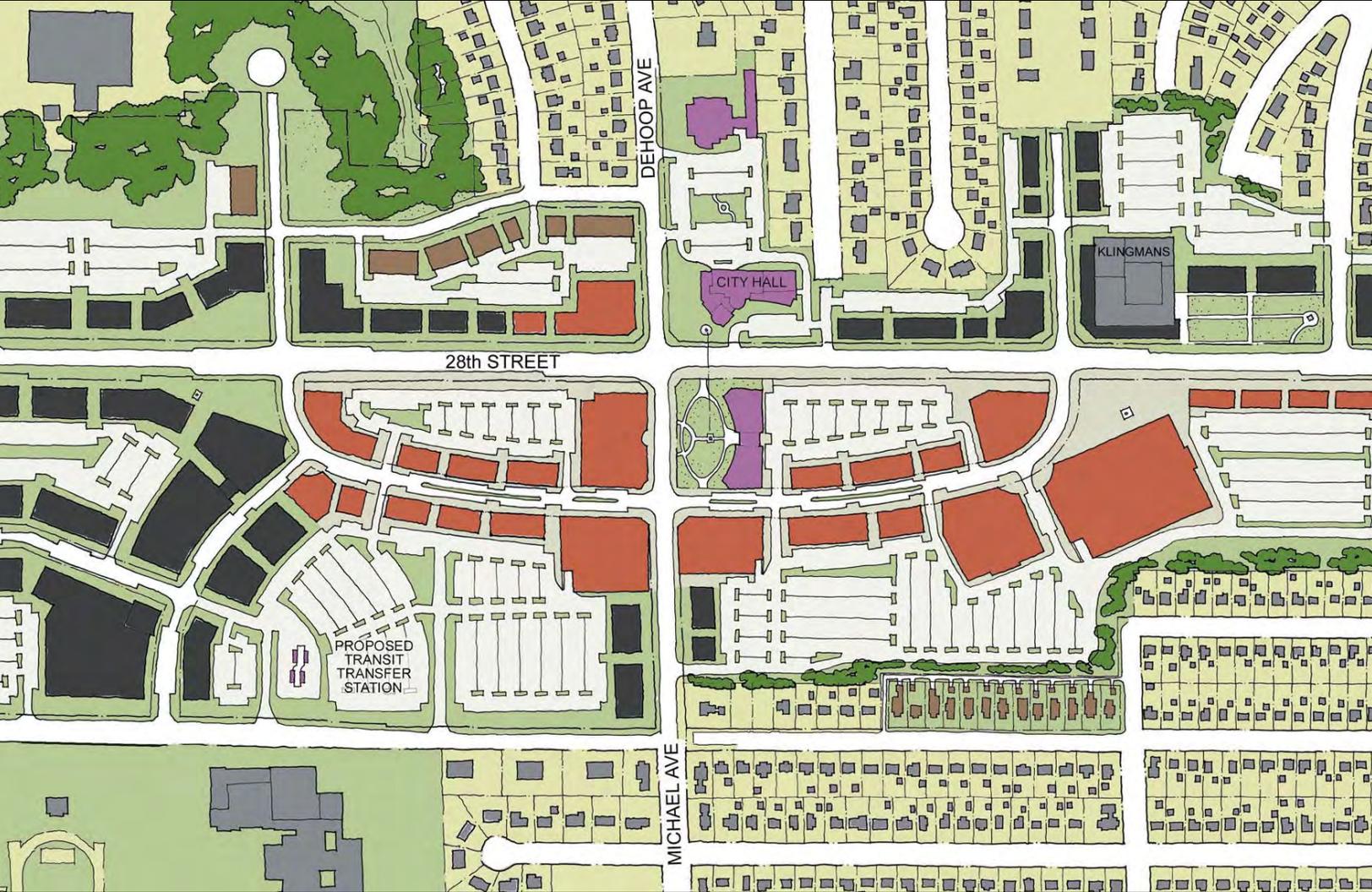
ARTICLE XXXI
FORM BASED CODE

CITY OF WYOMING

CHAPTER 90

Article XXXI: FORM BASED CODE

October 2013



INTRODUCTION How to use Wyoming Form Based Code

DIVISION 1 Title, Purpose, and Scope

- 90-1100 Title
- 90-1101 Purpose
- 90-1102 Scope

DIVISION 2 Applicability and Procedures

- 90-1200 Applicability
- 90-1201 Full Sketch Plan/Sketch Plan Procedures
- 90-1202 Special Land Uses
- 90-1203 Form Based Code Departures
- 90-1204 Adoption and Effective Date

DIVISION 3 General Provisions

- 90-1300 Applicability
- 90-1301 Bonuses and Incentives
- 90-1302 Encroachments
- 90-1303 Height Measurement of Buildings
- 90-1304 Outdoor Seating
- 90-1305 Transparency
- 90-1306 Civic Buildings
- 90-1307 Roof Top Screening
- 90-1308 Building Setback from Residential
- 90-1309 Building Height Transition Area
- 90-1310 Nonconformities
- 90-1311 Lighting
- 90-1312 Landscaping and Greenbelt

DIVISION 4 Context Areas and Use

- 90-1400 Purpose
- 90-1401 Applicability
- 90-1402 Context Areas
- 90-1403 Corridor Center (CC) Context Area
- 90-1404 Corridor Urban (CU) Context Area
- 90-1405 Corridor General (CG) Context Area
- 90-1406 Corridor Sub-Urban (CS) Context Area
- 90-1407 Corridor Edge (CE) Context Area
- 90-1408 Corridor Neighborhood (CN) Context Area

DIVISION 5 Subdivision and Access Standards

- 90-1500 Applicability
- 90-1501 Lot Requirements
- 90-1502 Block Requirements
- 90-1503 Access Requirements
- 90-1504 Driveway Requirements
- 90-1505 Platting Requirements

DIVISION 6 Building Type Standards

- 90-1600 Purpose
- 90-1601 Applicability
- 90-1602 Building Types by Context Area
- 90-1603 Contents of this Division
- 90-1604 How to Use this Division
- 90-1605 Standards for all Building Types
- 90-1606 Mixed Use Building Type
- 90-1607 Zero Lot Line Retail Building Type
- 90-1608 Retail Building Type
- 90-1609 Live / Work Building Type
- 90-1610 Apartment Building Type
- 90-1611 Rowhouse Building Type
- 90-1612 Two-Family House Building Type
- 90-1613 Single-Family House Building Type
- 90-1614 Materials and Technique

DIVISION 7 Private Frontage Type Standards

- 90-1700 Purpose
- 90-1701 Applicability
- 90-1702 Frontage Types by Building Type
- 90-1703 Contents of this Division
- 90-1704 How to Use this Division
- 90-1705 Standards for all Private Frontage Types
- 90-1706 Storefront Private Frontage Type
- 90-1707 Balcony Private Frontage Type
- 90-1708 Shopfront Private Frontage Type
- 90-1709 Drive-through Private Frontage Type
- 90-1710 At-Grade Private Frontage Type
- 90-1711 Lightwell Private Frontage Type
- 90-1712 Stoop Private Frontage Type
- 90-1713 Porch Private Frontage Type
- 90-1714 Materials and Technique

DIVISION 8 Thoroughfare Standards

- 90-1800 Purpose
- 90-1801 Applicability
- 90-1802 Thoroughfares by Context Area
- 90-1803 Contents of this Division
- 90-1804 How to Use this Division
- 90-1805 Standards for all Thoroughfares
- 90-1806 Standards for Avenue AV-110-66-C
- 90-1807 Standards for Street ST-60-35-C
- 90-1808 Standards for Street ST-110-66-R
- 90-1809 Standards for Yield Street YS-60-27-R
- 90-1810 Standards for Rear Alley RA-20-20-C
- 90-1811 Standards for Rear Alley RA-20-12-R

DIVISION 9 Off-Street Parking Standards

- 90-1900 Purpose
- 90-1901 Applicability
- 90-1902 Required Off-Street Parking Spaces
- 90-1903 Modification of Parking Requirements
- 90-1904 Parking Easements and Agreements
- 90-1905 Banked Parking
- 90-1906 Off-Street Parking Facility Design
- 90-1907 Parking Construction and Development
- 90-1908 Parking Structures
- 90-1909 Parking Facility Maintenance
- 90-1910 Limitations on Use of Parking Lots
- 90-1911 Off-Street Loading Requirements
- 90-1912 Driveway Access Management
- 90-1913 Parking Lot Landscaping

DIVISION 10 Sign Standards

- 90-2000 Purpose
- 90-2001 Applicability
- 90-2002 Exempt Signs
- 90-2003 Prohibited Signs
- 90-2004 General Sign Standards
- 90-2005 Specific Sign Requirement
- 90-2006 Off Premise Advertising
- 90-2007 Nonconforming Signs
- 90-2008 Dangerous, Unsafe, Abandoned, & Illegal Erected Signs
- 90-2009 Administration
- 90-2010 Sign Band Signs
- 90-2011 Wall Signs
- 90-2012 Projecting Signs
- 90-2013 Awning and Canopy Signs
- 90-2014 Window Signs
- 90-2015 Sidewalk Signs
- 90-2016 Ground Signs
- 90-2017 Table 90-2017 Sign Sizes
- 90-2018 Table 90-2018 Sign Quantity

DIVISION 11 Form Based Code Definitions

- 90-2100 Applicability
- Definitions A - Z



INTRODUCTION: HOW TO USE THE WYOMING FORM BASED CODE

FORM BASED CODES AND THE PUBLIC REALM

Form Based Codes are development regulations (a type of zoning code) that emphasize the physical character of development (its form) and de-emphasize the regulation of land use.

Form Based Codes emphasize the design of the public realm by regulating individual building character, streetscapes, and public spaces.

The public realm is the area defined by the building walls, the streetscape and the street.

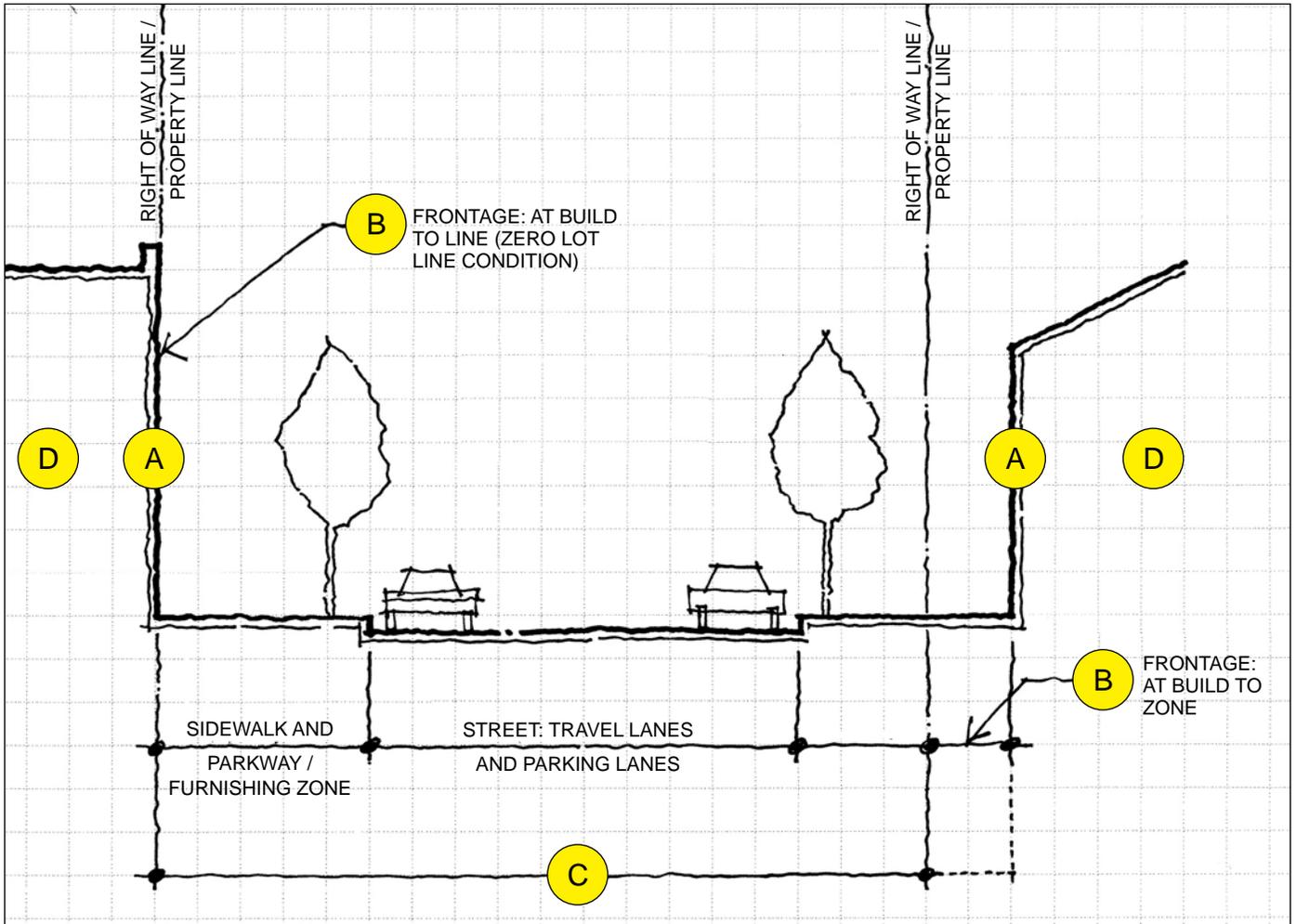
The Wyoming Form Based Code is organized by Context Areas (similar to conventional zoning districts), Building Types, Frontage Types, and Thoroughfare Types. These elements provide standards for the creation of a public realm that is consistent with that envisioned in the Turn On 28th Street Corridor Sub Area Plan.

The Wyoming Form Base Code also regulates land use, parking requirements, signs, and subdivision standards.

The **Public Realm** illustration on this page indicates the components of the public realm and also references where each component is regulated within the Wyoming Form Based Code.

- A Building Type:** Division 6 contains standards for Building Types that describe the various forms of buildings that are permitted as part of this Form Based Code. Each Building Type has its own specific massing, composition, site placement, and vertical dimension.
- B Frontage Type:** Division 7 contains standards for Frontage Types that describe the privately owned area between the right-of-way line and the building. Frontage Types are applied to Building Types to ensure that the building engages the street and defines the public realm.
- C Thoroughfare:** Division 8 contains standards for the space between the right-of-way lines, including the sidewalk, parkway, furnishing zone, parking lanes, and travel lanes.
- D Use:** Division 4 contains use requirements for each Context Area. Context Areas are similar to conventional land use zoning districts. Each Context Area includes Building Types, building height, and includes permitted and special uses.

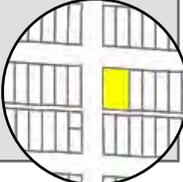
ILLUSTRATION: PUBLIC REALM AND RELATED FORM BASED REGULATIONS



INTRODUCTION: HOW TO USE THE WYOMING FORM BASED CODE

START HERE: Choose one of the following three scenarios that best fits your proposed development project

1 I HAVE A SPECIFIC PARCEL THAT I WANT TO DEVELOP



2 I HAVE A SPECIFIC USE THAT I AM CONSIDERING FOR MY LAND DEVELOPMENT



3 I HAVE A SPECIFIC BUILDING THAT I WANT TO DEVELOP



DIVISIONS 2, 3, and 5
Review Division 2, Applicability and Procedures to understand the procedural requirements of the Wyoming Form Based Code.
Review Division 3, General Provisions for regulations that apply to all projects within the Form Based Code Area.
Review Division 5, Subdivision and Access Standards for regulations that apply to all projects within the Form Based Code Area.

DIVISION 4 CONTEXT AREAS AND USE
Each Context Area has uses which are permitted, not permitted, and conditionally permitted.
Determine which of the Context Areas that your specific parcel is located in.
Once you have determined the Context Area, you can determine the uses that are most appropriate within the Context Area.

DIVISION 4 CONTEXT AREAS AND USE
Each Context Area has uses which are permitted, not permitted, and conditionally permitted.
Determine which of the Context Areas that the use you are considering is permitted in, this will allow you to determine the Context Areas and parcels within the Form Based Code Area that are most appropriate for your project.

DIVISION 6 BUILDING TYPE STANDARDS
Determine which of the Building Types best fit the building that you want to develop. Consider building site placement, massing, composition, vertical dimensions, appropriate Private Frontages, and Context Areas where the Building Type is permitted, when making your decision.

DIVISION 6 BUILDING TYPE STANDARDS
Determine which of the Building Types best fit the parcel and use that you want to develop. Consider building site placement, massing, composition, vertical dimensions, appropriate Private Frontages, and Context Areas where the Building Type is permitted, when making your decision.

DIVISION 4 CONTEXT AREAS AND USE
Each Context Area has uses which are permitted, not permitted, and conditionally permitted.
Determine which of the Context Areas that the Building Type you are considering is permitted in, this will allow you to determine the parcels within the Form Based Code Area that are most appropriate for your project and the types of uses that are permitted for your project.

DIVISION 7 PRIVATE FRONTAGE TYPE STANDARDS
After you have determined your Building Type, you should reference the Private Frontage Types to determine the most appropriate frontage. Frontages are determined by your Building Type. It is your choice to determine the frontage that best fits your project goals and the context.

DIVISION 8 THOROUGHFARE STANDARDS
The Thoroughfare Standards will help you determine which streets and streetscapes are best suited to your project, if applicable. Thoroughfares are determined based upon the Context Area that your project is located in.

DIVISION 9 OFF-STREET PARKING STANDARDS
The Off-Street Parking Standards will help you determine the parking requirements for your project.

DIVISION 10 SIGN STANDARDS
Each Building Type has specific sign quantities and sign sizes that are relative to the Context Area that it is located in, this Division will assist you in determining the types, sizes, placement, and quantity of signs permitted for your project.





This page left intentionally blank



90-1100 TITLE

The following document shall be known as the City of Wyoming Form Based Code.

90-1101 PURPOSE

The City of Wyoming Form Based Code is intended to support redevelopment along the 28th Street Corridor between Clyde Park and Burlingame Avenues through the establishment of building types, frontage types and thoroughfare guidelines by creating a compact, transit-oriented development pattern that fosters walkable corridors, mixed uses, and a diversity of residential development. The City of Wyoming Form Based Code reflects the desires and outcomes of the Turn On 28th Street Corridor Sub Area Plan.

Redevelopment within the Turn on 28th Street project area shall adhere to the provisions and standards established in this form based code in order to realize the vision set forth in the Turn On 28th Street Corridor Sub Area Plan for 28th Street adopted by the City of Wyoming as an amendment to the City's Master Plan in January 2012.

The City of Wyoming Form Based Code is a legal document regulating building types, frontage types and thoroughfare types wherever its Context Areas are applied. It shall do so in conjunction with the municipal Zoning Ordinance for areas zoned Form Based Code (FBC) on the zoning map, by regulating land development to ensure a compact, urban form.

90-1102 SCOPE

The City of Wyoming Form Based Code is a mandatory code that applies to all new development and redevelopment within the boundaries of the Zoning Map or other locations within the municipality where the applicable Context Areas have been applied as outlined in 90-1200, Applicability.

The boundaries generally include all lands that abut 28th Street from Clyde Park Avenue west to Burlingame Avenue.

Within the City of Wyoming Zoning Ordinance, properties zoned and thus regulated by the City of Wyoming Form Based Code are within the Form Based Code (FBC) district. This district directs property owners and applicants to this Code for development standards. Wherever there appears to be a conflict between the City of Wyoming Form Based Code and other sections of the City's Zoning Ordinance (as applied to particular development within the FBC district), the requirements specifically set forth in the Form Based Code shall prevail.

For development standards not covered by the City of Wyoming Form Based Code, the other applicable sections in the municipal Zoning Ordinance shall apply. All development shall also comply with all other local, state or federal regulations and ordinances.

Throughout this Form Based Code, photographs are used for illustrative purposes only.





This page left intentionally blank



90-1200 APPLICABILITY

The City of Wyoming Form Based Code shall apply to development within the boundaries of the Form Based Code Zoning Map. Development shall include the following:

- A. New development.
- B. Modifications to existing buildings:
 1. Increasing or decreasing a building footprint by twenty-five percent (25%) or greater in area or when the cost of the addition is greater than or equal to fifty percent (50%) of the current assessed value of the building or structure. Phased construction to avoid compliance with this standard or breaking up construction such that the thresholds are avoided shall be prohibited.
 2. Reducing the building façade by more than fifty percent (50%) in terms of the amount of transparency. Phased construction to avoid compliance with this standard or breaking up construction such that the 50% threshold is avoided shall be prohibited.
- C. Any change in land use substantially impacting parking requirements:
 1. The Planning Commission may, at the request of the applicant, waive the applicability of this Code upon a finding that adhering to the Code would place undue hardship on the applicant.

90-1201 FULL SITE PLAN/SKETCH PLAN PROCEDURES

- A. Full Site plan/sketch plan. To expedite the development process, development within the City of Wyoming Form Based Code that complies with the provisions of this Code shall require full site plan or sketch plan review and approval by the City's Planner or Chief Building Official.
 1. Table 90-1001 in the City of Wyoming Zoning Ordinance shall govern the type of submittal required, being either a full site plan or sketch plan.
 2. Review and approval shall be conducted by the City's Chief Building Official for single-family detached dwellings and modifications to comply with accessibility requirements.
 3. All other development activities outlined in Table 90-1001 shall require review and approval of the City's Planner.
- B. Full Site plan/sketch plan review procedures and requirements. Full site plan/sketch plan submittal and review shall follow the processes set forth in Sections 90-1002 through 90-1005 of the City of Wyoming Zoning Ordinance. Full site plan/sketch plan required data shall adhere to Table 90-1003 of the City of Wyoming Zoning Ordinance, unless waived or required by the City's Planner per section 90-1003.
- C. Planning Commission review. Full site plan review by the Planning Commission shall be required for any Special Land Use or Specific Development Plan. Review standards are included in Section 90-1004 of the City of Wyoming Zoning Ordinance. Special Land Use standards specific to special uses regulated in this Form Based Code are included in Article 2, section F.
- D. Specific Development Plan. A Specific Development Plan is intended to allow applicants development flexibility to address market conditions and opportunities, including the master planning of large lots exceeding the maximum block dimensions as outlined in Division 5, as well as the consolidation of multiple properties to create predictable and market responsive development for the area. Specific Development Plans shall be required for any Major Departure as outlined in this Division 2, section 90-1203.
 1. Specific Development Plan requirements. A Specific Development Plan shall include a full site plan and required data as outlined in Table 90-1003.

2. Additional requirements include: A plan depicting the proposed Context Areas for the subject site(s) if major departures from the Context Area boundaries are requested, and thoroughfare guidelines.
3. Public Hearing: The applicant and/or Planning Commission may request a public hearing for a Specific Development Plan. A public hearing, pursuant to the Michigan Zoning Enabling Act, shall be required for a major departure of Context Area boundary.
4. Planning Commission action: The Planning Commission shall review and approve, with or without conditions, the full site plan upon the following findings:
 - i. The Zoning Districts provide a seamless transition from adjacent, existing districts and uses to the proposed subject site(s).
 - ii. Internal circulation and layout of lots fosters a walkable, urban area by adhering to the maximum block lengths as outlined in Division 5.
 - iii. Roadways are interconnected and provide safe areas for walking and biking.

90-1202 SPECIAL LAND USES

- A. Special Land Uses. As per Division 4 of the City of Wyoming Form Based Code, certain uses require special land use review and approval by the Planning Commission. The special land use review and approval process shall adhere to 90-761 of the City of Wyoming Zoning Ordinance. Specific standards for special land uses are determined by Context Area and Use, see section 90-895 of the City of Wyoming Zoning Ordinance.

90-1203 FORM BASED CODE DEPARTURES

- A. Minor Departures. The City Planner may, at the request of an applicant, waive certain minor building type standards, frontage type standards, and zoning district standards as outlined in Table 90-1203a.
- B. Major Departures. The Planning Commission may, at the request of the City Planner or applicant, waive certain major building type standards or frontage type standards if it finds that the changes are major based on size, scope, and location of the existing or proposed building. Table 90-1203b provides a summary of major departures. Note that changes other than minor changes to the Zoning District Map shall require a Specific Development Plan.
- C. Findings for Code Departures. The applicable reviewing body shall find that a departures to the Form Based Code:
 1. Does not materially change the circulation and building location on the site;
 2. Does not alter the relationship between the buildings and the street;
 3. Does not allow a use not otherwise permitted in this Form Based Code; and
 4. The departure is the minimum required necessary to meet the intent of the Form Based Code.



APPLICABILITY AND PROCEDURES

TABLE 90-1203a MINOR FORM-BASED CODE DEPARTURES

Minor Departures*	Minor Modification Allowed	Comments/Required Findings
Form-Based Code Context Areas		
1. Minor changes as described in the City of Wyoming Zoning Ordinance, Section 90-1005.	Per Section 90-1005	
2. Area/Boundary of Context Area	No more than a 15% increase or decrease in area.	Measurement shall include the area of the applicable parcel. When possible, boundaries shall follow parcel lines.
Building Type Standards		
1. Building Height	n/a	
2. Facade Composition	n/a	
3. Site Dimensional Requirements	a. up to 5' for setbacks b. 10% reduction from site coverage c. 5% reduction in façade width requirements	a. Existing development on adjacent parcels on the same block face is greater or less than the required setback b. and c. Site constraints prohibit strict application of requirements and/or easements prohibit application of minimum requirements

* Note that departures from the build-to-line and required build-to-zone shall not be permitted.

TABLE 90-1203b MAJOR FORM-BASED CODE DEPARTURES

Major Departures*	Major Modification Allowed	Comments/Required Findings
Form-Based Code Context Areas		
1. Area/Boundary of Context Area	No more than a 30% increase or decrease in the area.	Measurement shall include the area of the applicable parcel. When possible, context area boundaries shall follow parcel lines.
Building Type Standards		
1. Building Height	n/a	
2. Facade Composition	n/a	
3. Site Dimensional Requirements	a. up to 10' for setbacks b. 20% reduction from site coverage c. 10% reduction in façade width requirements	a. Existing development on adjacent parcels on the same block face is greater or less than the required setback b. and c. Site constraints prohibit strict application of requirements and/or easements prohibit application of minimum requirements

* Note that departures from the build-to-line and required build-to-zone shall not be permitted.



90-1204 ADOPTION AND EFFECTIVE DATE

A. City of Wyoming

1. Adoption. The City of Wyoming Form Based Code was adopted at a regular meeting of the Wyoming City Commission on <insert date>.
2. Effective Date. The City of Wyoming Form Based Code shall take effect and be in force on and after <insert date> in the City of Wyoming.





This page left intentionally blank



90-1300 APPLICABILITY

Division 3 identifies provisions that are general to all City of Wyoming Form Based Code Context Areas.

Each Context Area established in this code shall meet the requirements of Division 3. If there is a conflict between this Division and the individual requirements of the Context Area, Building Type Standards or Frontage Type Standards, the requirements of the Uses, Building Type Standards or Frontage Types Standards shall govern.

90-1301 BONUSES AND INCENTIVES

- A. Purpose and Intent. The Planning Commission may grant zoning incentives to applicants to encourage the provision of certain community benefits or amenities that are in compliance with the Turn On 28th Street Corridor Sub Area Plan.
- B. Incentives Restricted to Added Benefits. Incentives shall be granted only when the community benefits or amenities offered would not otherwise be required or likely to result from the planning process.
- C. Incentives Permitted. The Planning Commission may grant the following incentives:
 - 1. CC Corridor Central Context Area: Building height may be increased up to 1 additional story.
 - 2. CU Corridor Urban Context Area: Building height may be increased up to 1 additional story, except when within the Building Height Transition Zone per 90-1309.
 - 3. Building height increase bonuses shall require a site plan review and approval through the Planning Commission.
 - 4. The Planning Commission reserves the right to determine the extent of the increase in height, up to the maximum bonus allowed, based on the extent of the benefit provided.
- D. Civic Space Benefit. An increase in building height may be granted for the creation of dedicated Civic Space, including gateway enhancements along the Crescent Street. Civic Space shall meet one of the following requirements to be considered for an incentive:
 - 1. Civic Space shall be in the form of plazas, squares, greens or parks that are consistent with the Turn On 28th Street Corridor Sub Area Plan.
 - 2. Civic Space may also be in the form of plazas, squares, greens or parks that are not indicated on the Turn On 28th Street Corridor Sub Area Plan, but that meet the vision and intent of the Plan.
 - 3. Civic Space shall meet the requirements of Division 3 General Provision for landscaping and lighting and Division 10 Signage.
- E. Parking Structure Benefit. An increase in building height may be granted for projects that incorporate parking structures as part of the development. Parking structures shall meet the following requirements to be considered for an incentive:
 - 1. The parking structures shall meet the requirements of Division 9 Parking Standards.
 - 2. The parking structures shall provide a minimum of fifty percent (50%) of its parking spaces as parking available to the public at market rate.
 - 3. The parking structures shall provide bicycle amenities including bike racks and/or bike lockers that are easily accessed from the public right-of-way.

90-1302 ENCROACHMENTS

- A. The following architectural elements may project into required setbacks, beyond required build-to-zones or into the public right-of-way as indicated below. For encroachments into the public right-of-way, an encroachment permit shall be obtained from the applicable City department(s).
 - 1. Balconies. A balcony with a minimum ground clearance of twelve (12) feet above adjacent grade may extend six (6) feet maximum from the exterior wall of the building.

- 2. Awnings and Canopies. An awning or canopy with a minimum ground clearance of eight (8) feet above adjacent grade may extend five (5) feet maximum from the exterior wall of the building.
 - 3. Eaves. Building eaves with a minimum ground clearance of twelve (12) feet above adjacent grade may extend two (2) feet maximum from the exterior wall of the building.
 - 4. Cornice. Building cornices with a minimum ground clearance of twelve (12) feet above adjacent grade may extend up to a two (2) foot maximum from the exterior wall of the building.
 - 5. Bay Windows. Bay windows with a minimum ground clearance of twelve (12) feet above adjacent grade may extend three (3) feet maximum from the exterior wall of the building.
 - 6. Projecting Signs. Projecting signs with a minimum ground clearance of eight (8) feet above adjacent grade may extend three (3) feet maximum from the exterior wall of the building.
- B. Unenclosed porches, stoops, wells and steps may project into required setbacks and beyond required build-to-zones as indicated below. Unenclosed porches, stoops, wells and steps shall not project into the public right-of-way.
 - 1. Along principal frontage lines: Unenclosed porches, stoops and wells (not including steps) may project into the front yard or front build-to-zone by no more than ten (10) feet, but shall be no closer than five (5) feet to the principal frontage line. Steps may completely encroach into the front yard or front build-to-zone but shall not extend beyond the principal frontage line.
 - 2. Along secondary frontage lines: Unenclosed porches, stoops, wells and steps may project into the side yard or side build-to-zone provided that they are not closer than three (3) feet to the secondary frontage line.
 - 3. Along any side or rear non-frontage property line: Unenclosed porches, stoops, wells and steps may project into the side or rear yard setback areas by no more than three (3) feet.
 - 4. Walls and fences may project into setbacks or yards as allowed in Division 8 Landscaping/Lighting.

90-1303 HEIGHT MEASUREMENT OF BUILDINGS

- A. Building heights shall be measured in number of stories.
- B. Story height shall be measured from floor to ceiling for each floor of a building as indicated by specific building type.
- C. Attics and basements are not counted as stories.
- D. Overall building height (in feet) shall be measured as the vertical distance from the established grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height for gable, hip, gambrel and A-frame roofs.

90-1304 OUTDOOR SEATING

- A. Outdoor seating shall be permitted with the following building types:
 - 1. Mixed Use Building
 - 2. Retail Building
 - 3. Zero Lot Line Retail Building
 - 4. Live/Work Building
 - 5. Civic Building
- B. Outdoor seating shall require sketch plan review and approval by the City Planner.
- C. A minimum pedestrian clear space of five (5) feet shall be provided at all times.
- D. Trash receptacles related to the outdoor seating area shall be maintained and shall be removed from the public right-of-way during non-business hours.
- E. Outdoor dining areas shall be designed so as to be architecturally compatible with existing structures on the site.



- F. If located on public property or within the public right-of-way, an encroachment permit shall be required. Such permit shall be obtained through the applicable City department(s).

90-1305 TRANSPARENCY

- A. Facade Transparency requirements for building elevations facing principal and secondary frontage lines are indicated as a percentage of clear glass to solid wall in Division 6 Building Type Standards and Division 7 Private Frontage Type Standards. Transparency shall be subject to the following requirements:
 1. Clear Glass. Only clear or lightly tinted glass in windows, doors and display windows shall be considered transparent.
 2. Calculation. The calculation of the percentage of transparency shall include only the glass within the windows, doors and display windows.
 3. Reflective Surfaces. The use of highly reflective surfaces, including reflective glass and mirrors is prohibited on the ground floor.
 4. Security Shutters. Exterior steel barriers, hurricane curtains and other security devices are not permitted on the exterior of the building. If they are located in the interior of the building, they may not be visible from the sidewalk or public right-of-way during business hours.
 5. Interior Display. Interior display shelves and merchandise are not permitted to block or obscure clear views into or out of the building at windows, doors or display windows that are included as part of the required transparency.
 6. Stairwells. Where stairwells are introduced to the outer building wall of a building, the exterior of the stairwell and exit door shall be at least seventy (70) percent transparent.

90-1306 CIVIC BUILDINGS

Civic buildings are not required to meet the Building Type Standards or Private Frontage Standards of the City of Wyoming Form Based Code. Civic buildings are structures that contain uses of special public importance including, but not limited to municipal buildings, churches, libraries and schools.

90-1307 ROOF TOP SCREENING

All rooftop mechanical, communication, and similar devices shall be screened from view of adjacent properties and streets. Screening shall be so designed as to be an integral part of the building. The screening material shall match the building's material and color or be another material or color that is compatible with the building exterior.

90-1308 BUILDING SETBACK FROM RESIDENTIAL

There shall be a minimum twenty-five (25) foot building setback from existing R-2 residential zoning districts as measured from the lot line to any proposed exterior building wall as indicated on Map 90-1309.

90-1309 BUILDING HEIGHT TRANSITION AREA

There shall be a building height transition area (Refer to Map 90-1309) for lots located within the Corridor Urban (CU) and Corridor General (CG) Context Areas abutting existing R-2 residential zoning districts and when abutting the Corridor Residential (CR) Context Area. Within the building height transition area, buildings shall be limited to two (2) stories. The building height transition area shall be one hundred forty feet (140') in depth.

90-1310 NONCONFORMITIES

Any lawful use of any land or building existing on (adoption date), and located in a zoning district in which it would not be permitted as a new use under the regulations of this chapter is hereby declared a nonconforming use and not in violation of this section, subject to the regulations of this Division.

- A. Nonconforming Uses of Buildings and Structures. Nonconforming uses of buildings and structures in the Form Based Code shall adhere to the provisions of Article XX.
- B. Nonconforming Due to Building Type Standards or Frontage Standards. For buildings and structures that do not conform to the building type standards and/or frontage standards of this Form Based Code, but are otherwise conforming to use, certain relief is provided and such buildings and structures shall be deemed conforming. Alterations, repair, maintenance or other activities requiring building permit shall conform to the provisions of this Form Based Code when such actions meet the Applicability provisions contained in Division 2, 90-1200.
- C. Nonconforming Signs. Nonconforming signs shall meet the provisions of Section 90-801.
 1. Nonconforming Sign Removal Incentive. In an effort to encourage the eventual elimination of nonconforming signs, protect public health, safety, and welfare, as well as reduce visual clutter and improve the aesthetics of the area, the following incentive is established to encourage conformance with the Division 9. When a non-conforming sign is removed and replaced with a conforming sign per Division 9 of the Form Based Code, the applicant shall be eligible for an increase in total sign area not to exceed twenty percent (20%) of the permitted sign area of the replacement sign.

90-1311 LIGHTING

- A. Exterior site lighting, other than flag and decorative lighting, shall be confined to the development site and conform to the following:
 1. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, and the light source are not directly visible from beyond the boundary of the site.
 2. The light from any illumination source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.
 3. Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than fifteen (15) feet above the average grade of the site.
 4. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
 5. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

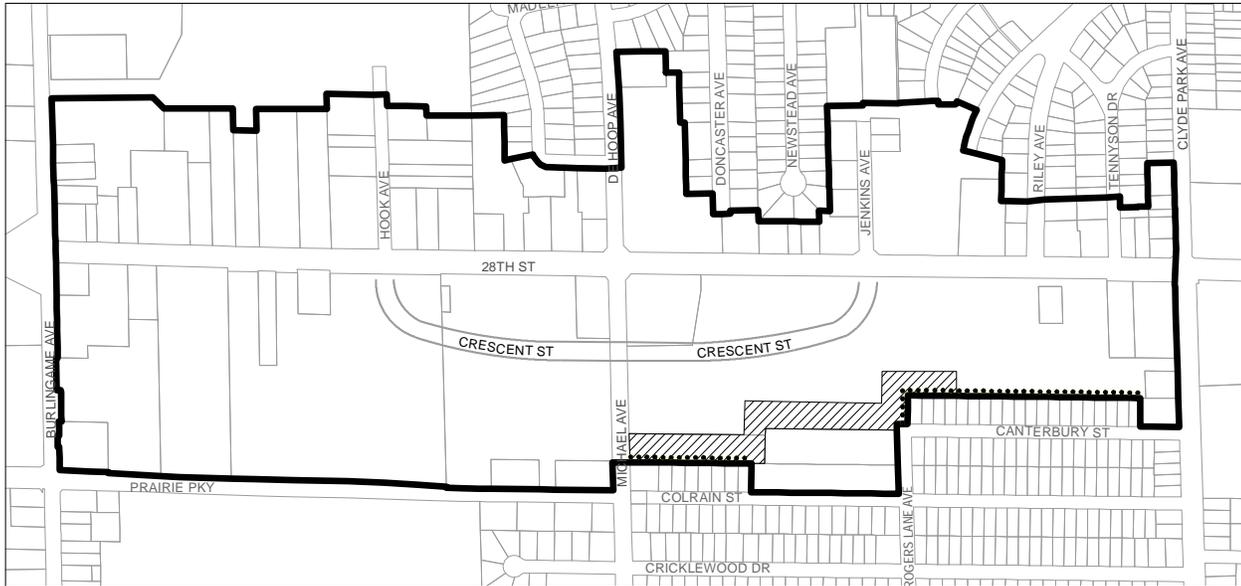


90-1312 LANDSCAPING AND GREENBELT

- A. 28th Street Greenbelt (Refer to Map 90-1312 at the end of this Division). At least one shade tree of a minimum 2.5 inch caliper shall be planted for each 50 feet of street frontage or fraction thereof. Said trees may be grouped or spaced. In addition, at least ten percent of the required greenbelt area must contain trees, shrubbery, flower beds, groundcover, landscape mulch, woodchips, stone and/or other types of landscape materials. However, credit may be obtained for existing, healthy trees and plant material where consistent with the intent of this section. Shrubby must be planted at least three feet from all sidewalks, drives and parking lots, so as to not infringe upon same.
- B. Street Trees Throughout. Deciduous canopy trees are required on all new thoroughfares as indicated in Division 8. Canopy trees shall be a minimum of 2.5 inch calliper. Additionally trees planted in raised planters shall have flower beds, ground cover, or other understory landscape materials.
- C. Installation and Maintenance:
1. In ground automatic irrigation shall be installed and utilized within the required front yard and secondary front yards for all context areas except CN. Irrigation shall be installed along the entire street frontage either with new developments or with building additions adjacent to the street frontage that exceeds fifty (50) percent of the existing buildings width.
 2. All landscaping shall be maintained in a healthy, neat and orderly state, free from refuse and debris.
 3. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not restrict pedestrian or vehicular access, or constitute a traffic hazard.
 4. Any dead or diseased plants that were required by site plan approval shall be removed and replaced within one (1) year from the time that the plant dies.
 5. Trees shown on the site plan shall not be removed, except to replace dead or diseased trees, unless approved as a site plan amendment. Any tree that is removed must be replaced in accordance with the approved site plan. Existing trees marked on the site plan to be preserved that are damaged or lost shall be replaced by at least two (2) trees of similar or better species of at least 2.5 inch caliper if deciduous, or six (6) feet in height if evergreen.
 6. Trees that shall be retained on a lot or development site shall be located within an area referred to as a tree protection zone, which shall include the area occupied by the critical root zone. The area below the drip line of an existing tree to be saved should remain undisturbed. The drip line is an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground. The owner/developer shall take all necessary steps to avoid damage or destruction to existing trees to be preserved as shown on the site plan. Tree protection fencing, notes and details shall be shown on the landscape plan.



SETBACKS MAP 90-1309



City of Wyoming, Michigan

Legend

- 25' Residential Buffer (see Division 3)
- Building Height Transition Area (see Division 3)
- Form-Based Code District

GREENBELT MAP 90-13012



City of Wyoming, Michigan

Legend

- 25' Greenbelt (see Division 3)
- - - - Crescent Street Principal Frontage (see Division 3)
- Form-Based Code District



90-1400 PURPOSE

Division 4 identifies the Context Areas and Uses established for the City of Wyoming Form Based Code and provides the attributes that are allowed in each Area. These attributes include use, building types, and building height (measured in feet). These Context Areas ensure that proposed development is consistent with the Turn On 28th Street Corridor Sub Area Plan.

Each of the Context Areas described in this Division represent a spectrum of development character and intensity, ranging from the most urban intense (Corridor Center District) to the least urban intense (Corridor Neighborhood District). Each Zoning District establishes character through its use of Building Types (Division 6) and the associated Private Frontages (Division 7) that can be applied to those Building Types.

90-1401 APPLICABILITY

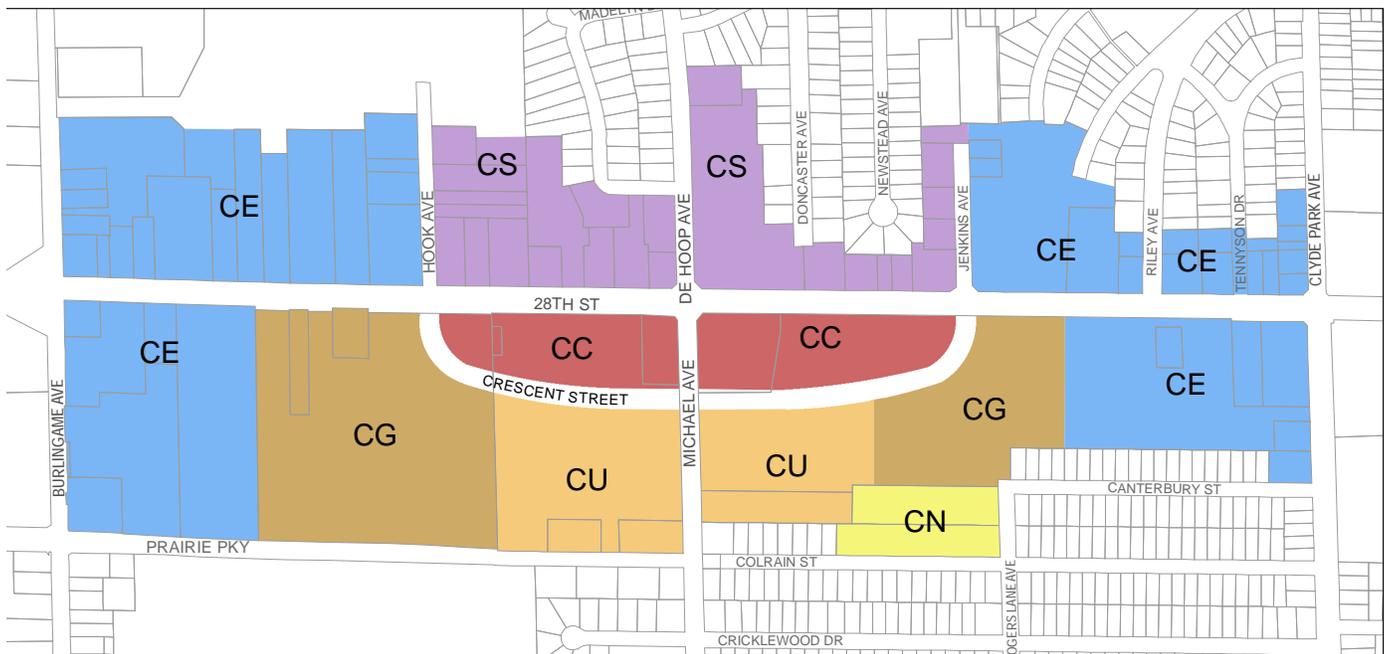
Each Context Area established in the Context Area Map shall meet the standards of this Division. Each Context Area includes permitted and special uses (if applicable) building types, and building height. Key maps are provided to quickly discern the district location within the 28th Street Corridor Sub Area.

90-1402 CONTEXT AREAS

The following Context Areas are specified in this Division:

A. Corridor Center Area (CC): The Corridor Center Area is the equivalent of a downtown, with the highest concentration of development and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area limits building heights to two (2) stories in order to provide visual connection from 28th Street.

- B. Corridor Urban Area (CU):** The Corridor Urban Area is the equivalent of a downtown, with the highest concentration of development, the tallest buildings, and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area has similar characteristics to the Corridor Center Area, except that it allows taller buildings and may permit large-format retail.
- C. Corridor General Area (CG):** The Corridor General Area represents a traditional urban development pattern with mixed use, retail, live / work and apartment buildings. The Area is characterized by a variety of Building Types set relatively close to the sidewalk, but also allows a range of building placement options that permit a varied street wall.
- D. Corridor Sub-Urban Area (CS):** The Corridor Sub-Urban Area represents a transition district within the development pattern by facilitating building placement that is varied and setback from the street edge and less emphasis on commercial uses. The Area permits flexible retail building placement to encourage a varied street edge and also allows for a variety of residential Building Types.
- E. Corridor Edge Area (CE):** The Corridor Edge Area represents a district which transitions from more urban districts to the existing development pattern of the City. This Area promotes retail and residential uses with building placement that is more consistent with existing City development patterns and includes the flexibility of locating limited parking in the front of retail buildings that front on 28th Street.
- F. Corridor Neighborhood Area (CN):** The Corridor Neighborhood Area is a residential district that allows rowhouses, two-family and single-family homes. It is intended to address redevelopment opportunities that are consistent with existing adjacent single-family residential neighborhoods.



City of Wyoming, Michigan
Context Area Map

October 8, 2013

Legend

- CC, Corridor Center Context Area
- CU, Corridor Urban Context Area
- CG, Corridor General Context Area
- CS, Corridor Sub-urban Context Area
- CE, Corridor Edge Context Area
- CN, Corridor Neighborhood Context Area



© 2012 REGIS. All Rights Reserved. This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy and should be verified through other means. Any duplication is restricted under copyright laws and the Enhanced Access to Public Records Act, PA 462 of 1996, as amended.





This page left intentionally blank



CONTEXT AREA AND USE STANDARDS : 90-1403 CORRIDOR CENTER AREA (CC)

90-1403 CORRIDOR CENTER AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1403 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Area

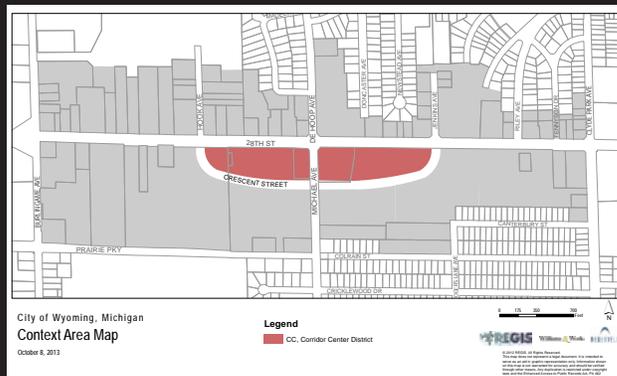
- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: None
 - Maximum: Two (2) stories, 35 feet
 - Zero Lot Line Retail Building: One (1) story maximum

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CC Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-895 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- B. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- C. Secondhand businesses.

CORRIDOR CENTER AREA KEY MAP:



CORRIDOR CENTER AREA DESCRIPTION:

Corridor Center Area (CC): The Corridor Center Area is the equivalent of a downtown, with the highest concentration of development and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area limits building heights to two (2) stories in order to provide visual connection from 28th Street.



DIVISION 4

CONTEXT AREA AND USE STANDARDS : 90-1403 CORRIDOR CENTER AREA (CC)

TABLE 90-1403 CORRIDOR CENTER AREA (CC)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more									
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P								
Barbershop	P								
Beauty shop	P								
Bowling alley									
Bus transfer station									P
Business office	P\$								
Business service establishments	P\$								
Car wash									
Clothing services	P	P							
College or university									
Commercial greenhouse	P	P							
Community center									
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen	P	P							
Department store	P	P							
Drive-through establishments	S	S							
Drugstore	P	P							
Dry cleaning establishment (per 90-336 5, c.)	P\$								
Eating and drinking establishments (without drive-through service)	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



CONTEXT AREA AND USE STANDARDS : 90-1403 CORRIDOR CENTER AREA (CC)

TABLE 90-1403 CORRIDOR CENTER AREA (CC) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P							
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P\$								
Hotel	P\$								
Indoor skating rink									
Indoor theater									
Medical office	P\$								
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures	S								
Photographic studio	P\$								
Pool hall/billiards									
Printing and publishing									
Professional office	P\$								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning									
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.





This page left intentionally blank



CONTEXT AREA AND USE STANDARDS : 90-1404 CORRIDOR URBAN AREA (CU)

90-1404 CORRIDOR URBAN AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1404 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Area

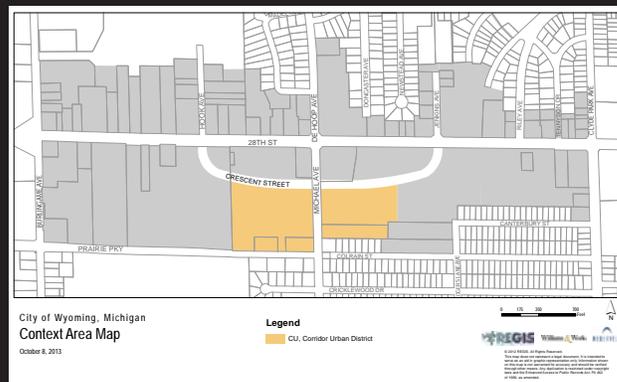
- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: Two (2) stories
 - Maximum: Five (5) stories, 70 feet
 - Zero Lot Line Retail Building: One (1) story maximum

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CU Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-895 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Any use in retail sales of 20,000 square feet or more
- B. Bowling alley.
- C. Dance hall/nightclub.
- D. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- E.
- F. Indoor skating rink.
- G. Indoor theater.
- H. Poolhall/billiards.
- I. Secondhand businesses.

CORRIDOR URBAN AREA KEY MAP:



CORRIDOR URBAN AREA DESCRIPTION:

Corridor Urban Area (CU): The Corridor Urban Area is the equivalent of a downtown, with the highest concentration of development, the tallest buildings, and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area has similar characteristics to the Corridor Center Area, except that it allows taller buildings and may permit large-format retail.



DIVISION 4

CONTEXT AREA AND USE STANDARDS : 90-1404 CORRIDOR URBAN AREA (CU)

TABLE 90-1404 CORRIDOR URBAN AREA (CU)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	S	S							
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P\$								
Barbershop	P\$								
Beauty shop	P\$								
Bowling alley	S	S							
Bus transfer station	P								P
Business office	P\$								
Business service establishments	P\$								
Car wash									
Clothing services	P	P							
College or university									P
Commercial greenhouse	P	P							
Community center	P\$								
Convalescent or nursing homes									
Dance hall/nightclub	S	S							
Delicatessen	P	P							
Department store	P	P							
Drive-through establishments	S	S							
Drugstore	P	P							
Dry cleaning establishment (per 90-336 5, c.)	P\$								
Eating and drinking establishments (without drive-through service)	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



CONTEXT AREA AND USE STANDARDS : 90-1404 CORRIDOR URBAN AREA (CU)

TABLE 90-1404 CORRIDOR URBAN AREA (CU) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P							
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P\$								
Hotel	P\$								
Indoor skating rink	S	S							
Indoor theater	S	S							
Medical office	P\$								
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$								
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures									
Photographic studio	P\$								
Pool hall/billiards	S								
Printing and publishing	P								
Professional office	P\$								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P\$								

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.





This page left intentionally blank



CONTEXT AREA AND USE STANDARDS : 90-1405 CORRIDOR GENERAL AREA (CG)

90-1405 CORRIDOR GENERAL AREA

The following standards apply to the Corridor General Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Retail Building
- D. Live/Work Building
- E. Apartment
- F. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1405 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: Two (2) stories
 - Maximum: Five (5) stories, 75 feet
 - Zero Lot Line Retail Building: One (1) story maximum

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CG Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-895 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Car wash.
- B. Commercial greenhouse.
- C. Dance hall/nightclub.
- D. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- E. Open air business.
- F. Secondhand businesses.

CORRIDOR GENERAL AREA KEY MAP:



CORRIDOR GENERAL AREA DESCRIPTION:
 Corridor General Area (CG): The Corridor General Area represents a traditional urban development pattern with mixed use, retail, live / work and apartment buildings. The Area is characterized by a variety of Building Types set relatively close to the sidewalk, but also allows a range of building placement options that permit a varied street wall.



DIVISION 4

CONTEXT AREA AND USE STANDARDS : 90-1405 CORRIDOR GENERAL AREA (CG)

TABLE 90-1405 CORRIDOR GENERAL AREA (CG)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P	P	P	P				P
Any use in retail sales of 20,000 square feet or more	P	P	P						
Apparel shop	P	P	P	P					
Art, including art work, art supplies and framing materials	P	P	P	P					
Automobile gasoline/convenience store			P						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P	P	P					
Bank and financial institution	P\$								
Barbershop	P\$			P	P#				
Beauty shop	P\$			P	P#				
Bowling alley									
Bus transfer station	P								P
Business office	P\$			P	P#				
Business service establishments	P\$			P	P#				
Car wash			S						
Clothing services	P	P	P	P					
College or university									P
Commercial greenhouse	P		S						
Community center	P\$								
Convalescent or nursing homes									
Dance hall/nightclub	S	S	S						
Delicatessen	P	P	P	P					
Department store	P	P	P	P					
Drive-through establishments	S	S	S						
Drugstore	P	P	P	P					
Dry cleaning establishment (per 90-336 5, c.)		P	P						
Eating and drinking establishments (without drive-through service)	P	P	P		P#				

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



CONTEXT AREA AND USE STANDARDS : 90-1405 CORRIDOR GENERAL AREA (CG)

TABLE 90-1405 CORRIDOR GENERAL AREA (CG) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P	P	P					
Funeral homes or mortuaries									
General merchandise store	P	P	P	P					
Grocery	P	P	P	P	P#				
Hardware store, paint and wallpaper	P	P	P	P					
Health and fitness	P\$				P#				
Hotel	P\$								
Indoor skating rink									
Indoor theater	P	P	P						
Medical office	P\$			P	P#				
Multiple family dwellings	P\$			P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$			P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P	P						
Parking structures									
Photographic studio		P	P	P					
Pool hall/billiards									
Printing and publishing	P			P					
Professional office	P\$			P	P#				
Religious or social service assembly									
Secondhand business	S	S	S						
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P						

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.





This page left intentionally blank



CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR SUB-URBAN AREA (CS)

90-1406 CORRIDOR SUB-URBAN AREA

The following standards apply to the Corridor Sub-Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1406 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: Two (2) stories
 - Maximum: Four (4) stories, 60 feet
 - Retail Building: One (1) story maximum

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CS Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-895 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Bowling alley.
- B. Car wash.
- C. Commercial greenhouse.
- D. Community center.
- E. Dance hall/nightclub.
- F. Drive-through establishments. Drive through entries shall take access from interior rights-of-way.
- G. Indoor skating rink.
- H. Indoor theater.
- I. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- J. Pool hall/billiards.
- K. Secondhand businesses.

CORRIDOR SUB-URBAN AREA KEY MAP:



CORRIDOR SUB-URBAN AREA DESCRIPTION:

Corridor Sub-Urban Area (CS): The Corridor Sub-Urban Area represents a transition area within the development pattern by facilitating building placement that is varied and setback from the street edge and less emphasis on commercial uses. The Area permits flexible retail building placement to encourage a varied street edge and also allows for a variety of residential Building Types.



DIVISION 4

CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR SUB-URBAN AREA (CS)

TABLE 90-1406 CORRIDOR SUB-URBAN AREA (CS)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more									
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods			P	P					
Bank and financial institution									
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			S						
Bus transfer station			P						P
Business office				P					
Business service establishments				P					
Car wash			S						
Clothing services			P	P					
College or university			S						P
Commercial greenhouse			S						
Community center			S						
Convalescent or nursing homes									
Dance hall/nightclub			S						
Delicatessen			P	P					
Department store			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-336 5, c.)			P						
Eating and drinking establishments (without drive-through service)			P						

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR SUB-URBAN AREA (CS)

TABLE 90-1406 CORRIDOR SUB-URBAN AREA (CS) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop			P	P					
Funeral homes or mortuaries									
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			S						
Indoor theater			S						
Medical office				P					
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			S						
Printing and publishing				P					
Professional office				P					
Religious or social service assembly									
Secondhand business			S						
Self-service laundry and dry cleaning									
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P			
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P						

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.





This page left intentionally blank



CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR EDGE AREA (CE)

90-1407 CORRIDOR EDGE AREA

The following standards apply to the Corridor Edge Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Two-family House
- F. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1407 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Area

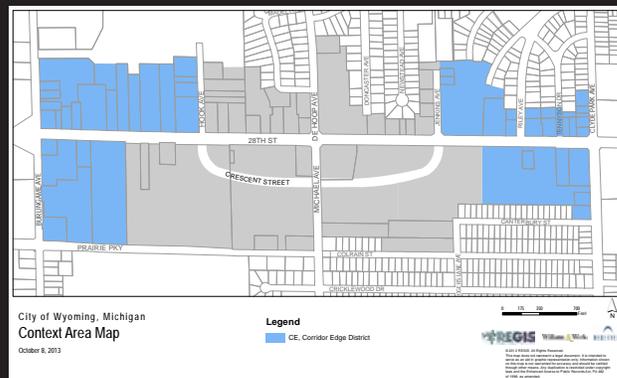
- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: No minimum
 - Maximum: Three (3) stories, 45 feet
 - Retail Building: One (1) story maximum

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CE Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-895 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Automobile sales.
- B. Car wash.
- C. Dance hall/nightclub.
- D. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- E. Funeral homes or mortuaries.
- F. Open air business.
- G. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- H. Pool hall/billiards.
- I. Secondhand businesses.

CORRIDOR EDGE AREA KEY MAP:



CORRIDOR EDGE AREA DESCRIPTION:

Corridor Edge Area (CE): The Corridor Edge Area represents a district which transitions from more urban areas to the existing development pattern of the City. This Area promotes retail and residential uses with building placement that is more consistent with existing City development patterns and includes the flexibility of locating limited parking in the front of retail buildings that front on 28th Street.



DIVISION 4

CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR EDGE AREA (CE)

TABLE 90-1407 CORRIDOR EDGE AREA (CE)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more									
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store			P						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations			P						
Automobile sales			S						
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms			P						
Baked goods			P	P					
Bank and financial institution									
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			P						
Bus transfer station			P						P
Business office				P					
Business service establishments				P					
Car wash			S						
Clothing services			P	P					
College or university			S						P
Commercial greenhouse			P						
Community center			P						
Convalescent or nursing homes					P				
Dance hall/nightclub			S						
Delicatessen			P	P					
Department store			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-336 5, c.)			P						
Eating and drinking establishments (without drive-through service)			P						

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR EDGE AREA (CE)

TABLE 90-1407 CORRIDOR EDGE AREA (CE) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop			P	P					
Funeral homes or mortuaries			S						
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			P						
Indoor theater			P						
Medical office				P					
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			P						
Printing and publishing				P					
Professional office				P					
Religious or social service assembly									P
Secondhand business			S						
Self-service laundry and dry cleaning									
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P						

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.





This page left intentionally blank



CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR NEIGHBORHOOD AREA (CN)

90-1408 CORRIDOR NEIGHBORHOOD AREA

The following standards apply to the Corridor Neighborhood Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Rowhouse
- B. Two-family House
- C. Single-family House
- D. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1408 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Area

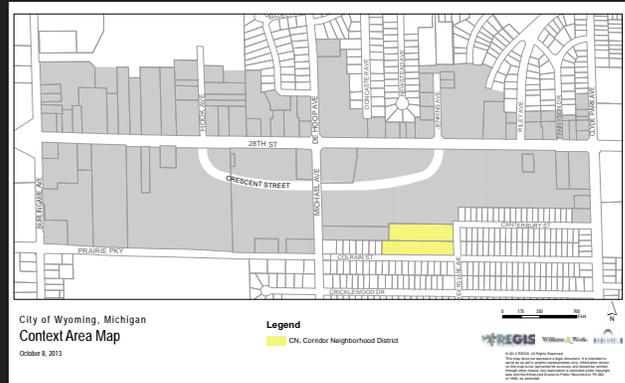
- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: No minimum
 - Maximum: Two (2) stories, 35 feet

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CN Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-895 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Community center.
- B. Nursery schools, day nurseries, and dependent care facilities for seven or more people.

CORRIDOR NEIGHBORHOOD AREA KEY MAP:



CORRIDOR NEIGHBORHOOD AREA DESCRIPTION:
 Corridor Neighborhood District (CN): The Corridor Neighborhood District is a residential district that allows rowhouses, two-family and single-family homes. It is intended to address redevelopment opportunities that are consistent with existing adjacent single-family residential neighborhoods.



DIVISION 4

CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR NEIGHBORHOOD AREA (CN)

TABLE 90-1408 CORRIDOR NEIGHBORHOOD AREA (CN)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses						P	P	P	P
Any use in retail sales of 20,000 square feet or more									
Apparel shop									
Art, including art work, art supplies and framing materials									
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods									
Bank and financial institution									
Barbershop									
Beauty shop									
Bowling alley									
Bus transfer station									
Business office									
Business service establishments									
Car wash									
Clothing services									
College or university									
Commercial greenhouse									
Community center									S
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen									
Department store									
Drive-through establishments									
Drugstore									
Dry cleaning establishment (per 90-336 5, c.)									
Eating and drinking establishments (without drive-through service)									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR NEIGHBORHOOD AREA (CN)

TABLE 90-1408 CORRIDOR NEIGHBORHOOD AREA (CN) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop									
Funeral homes or mortuaries									
General merchandise store									
Grocery									
Hardware store, paint and wallpaper									
Health and fitness									
Hotel									
Indoor skating rink									
Indoor theater									
Medical office									
Multiple family dwellings									
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									S
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment									
Parking structures									
Photographic studio									
Pool hall/billiards									
Printing and publishing									
Professional office									
Religious or social service assembly									P
Secondhand business									
Self-service laundry and dry cleaning									
Single-family detached dwelling									P
State licensed residential facility									P
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.





This page left intentionally blank



90-1500 APPLICABILITY

The subdivision of lands within the Form Based Code district shall adhere to Chapter 74 of the City of Wyoming Code of Ordinances, except as provided herein.

90-1501 LOT REQUIREMENTS

- A. Access. Blocks and Lots shall abut a Street, Avenue or Alley, as defined in Division 8, Thoroughfare Standards. Back-up lots shall be permitted, provided that the applicant identify a principal frontage to orient building types and frontage types. Buildings shall face Streets, Avenues or civic spaces.
- B. Width and Depth. Lot width shall be as follows:
 - 1. Residential. Residential lots within the CN Context Area shall be at least 40' in width.
 - 2. Commercial. Commercial or mixed use lots within all Context Areas shall be at least 25' in width.
 - 3. The maximum lot width to depth ratio shall be 1:4.
 - 4. Applicant is encouraged to verify site dimensional requirements for desired building type and applicable thoroughfare standards prior to platting.

90-1502 BLOCK REQUIREMENTS

- A. Length. Blocks shall be not less than 500 feet nor more than 1,250 feet.
- B. Width. Width shall be as necessary to meet site dimensional requirements for applicable building types. Applicants are encouraged to consider providing civic space in the form of plazas, pocket parks, or other public gathering areas dispersed in 1/4 mile increments and not less than 2,500 square feet in area.
- C. Block Frontage. Blocks may front a Street, Avenue, or Alley.
- D. Connectivity. New streets shall connect to existing streets where ever possible.

90-1503 ACCESS REQUIREMENTS

- A. Residential. Alley access is encouraged within the CN Context Area, between Canterbury Street and Colrain Street.
- B. Commercial.
 - 1. Subdivision and site plans shall include a continuous cross access way in accordance with the Rear Alley Thoroughfare Type RA-20-20-C.
 - 2. Cross access agreements shall be legally binding and allow interconnected vehicular and pedestrian access in perpetuity.
 - 3. Rear alleys shall be contiguous along adjacent property lines, forming a travel way parallel to the primary thoroughfare.
 - 4. Similar building types shall face each other across a Street or Avenue, while Alleys may be used to transition between building types.

90-1504 DRIVEWAY REQUIREMENTS

- A. Commercial.
 - 1. Curb cuts shall be at least 160 feet from side streets and other driveways.
 - 2. For access management purposes, driveways shall be shared and connect to the required Rear Alley, as per 90-1503 B. 1.
 - 3. A shared driveway access agreement shall be reviewed and approved by the City Attorney prior to site plan approval.

90-1505 PLATTING REQUIREMENTS

The subdivision of lands shall follow the review and approval process as provided in Chapter 74.





This page left intentionally blank



90-1600 PURPOSE

Division 6 identifies particular Building Types that are allowed within various Context Areas and provides design standards for each type, to ensure that proposed development is consistent with the Turn On 28th Street Corridor Sub Area Plan's goals for building form and character.

90-1601 APPLICABILITY

Each proposed building shall be designed in compliance with the standards of this Division for the applicable Building Type, except civic buildings, which are not required to meet the Building Type Standards of this Code.

90-1602 BUILDING TYPES BY CONTEXT AREA

Property may be developed only with the Building Types allowed by this Article in the Context Area applicable to each lot.

- A. Refer to Table 90-1602 on this page to determine the specific Building Types that are permitted in each of the Context Areas.

90-1603 CONTENTS OF THIS DIVISION

The following Building Types are specified in this Division

- A. Mixed Use Building Type
- B. Zero Lot Line Retail Building Type
- C. Retail Building Type
- D. Live / Work Building Type
- E. Apartment Building Type
- F. Rowhouse Building Type
- G. Two-Family House Building Type
- H. Single-Family House Building Type

TABLE 90-1602 BUILDING TYPES PERMITTED PER CONTEXT AREA

Building Types	Corridor Center (CC)	Corridor Urban (CU)	Corridor General (CG)	Corridor Sub-Urban (CS)	Corridor Edge (CE)	Corridor Neighborhood (CN)
Mixed Use Building						
Zero Lot Line Retail Building						
Retail Building						
Live / Work Building						
Apartment						
Rowhouse						
Two-Family House						
Single-Family House						
Civic Building						

White cells represent Context Areas where Building Type is permitted.

Darkened cells represent Context Areas where Building Type is NOT permitted.



90-1604 HOW TO USE THIS DIVISION

Refer to sample pages on this sheet for references of how to use each Building Type Standard. These pages are representative of the layout for each Building Type contained in this Division.

- A. **Building Character:** This box serves as an introduction to the Building Type, including precedent examples, a general Building Type description, and whether the Building Type is permitted to have an accessory building and/or structure.
- B. **Access:** Specifies required building access and door location requirements. For many Building Types, this section specifies the maximum building length allowed without a pedestrian access-way between building frontages.
- C. **Building Height:** Indicates the required minimum and maximum number of stories permitted for the Building Type and the minimum number of feet required for each story. This section also specifies the minimum and maximum number of stories for some of the Building Types. For Building Types where the maximum number of stories is not indicated, refer to the Context Areas in Division 4 for the maximum number of stories allowed.
- D. **Facade Composition:** Indicates the required façade composition specifications for Building Type, including upper floor(s) transparency, massing, proportion, and roof type.
- E. **Private Frontage:** Specifies the required Private Frontage Types that are permitted to be applied to the Building Type. Private Frontages define the architecture and design components for the entrance(s) to the building and the area between the façade and the Frontage Line(s). Refer to Division 7 for Private Frontage Types.
- F. **Site Dimensional Requirements:** Indicates the site placement for the Building Type, including build-to-lines, build-to-zones, setbacks, encroachments, required building depths, and site coverage.

DIVISION 6
BUILDING TYPE STANDARDS : 90-1606 MIXED USE BUILDING TYPE

90-1606 Mixed Use Building Type
The following standards apply to the Mixed Use Building Type.

1.B Access
A. The main entrance(s) to ground story commercial space(s) shall be directly accessible from a street, public path or civic space. Pedestrian access shall occur at intervals no greater than 150 feet. Access shall be through a street level lobby, vestibule or other enclosure.

2.B Building Height
Refer to Illustration 6.01 for building height graphic representation.
A. Maximum number of stories and maximum building height permitted for Mixed-Use Buildings is regulated by Context Area. Refer to Division 4.
B. Mixed-Use Buildings shall be a minimum of two (2) stories in height.
C. First story shall be a minimum of 10 feet maximum in height, measured from finished grade to finished ceiling.
D. Upper stories shall be a minimum of 8 feet maximum in height, measured from finished grade to finished ceiling.
E. First Floor Entry Door Height Above Grade: First floor at entry door location is required to be at the same elevation as the adjacent sidewalk grade along the Principal Frontage (where vertical separation).

3.B Facade Composition Requirements
Refer to Illustration 6.02 for building composition graphic reference.
A. Building shall have a cornice expression line at rooftop.
B. Transparency: Upper Stories: Building facades facing streets shall have 10% to 50% of the facade be windows between the finish floor line of the second story and bottom of cornice expression line.
C. Transparency: Private Frontage Types: (Division 7) Building shall have a minimum of 10% of facade be windows between the finish floor line of the second story and bottom of cornice expression line.
D. Upper windows shall be vertically proportioned with clear glass requirements.
E. Building shall have an 18" to 32" plaster or wall surface every 20' to 40 feet along building facade facing streets. Plasters shall extend vertically from grade to cornice expression line.
F. Building Materials: Refer to section 90-1614 for required building materials.

MIXED USE BUILDING CHARACTER EXAMPLES
An art inspired and designed building model is multi-story building with multiple dwelling units in the upper story and various commercial uses permitted within any story.
Accessory Buildings are not permitted on Mixed Use Building Type lots. Accessory Structures are allowed on Mixed Use Building Type lots.

ILLUSTRATION 6.01 BUILDING HEIGHT
Graphic showing building height requirements with callouts 90-1604 B, C, and E.

ILLUSTRATION 6.02 FACADE COMPOSITION
Graphic showing facade composition requirements with callouts 90-1604 D, E, and F.

CITY OF WYOMING FORM BASED CODE
Division 6 : Page 4

DIVISION 6
BUILDING TYPE STANDARDS : 90-1606 MIXED USE BUILDING TYPE

4.0 Private Frontage
A. Refer to Division 7 for Private Frontage Types.
B. Private Frontage shall be one of the following:
1. Street Frontage
2. Backlot Frontage
3. Drive Frontage

5.0 Use
Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements
Refer to Illustration 6.03 for graphic representation of the dimensional requirements regarding site and building placement.

A. Front Setback (at Principal Frontage):
• 0 feet - required build-to-line (no setback is allowed, building shall be at frontage line).

B. Side Setback (at Principal Frontage):
• 0 feet - required build-to-line (no setback is allowed, building shall be at frontage line).

C. Side Setback (at Non-Frontage Locations):
• 0 feet from Non-Frontage Site Property Line.

D. Rear Setback (at Non-Frontage Locations):
• 0 feet from Non-Frontage Rear Property Line.

E. Optional angled building corner with required entry door: Maximum length of angled wall shall be eight (8) feet.

F. Required twenty (20) foot maximum building depth along Principal Frontages.

G. Required thirty (30) foot minimum extension of required building depth along accessory frontages.

H. Building facade width along Principal Frontage shall be built to a minimum of 90% of the overall length of the Principal Frontage Line length.

I. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
J. Maximum site coverage for Mixed-Use Buildings is 100%.

ILLUSTRATION 6.03 SITE DIMENSIONAL REQUIREMENTS
Site plan diagram showing building footprint, setbacks, and frontage lines with callouts 90-1604 A through J.

CITY OF WYOMING FORM BASED CODE
Division 6 : Page 5



90-1605 STANDARDS FOR ALL BUILDING TYPES

The following standards apply to all Building Types:

- A. **Principal Frontage:** Principal frontages of buildings represent the building front and are located at the public right-of-way lines along the street, public path or civic space of address for the building.
- B. **Secondary Frontage:** Secondary Frontages of buildings represent the building sides that are located at the public right-of-way lines along all streets, public paths or civic spaces that are not the street of address for the building. The side setback for secondary frontages shall apply to all situations where secondary frontages occur at more than one side of a building (due to a parcel that is bound on more than two sides by right-of-way lines).
- C. **Principal Frontage Transparency Requirements at First Story:** Each Building Type's first story transparency at the Principal Frontage Line is per the Private Frontage Requirements. Secondary Frontages are required to use one (1) of the following standards:
 - 1. Transparency that is the same as what is required by the upper stories for the Building Type.
 - 2. Transparency that is the same as the Private Frontage that has been applied to the Principal Frontage.
- D. **Setback Measurements:** For all Principal and Secondary Frontage locations along the required 28th Street greenbelt, the required build-to-lines, build-to-zones and setback measurements shall be taken from the back edge (the edge facing the private side of the right-of-way) of the greenbelt. Refer to Division 3 for greenbelt measurement and design.
- E. **Frontage Percentages:** Each Building Type indicates a frontage percentage requirement along the Principal Frontage Line. This percentage is the amount of a lot line adjoining the public right-of-way that is occupied by the front façade of the principal building. The front façade shall be parallel to the right-of-way, located in accordance with the required build-to-lines or build-to-zones.
- F. **Private Frontages:** Private Frontage Types define architecture and design components for the entrance(s) to the building and the area between the façade and the Frontage Line. Each Building Type identifies the appropriate Private Frontage Type(s). The use of one of the Private Frontage Types identified is required. Refer to Division 7 for Private Frontage Types.
- G. **Maximum Site Coverage:** The maximum site coverage applies to all buildings on a lot, including accessory buildings.
- H. **Building Height:** Buildings shall comply with the overall maximum height regulations (as measured in feet) that are established by Context Area.
- I. **Accessory Buildings:** Accessory buildings shall comply with the following standards:
 - 1. **Allowed per Building Type:** One (1) accessory building is permitted in addition to the principal building for Live / Work, Rowhouse, Two-Family House and Single-Family House Building Types.
 - 2. **Accessory Building Use:** Accessory buildings may contain a garage and / or home office space.
 - 3. **Accessory Building Size:** Six-hundred (600) square feet.
 - 4. **Accessory Building Location:** Accessory buildings shall be located in the rear of the lot and adhere to the setbacks established for the principal building.
 - 5. **Accessory Building Height:** Accessory buildings shall be limited to two (2) stories in height and shall comply with the overall maximum height regulations established by Context District.
- J. **Side Yard Walls:** Each building shall have separate walls to support all loads independently of any walls located on an adjacent lot. Buildings with side-facing windows shall provide necessary light and air shafts within their own lot, without relying on the side yard of the adjacent lot.
- K. **Landscape Standards:** Refer to Division 3 for Landscape Standards and 28th Street greenbelt measurement and design.
- L. **Parking Requirements and Standards:** Parking requirements for each Building Type are based on use. Refer to Division 9 for parking requirements and standards.
- M. **Sign Standards:** Refer to Division 10 for Sign Standards.



90-1606 Mixed Use Building Type

The following standards apply to the Mixed Use Building Type:

1.0 Access

- A. The main entrance(s) to ground story commercial space(s) shall be directly from and face a street, public path or civic space. Doors allowing public access shall occur at intervals no greater than seventy-five (75) feet.
- B. Access to upper story units shall be through a street level lobby, visible from the street.
- C. Contiguous Mixed-Use Buildings shall not exceed two-hundred-forty (240) feet along a street frontage without a pedestrian access-way at least ten (10) feet wide that connects the rear parking area to the sidewalk.

2.0 Building Height

Refer to Illustration 6.01 for building height graphic representation.

- A. Maximum number of stories and maximum building height permitted for Mixed-Use Buildings is regulated by Context Area. Refer to Division 4.
- B. Mixed-Use Buildings shall be a minimum of two (2) stories in height.
- C. First story shall be twelve (12) feet minimum in height, measured from finished floor to finished ceiling.
- D. Upper stories shall be eight (8) feet minimum in height, measured from finished floor to finished ceiling.
- E. First Floor Entry Door Height Above Grade. First floor at entry door location is required to be at the same elevation as the adjacent sidewalk grade along the Principal Frontage (zero vertical separation).

3.0 Facade Composition Requirements

Refer to Illustration 6.02 for building composition graphic reference.

- A. Building shall have a flat roof with parapet.
- B. Building shall have a cornice expression line at roofline.
- C. Transparency Upper Stories: Building facades facing streets shall have 10% to 50% of the façade be windows between the finish floor line of the second story and bottom of cornice expression line.
- D. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- E. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.
- F. Building shall have an 18" to 32" pilaster or wall surface every 20 to 40 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line.
- G. Building Materials: Refer to section 90-1614 for required building materials.

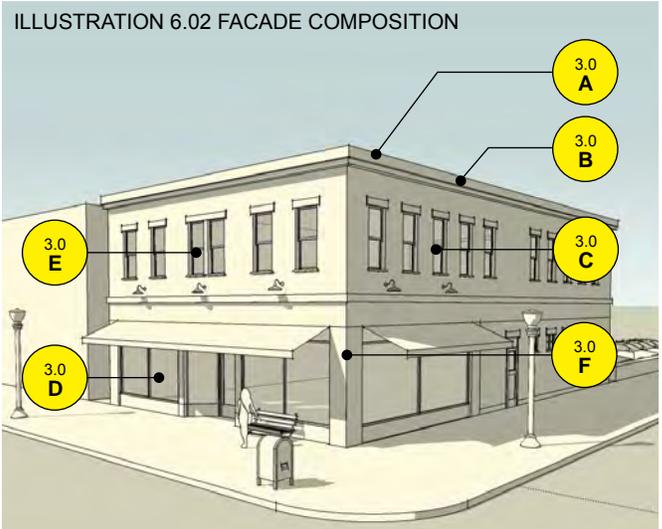
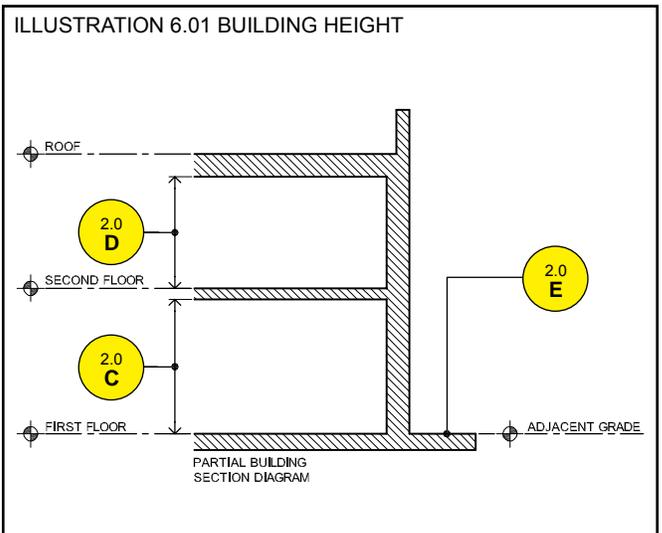
MIXED USE BUILDING CHARACTER EXAMPLES:



MIXED USE BUILDING DESCRIPTION:

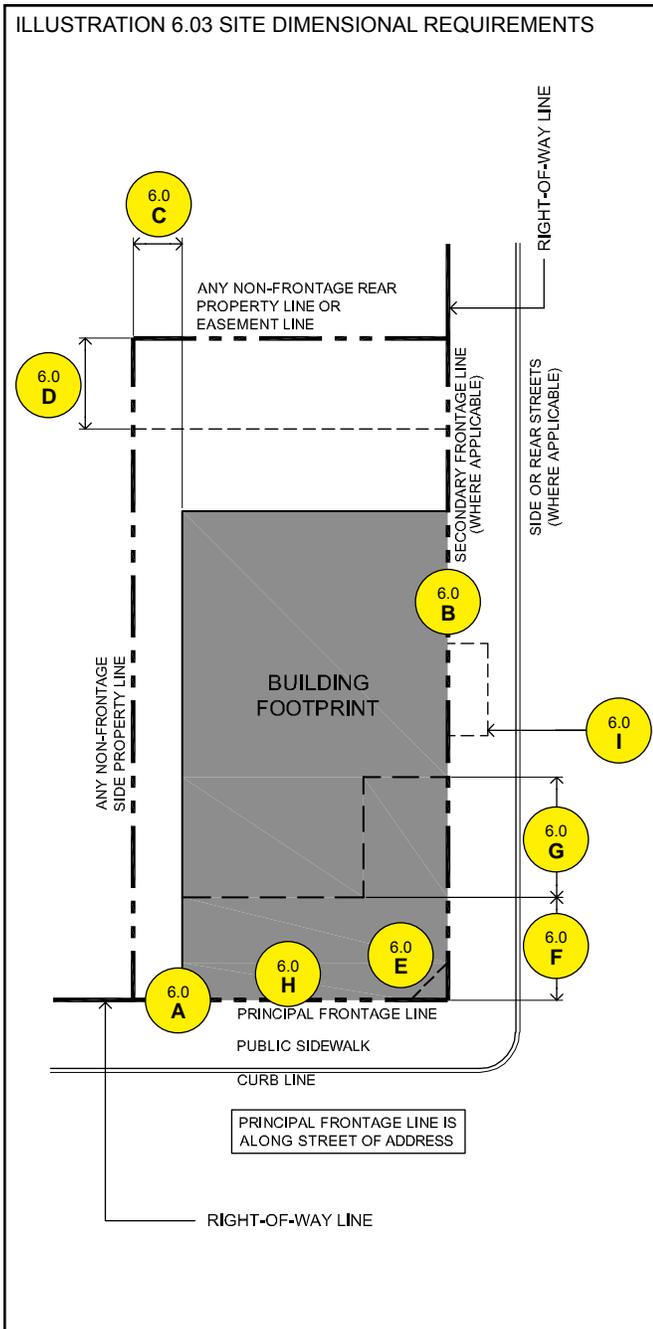
A lot located and designed to accommodate a multi-story building with multiple dwelling units in the upper story and various commercial uses permitted within any story.

Accessory Buildings are not permitted on Mixed Use Building Type lots. Accessory Structures are allowed on Mixed Use Building Type lots.



BUILDING TYPE STANDARDS : 90-1606 MIXED USE BUILDING TYPE

ILLUSTRATION 6.03 SITE DIMENSIONAL REQUIREMENTS



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Mixed-Use Building:
 1. Storefront Private Frontage
 2. Balcony Private Frontage
 3. Drive-through Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.03 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - 0 feet - required build-to-line (no setback is allowed, building shall be at frontage line).
- B. Side Setback (at Secondary Frontage):
 - 0 feet - required build-to-line (no setback is allowed, building shall be at frontage line).
- C. Side Setback (at non-frontage locations):
 - 0 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 0 feet from Non-Frontage Rear Property Line.
- E. Optional angled building corner with required entry door. Maximum length of angled wall shall be eight (8) feet.
- F. Required twenty (20) foot minimum building depth.
- G. At corner locations: Required thirty (30) foot minimum extension of required building depth along secondary frontages. Thirty (30) foot extension is in addition to the required twenty (20) foot minimum depth.
- H. Building façade width along Principal Frontage shall be built to a minimum of 90% of the overall length of the Principal Frontage Line length.
- I. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- J. Maximum site coverage for Mixed-Use Buildings is 100%.



90-1607 Retail Building Type (Zero Lot Line)

The following standards apply to the Zero Lot Line Retail Building Type:

1.0 Access

- A. The main entrance(s) to ground story commercial space(s) shall be directly from and face a street, public path or civic space. Doors allowing public access shall occur at intervals no greater than seventy-five (75) feet.
- B. Contiguous Zero Lot Line Retail Buildings shall not exceed two-hundred-forty (240) feet along a street frontage without a pedestrian access-way at least ten (10) feet wide that connects the rear parking area to the sidewalk.

2.0 Building Height

Refer to Illustration 6.04 for building height graphic representation.

- A. Maximum building height permitted for Zero Lot Line Retail Buildings is regulated by Context Area. Refer to Division 4.
- B. Zero Lot Line Retail Buildings shall be one (1) story in height. Upper stories are not permitted on the Zero Lot Line Retail Building Type.
- C. Refer to Mixed Use Building Type if multiple stories are desired.
- D. First story shall be twelve (12) feet minimum in height, measured from finished floor to finished ceiling.
- E. First Floor Entry Door Height Above Grade. First floor at entry door location is required to be at the same elevation as the adjacent sidewalk grade along the Principal Frontage (zero vertical separation).

3.0 Facade Composition Requirements

Refer to Illustration 6.05 for building composition graphic reference.

- A. Building shall have a flat roof with parapet.
- B. Building shall have a cornice expression line at roofline.
- C. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- D. Building shall have an 18" to 32" pilaster or wall surface every 20 to 40 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line.
- E. Building Materials: Refer to section 90-1614 for required building materials.

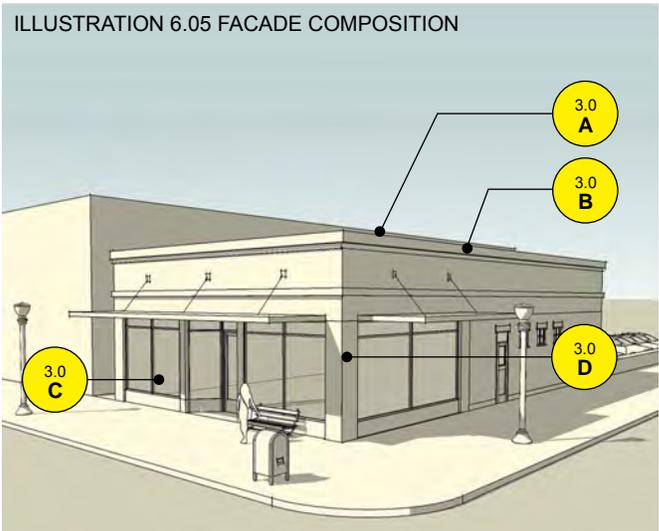
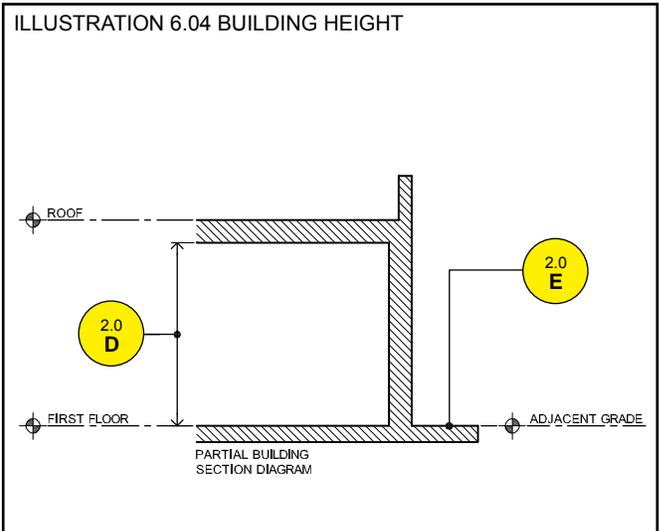
ZERO LOT LINE RETAIL BUILDING CHARACTER EXAMPLES:



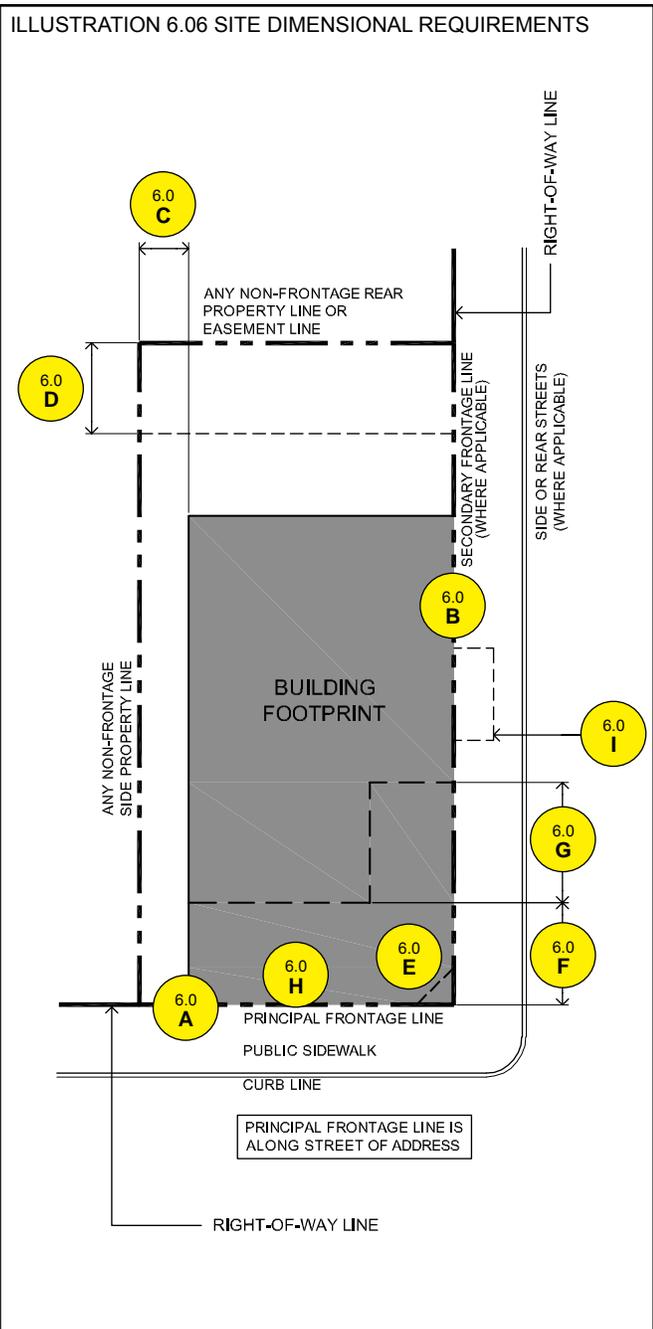
ZERO LOT LINE RETAIL BUILDING DESCRIPTION:

A lot located and designed to accommodate a single-story building with various commercial uses permitted at the ground floor level. Building site placement is required to have no setback at the Principal Frontage Line.

Accessory Buildings are not permitted on Zero Lot Line Retail Building Type lots. Accessory Structures are allowed on Zero Lot Line Retail Building Type lots.



BUILDING TYPE STANDARDS : 90-1607 RETAIL BUILDING TYPE (ZERO LOT LINE)



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Zero Lot Line Retail Building:
 1. Storefront Private Frontage
 2. Drive-through Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.06 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - 0 feet - required build-to-line (no setback is allowed, building shall be at frontage line).
- B. Side Setback (at Secondary Frontage):
 - 0 feet - required build-to-line (no setback is allowed, building shall be at frontage line).
- C. Side Setback (at non-frontage locations):
 - 0 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 0 feet from Non-Frontage Rear Property Line.
- E. Optional angled building corner with required entry door. Maximum length of angled wall shall be eight (8) feet.
- F. Required twenty (20) foot minimum building depth.
- G. At corner locations: Required thirty (30) foot minimum extension of required building depth along secondary frontages. Thirty (30) foot extension is in addition to the required twenty (20) foot minimum depth.
- H. Building façade width along Principal Frontage shall be built to a minimum of 90% of the overall length of the Principal Frontage Line length.
- I. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- J. Maximum site coverage for Zero Lot Line Retail Buildings is 100%.



90-1608 Retail Building Type

The following standards apply to the Retail Building Type:

1.0 Access

- A. The main entrance(s) to ground story commercial space(s) shall be directly from and face a street, public path or civic space. Doors allowing public access shall occur at intervals no greater than seventy-five (75) feet.
- B. Contiguous Zero Lot Line Retail Buildings shall not exceed two-hundred-forty (240) feet along a street frontage without a pedestrian access-way at least ten (10) feet wide that connects the rear parking area to the sidewalk.

2.0 Building Height

Refer to Illustration 6.07 for building height graphic representation.

- A. Maximum building height permitted for Retail Buildings is regulated by Context Area. Refer to Division 4.
- B. Retail Buildings shall be one (1) story in height. Upper stories are not permitted on the Retail Building Type.
- C. Refer to Mixed Use Building Type if multiple stories are desired.
- D. First story shall be twelve (12) feet minimum in height, measured from finished floor to finished ceiling.
- E. Retail Buildings that have a pitched roof may have an optional attic space that is not among the number of stories regulated by Context Area.
- F. First Floor Entry Door Height Above Grade. First floor at entry door height above grade is dependant on the Private Frontage used for this Building Type. Refer to Private Frontages permitted for this Building Type and Division 7.

3.0 Facade Composition Requirements

Refer to Illustrations 6.07 and 6.08 for building composition graphic reference.

- A. Building may have a flat roof with parapet or a pitched roof.
- B. Buildings with a flat roof shall have a cornice expression line at roofline.
- C. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- D. Building shall have an 18" to 32" pilaster or wall surface every 20 to 40 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line.
- E. Building Materials: Refer to section 90-1614 for required building materials.

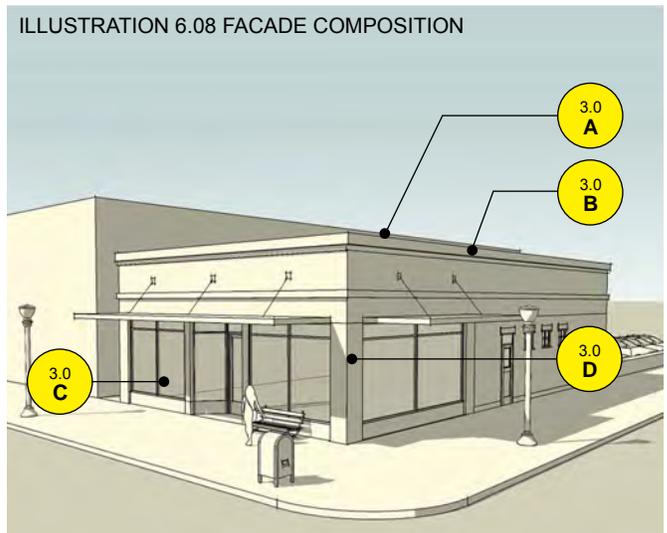
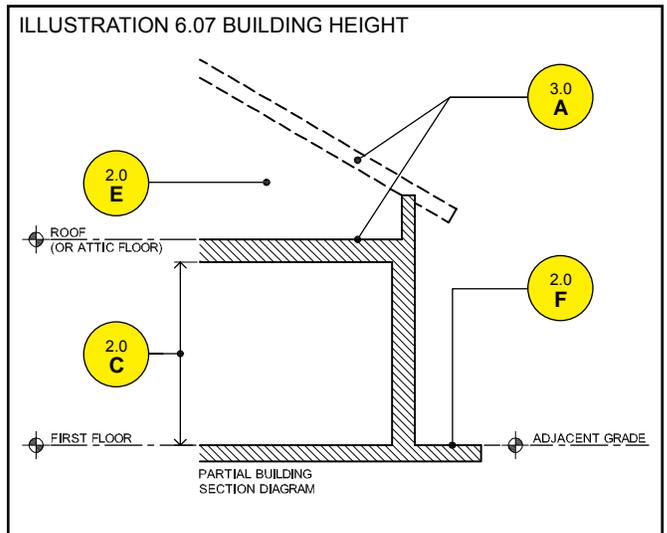
RETAIL BUILDING CHARACTER EXAMPLES:



RETAIL BUILDING DESCRIPTION:

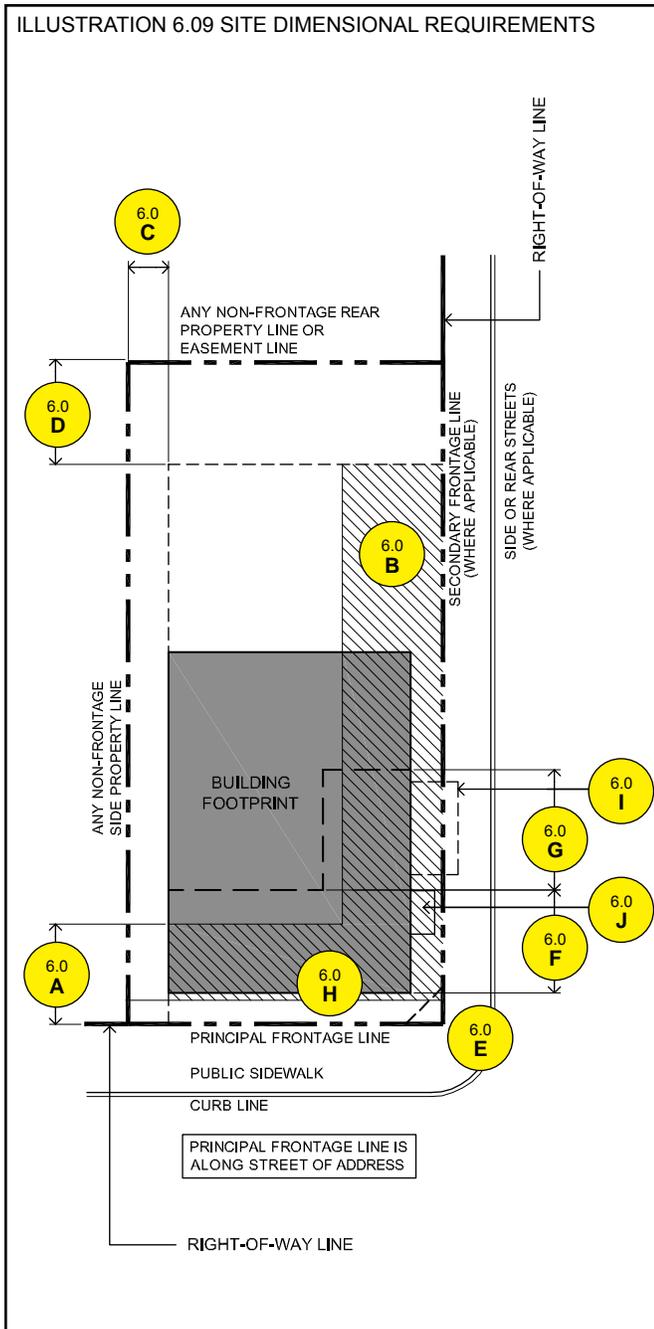
A lot located and designed to accommodate a single-story building with various commercial uses permitted at the ground floor level. Building site placement has a variable build-to-zone at the Principal Frontage Line.

Accessory Buildings are not permitted on Retail Building Type lots. Accessory Structures are allowed on Retail Building Type lots.



BUILDING TYPE STANDARDS : 90-1608 RETAIL BUILDING TYPE

ILLUSTRATION 6.09 SITE DIMENSIONAL REQUIREMENTS



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Retail Building:
 1. Storefront Private Frontage
 2. Shopfront Private Frontage
 3. Drive-through Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.09 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - Required build-to-zone from 5 to 15 feet from Principal Frontage Line (building shall be within build-to-zone).
 - In Corridor Edge Context Area (CE) with Principal Frontages along 28th Street: Required build-to-zone shall be 5 to 50 feet from Principal Frontage Line.
- B. Side Setback (at Secondary Frontage):
 - Required build-to-zone from 0 to 15 feet from Secondary Frontage Line (building shall be within build-to-zone).
- C. Side Setback (at non-frontage locations):
 - 3 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 10 feet from Non-Frontage Rear Property Line.
- E. Optional angled building corner with required entry door. Maximum length of angled wall shall be eight (8) feet.
- F. Required twenty (20) foot minimum building depth.
- G. At corner locations: Required thirty (30) foot minimum extension of required building depth along secondary frontages. Thirty (30) foot extension is in addition to the required twenty (20) foot minimum depth.
- H. Building façade width along Principal Frontage shall be built to a minimum of 50% of the overall length of the Principal Frontage Line length.
- I. Balconies, awnings, canopies, cornices, eaves, upper bays, and projecting signs may extend into setbacks, beyond build-to-zones or into the public right-of-way per the requirements of the encroachment section in Division 3.
- J. Unenclosed porches, stoops, wells, and/or steps may extend into required setbacks per the requirements of the encroachment section in Division 3. These elements shall not project into the public right-of-way.
- K. Maximum site coverage for Retail Buildings is 90%.



90-1609 Live / Work Building Type

The following standards apply to the Live / Work Building Type:

1.0 Access

- A. The main entrance to ground story commercial space shall be directly from and face a street, public path or civic space.
- B. Access to upper story dwelling unit may be by a separate entrance.
- C. Internal access between the residential and commercial spaces is required.

2.0 Building Height

Refer to Illustration 6.10 for building height graphic representation.

- A. Maximum building height permitted for Live / Work Buildings is regulated by Context Area. Refer to Division 4.
- B. Live / Work Buildings shall be a minimum of two (2) stories in height.
- C. Live / Work Buildings shall be a maximum of three (3) stories in height.
- D. First story shall be ten (10) feet minimum in height, measured from finished floor to finished ceiling.
- E. Upper stories shall be eight (8) feet minimum in height, measured from finished floor to finished ceiling.
- F. Live / Work buildings that have a pitched roof may have an optional attic space that is not among the number of stories regulated by Context Area.
- G. First Floor Entry Door Height Above Grade. First floor at entry door height above grade is dependant on the Private Frontage used for this Building Type. Refer to Private Frontages permitted for this Building Type and Division 7.

3.0 Facade Composition Requirements

Refer to Illustrations 6.10 and 6.11 for building composition graphic reference.

- A. Building may have a flat roof with parapet or a pitched roof.
- B. Buildings with a flat roof shall have a cornice expression line at roofline.
- C. Transparency Upper Stories: Building facades facing streets shall have 10% to 50% of the façade be windows between the finish floor line of the second story and bottom of cornice expression line or eave.
- D. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- E. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.
- F. Building shall have an 18" to 32" pilaster or wall surface every 14 to 26 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line.
- G. Building Materials: Refer to section 90-1614 for required building materials.

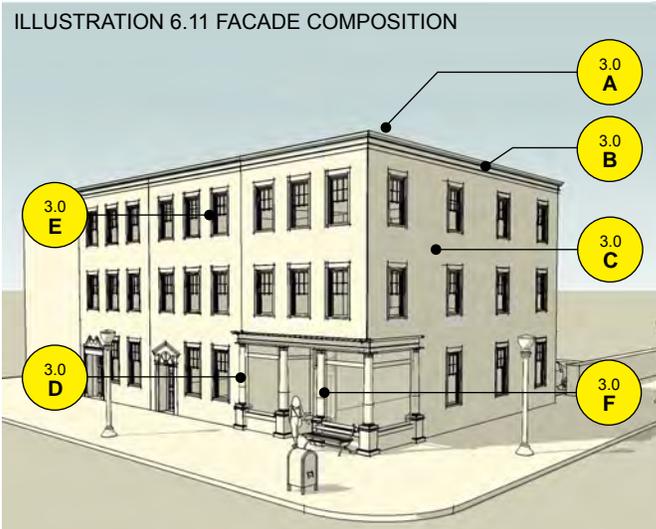
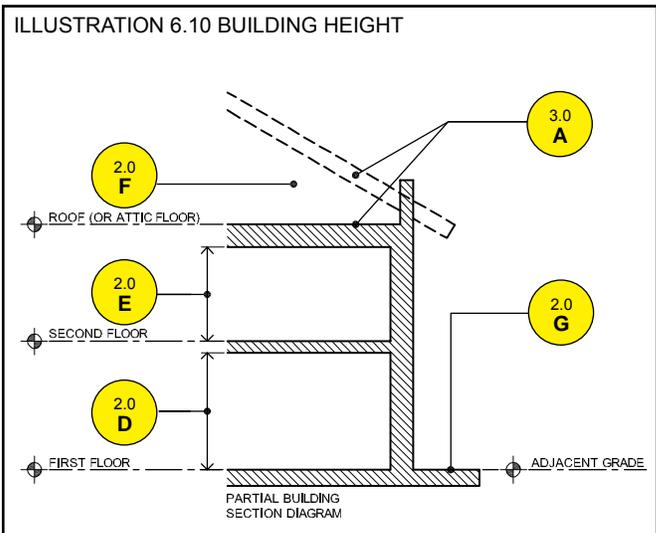
LIVE / WORK BUILDING CHARACTER EXAMPLES:



LIVE / WORK BUILDING DESCRIPTION:

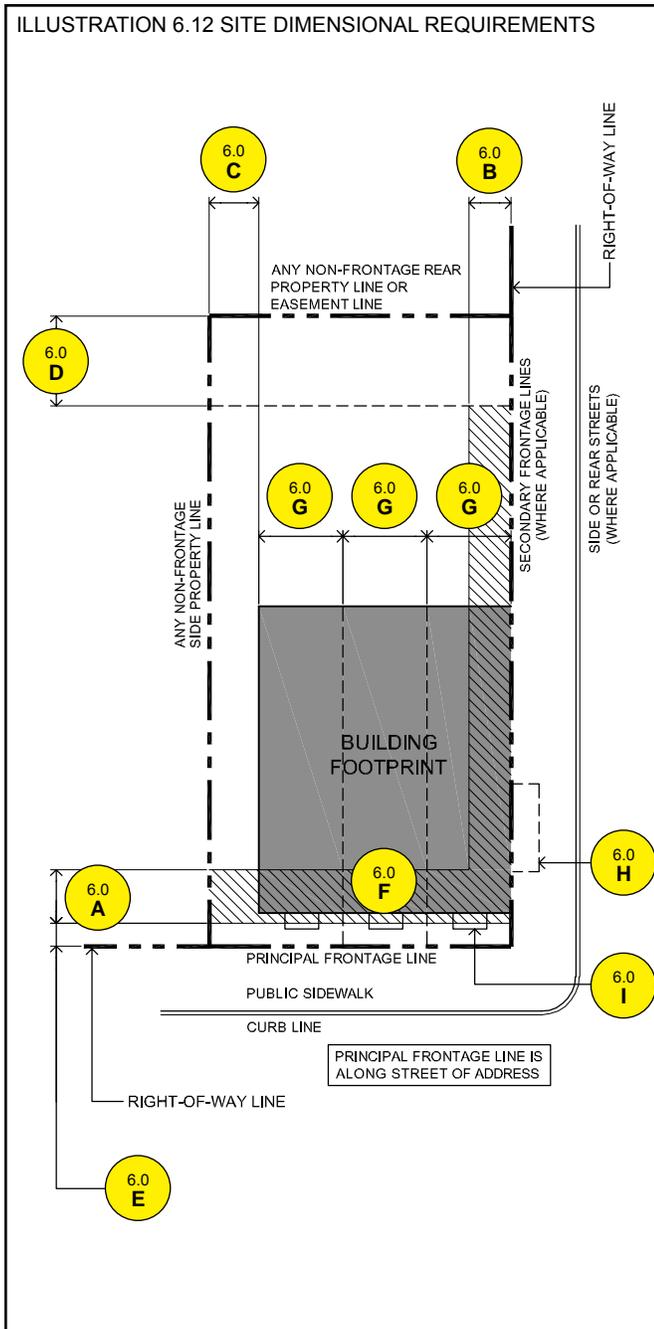
A lot located and designed to accommodate an attached or detached building with integrated residence and commercial space utilized by a single-family household. The ground floor is designed to accommodate commercial uses with a single residence in the upper stories, although ground floor may also accommodate residential uses.

Accessory Buildings are allowed on Live / Work Building Type lots. Accessory Structures are allowed on Live / Work Building Type lots.



BUILDING TYPE STANDARDS : 90-1609 LIVE / WORK BUILDING TYPE

ILLUSTRATION 6.12 SITE DIMENSIONAL REQUIREMENTS



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Live / Work Building:
 1. Storefront Private Frontage
 2. Shopfront Private Frontage
 3. At-Grade Private Frontage
 4. Lightwell Private Frontage
 5. Stoop Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.12 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - Required build-to-zone from 5 to 20 feet from Principal Frontage Line (building shall be within build-to-zone).
- B. Side Setback (at Secondary Frontage):
 - Required build-to-zone from 0 to 10 feet from Secondary Frontage Line (building shall be within build-to-zone).
- C. Side Setback (at non-frontage locations):
 - 0 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 10 feet from Non-Frontage Rear Property Line.
- E. Front build-to-zone shall begin five (5) feet from the Principal Frontage Line.
- F. Building façade width along Principal Frontage shall be built to a minimum of 80% of the overall length of the Principal Frontage Line length.
- G. Individual unit widths shall be fourteen (14) feet to twenty-six (26) feet per unit.
- H. Balconies, awnings, canopies, cornices, eaves, upper bays, and projecting signs may extend into setbacks, beyond build-to-zones or into the public right-of-way per the requirements of the encroachment section in Division 3.
- I. Unenclosed porches, stoops, wells, and/or steps may extend into required setbacks per the requirements of the encroachment section in Division 3. These elements shall not project into the public right-of-way.
- J. Maximum site coverage for Live / Work Buildings is 80%.



90-1610 Apartment Building Type

The following standards apply to the Apartment Building Type:

1.0 Access

- A. Access to residential uses shall be through a lobby entrance.
- B. Access to non-residential uses may be directly from the street, public path or civic space or through a lobby.
- C. Lobby entrances shall be directly from the street, public path or civic space.

2.0 Building Height

Refer to Illustration 6.13 for building height graphic representation.

- A. Maximum number of stories and maximum building height permitted for Apartment Buildings is regulated by Context Area. Refer to Division 4.
- B. Apartment Buildings shall be a minimum of two (2) stories in height.
- C. First story shall be nine (9) feet minimum in height, measured from finished floor to finished ceiling.
- D. Upper stories shall be eight (8) feet minimum in height, measured from finished floor to finished ceiling.
- E. Apartment buildings that have a pitched roof may have an optional attic space that is not among the number of stories regulated by Context Area.
- F. First Floor Entry Door Height Above Grade. First floor at entry door height above grade is dependant on the Private Frontage used for this Building Type. Refer to Private Frontages permitted for this Building Type and Division 7.

3.0 Facade Composition Requirements

Refer to Illustrations 6.13 and 6.14 for building composition graphic reference.

- A. Building may have a flat roof with parapet or a pitched roof.
- B. Buildings with a flat roof shall have a cornice expression line at roofline.
- C. Transparency Upper Stories: Building facades facing streets shall have 10% to 30% of the façade be windows between the finish floor line of the second story and bottom of cornice expression line or eave.
- D. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- E. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.
- F. Building shall have an 18" to 32" pilaster or wall surface every 20 to 40 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line.
- G. Building Materials: Refer to section 90-1614 for required building materials.

APARTMENT BUILDING CHARACTER EXAMPLES:



APARTMENT BUILDING DESCRIPTION:

A lot located and designed to accommodate a multi-story building with multiple dwelling units above and beside each other.

Accessory Buildings are not permitted on Apartment Building Type lots.

Accessory Structures are allowed on Apartment Building Type lots.

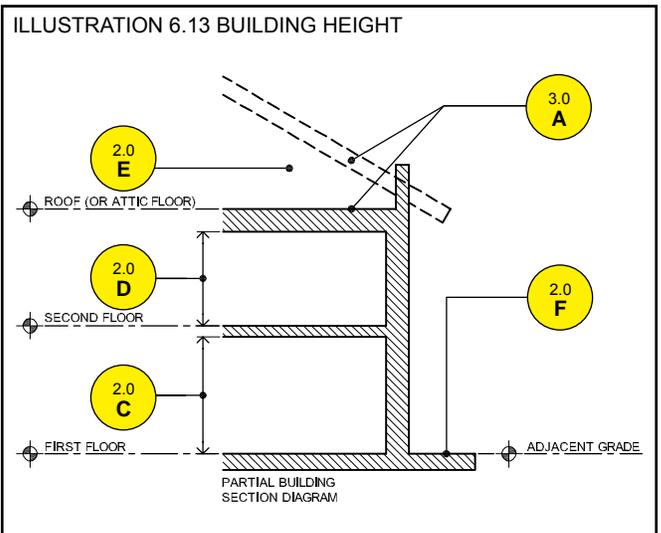
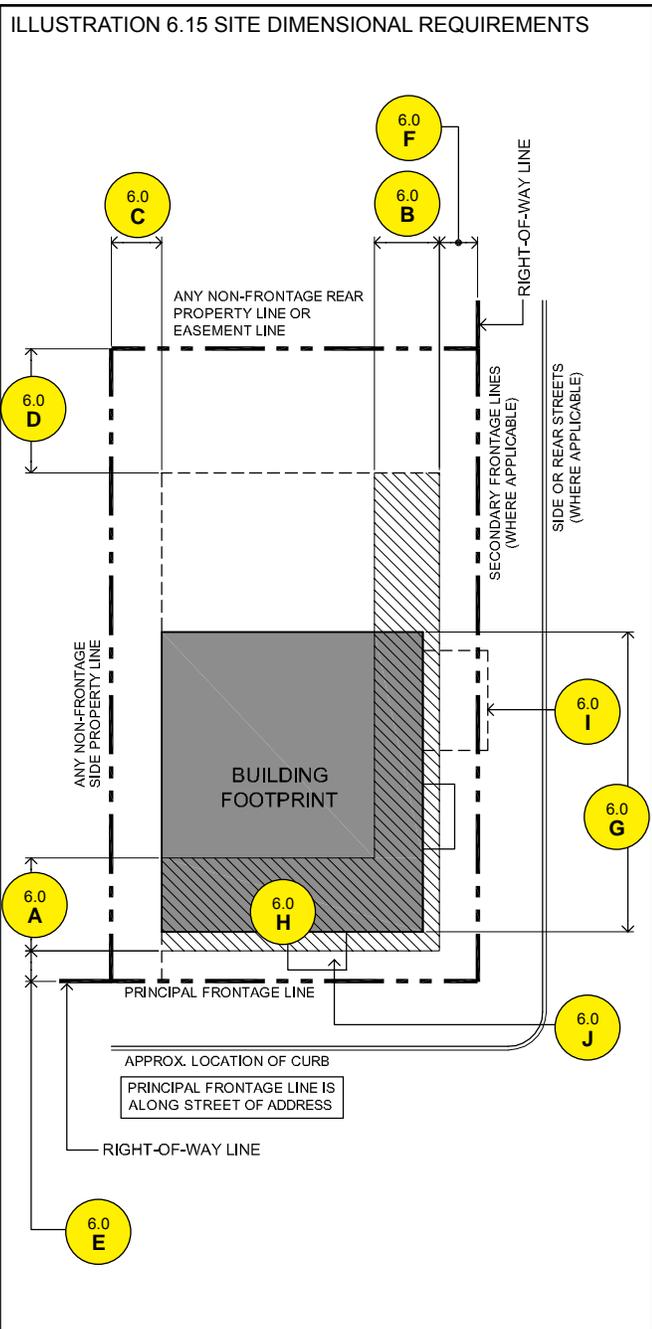


ILLUSTRATION 6.14 FACADE COMPOSITION



BUILDING TYPE STANDARDS : 90-1610 APARTMENT BUILDING TYPE



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Apartment Building:
 1. At-Grade Private Frontage
 2. Courtyard Private Frontage
 3. Stoop Private Frontage
 4. Porch Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.15 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - Required build-to-zone from 8 to 30 feet from Principal Frontage Line (building shall be within build-to-zone).
- B. Side Setback (at Secondary Frontage):
 - Required build-to-zone from 3 to 20 feet from Secondary Frontage Line (building shall be within build-to-zone).
- C. Side Setback (at non-frontage locations):
 - 7 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 10 feet from Non-Frontage Rear Property Line.
- E. Front build-to-zone shall begin eight (8) feet from the Principal Frontage Line.
- F. Side build-to-zone at Secondary Frontage shall begin three (3) feet from Secondary Frontage Line.
- G. Required fifty (50) foot minimum building depth.
- H. Building façade width along Principal Frontage shall be built to a minimum of 60% of the overall length of the Principal Frontage Line length.
- I. Balconies, awnings, canopies, cornices, eaves, upper bays, and projecting signs may extend into setbacks, beyond build-to-zones or into the public right-of-way per the requirements of the encroachment section in Division 3.
- J. Unenclosed porches, stoops, wells, and/or steps may extend into required setbacks per the requirements of the encroachment section in Division 3. These elements shall not project into the public right-of-way.
- K. Maximum site coverage for Apartment Buildings is 70%.



90-1611 Rowhouse Building Type

The following standards apply to the Rowhouse Building Type:

1.0 Access

- A. The main entrance to each dwelling unit shall be directly from and face a street, public path or civic space.

2.0 Access

- A. Rowhouse buildings are required to have a minimum of three (3) contiguous units.
- B. No more than eight (8) contiguous rowhouse lots shall occur without a pedestrian access-way of at least ten (10) feet.

3.0 Building Height

Refer to Illustration 6.16 for building height graphic representation.

- A. Maximum building height permitted for Rowhouse Buildings is regulated by Context Area. Refer to Division 4.
- B. Rowhouse Buildings shall be a minimum of two (2) stories in height.
- C. Rowhouse Buildings shall be a maximum of three (3) stories in height.
- D. First story shall be nine (9) feet minimum in height, measured from finished floor to finished ceiling.
- E. Upper stories shall be eight (8) feet minimum in height, measured from finished floor to finished ceiling.
- F. Rowhouse buildings that have a pitched roof may have an optional attic space that is not among the number of stories regulated by Context Area.
- G. First Floor Entry Door Height Above Grade. First floor at entry door height above grade is dependant on the Private Frontage used for this Building Type. Refer to Private Frontages permitted for this Building Type and Division 7.

4.0 Facade Composition Requirements

Refer to Illustrations 6.16 and 6.17 for building composition graphic reference.

- A. Building may have a flat roof with parapet or a pitched roof.
- B. Buildings with a flat roof shall have a cornice expression line at roofline.
- C. Transparency Upper Stories: Building facades facing streets shall have a minimum of 20% of the façade be windows between the finish floor line of the second story and bottom of cornice expression line or eave.
- D. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- E. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.
- F. Building shall have an 18" to 32" pilaster or wall surface every 14 to 26 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line.
- G. Building Materials: Refer to section 90-1614 for required building materials.

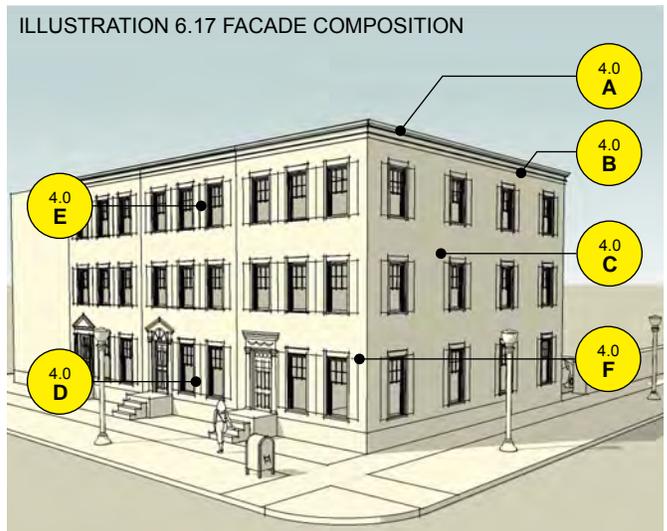
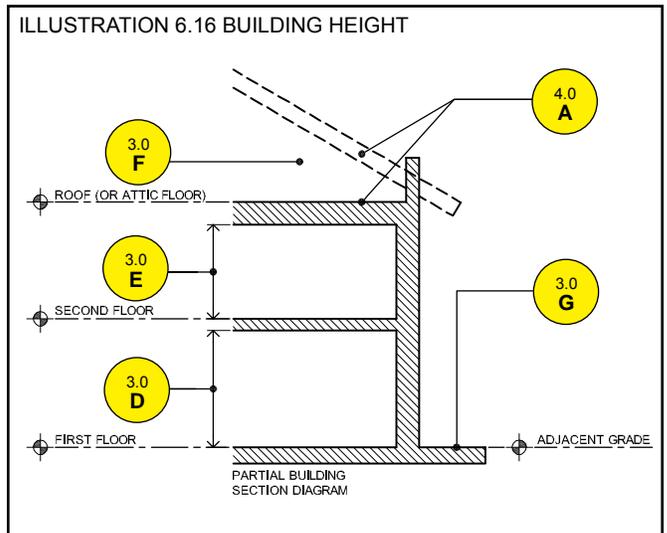
ROWHOUSE BUILDING CHARACTER EXAMPLES:



ROWHOUSE BUILDING DESCRIPTION:

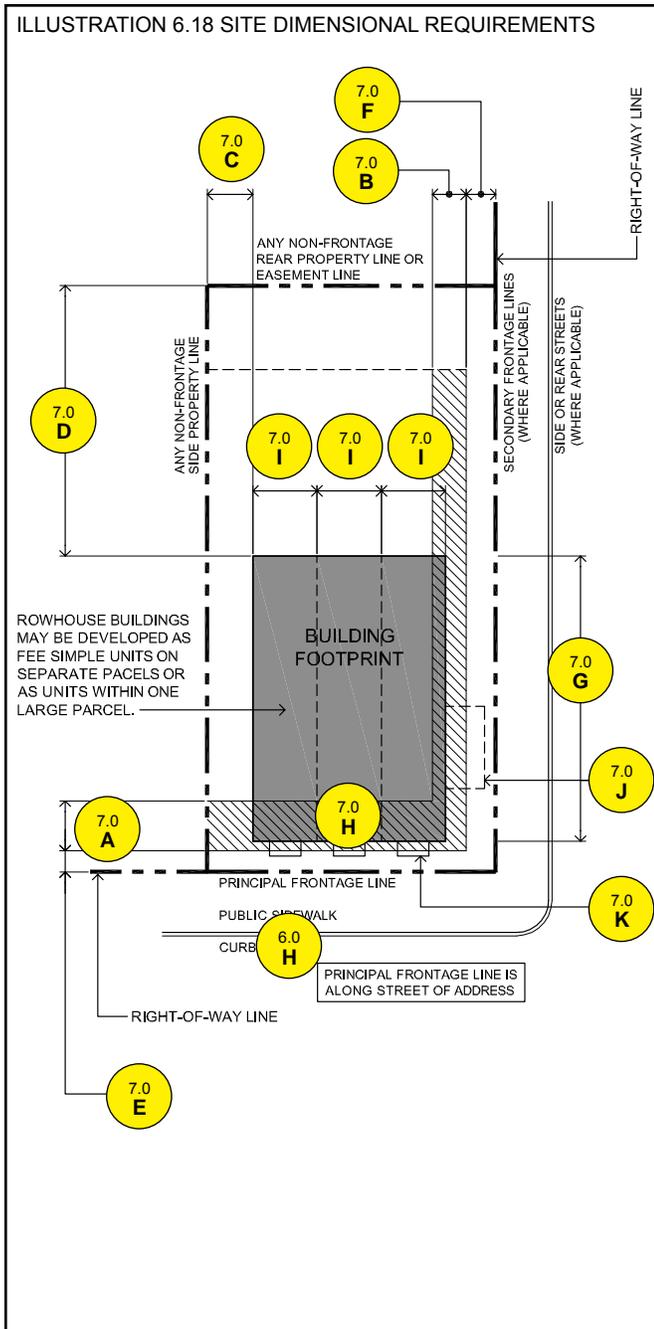
A lot located and designed to accommodate a principal building with common walls on both side lot lines and a private yard to the rear.

Accessory Buildings are allowed on Rowhouse Building Type lots.
Accessory Structures are allowed on Rowhouse Building Type lots.



BUILDING TYPE STANDARDS : 90-1611 ROWHOUSE BUILDING TYPE

ILLUSTRATION 6.18 SITE DIMENSIONAL REQUIREMENTS



5.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Rowhouse Building:
 1. Lightwell Private Frontage
 2. Stoop Private Frontage
 3. Porch Private Frontage

6.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

7.0 Site Dimensional Requirements

Refer to Illustration 6.18 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - Required build-to-zone from 5 to 15 feet from Principal Frontage Line (building shall be within build-to-zone).
- B. Side Setback (at Secondary Frontage):
 - Required build-to-zone from 3 to 10 feet from Secondary Frontage Line (building shall be within build-to-zone).
- C. Side Setback (at non-frontage locations):
 - 0 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 10 feet from Non-Frontage Rear Property Line.
- E. Front build-to-zone shall begin five (5) feet from the Principal Frontage Line.
- F. Side build-to-zone at Secondary Frontage shall begin three (3) feet from Secondary Frontage Line.
- G. Required thirty (30) foot minimum building depth.
- H. Building façade width along Principal Frontage shall be built to a minimum of 90% of the overall length of the Principal Frontage Line length.
- I. Individual unit widths shall be fourteen (14) feet to twenty-six (26) feet per unit.
- J. Balconies, awnings, canopies, cornices, eaves, and upper bays may extend into setbacks, beyond build-to-zones or into the public right-of-way per the requirements of the encroachment section in Division 3.
- K. Unenclosed porches, stoops, wells, and/or steps may extend into required setbacks per the requirements of the encroachment section in Division 3. These elements shall not project into the public right-of-way.
- L. Maximum site coverage for Rowhouse Buildings is 80%.



90-1612 Two-Family House Building Type

The following standards apply to the Two-Family House Building Type:

1.0 Access

- A. The main entrance to each dwelling unit shall be directly from and face a street, public path or civic space.

2.0 Building Height

Refer to Illustration 6.19 for building height graphic representation.

- A. Maximum building height permitted for Two-Family House Buildings is regulated by Context Area. Refer to Division 4.
- B. Two-Family House Buildings shall be a minimum of two (2) stories in height.
- C. First story shall be nine (9) feet minimum in height, measured from finished floor to finished ceiling.
- D. Upper stories shall be eight (8) feet minimum in height, measured from finished floor to finished ceiling.
- E. Optional attic space is not among the number of stories regulated by Context Area.
- F. First Floor Entry Door Height Above Grade. First floor at entry door height above grade is dependant on the Private Frontage used for this Building Type. Refer to Private Frontages permitted for this Building Type and Division 7.

3.0 Facade Composition Requirements

Refer to Illustrations 6.19 and 6.20 for building composition graphic reference.

- A. Building shall have a pitched roof.
- B. Transparency Upper Stories: Building facades facing streets shall have 10% to 50% of the façade be windows between the finish floor line of the second story and eave.
- C. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- D. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.
- E. Building Materials: Refer to section 90-1614 for required building materials.

TWO-FAMILY BUILDING CHARACTER EXAMPLES:



TWO-FAMILY BUILDING DESCRIPTION:

A lot located and designed to accommodate a two-family building with front, rear and side yards.

Accessory Buildings are allowed on Two-Family House Building Type lots.

Accessory Structures are allowed on Two-Family House Building Type lots.

ILLUSTRATION 6.19 BUILDING HEIGHT

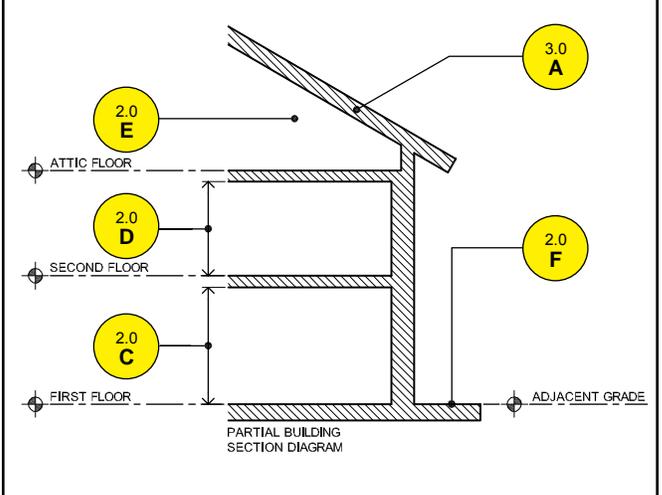
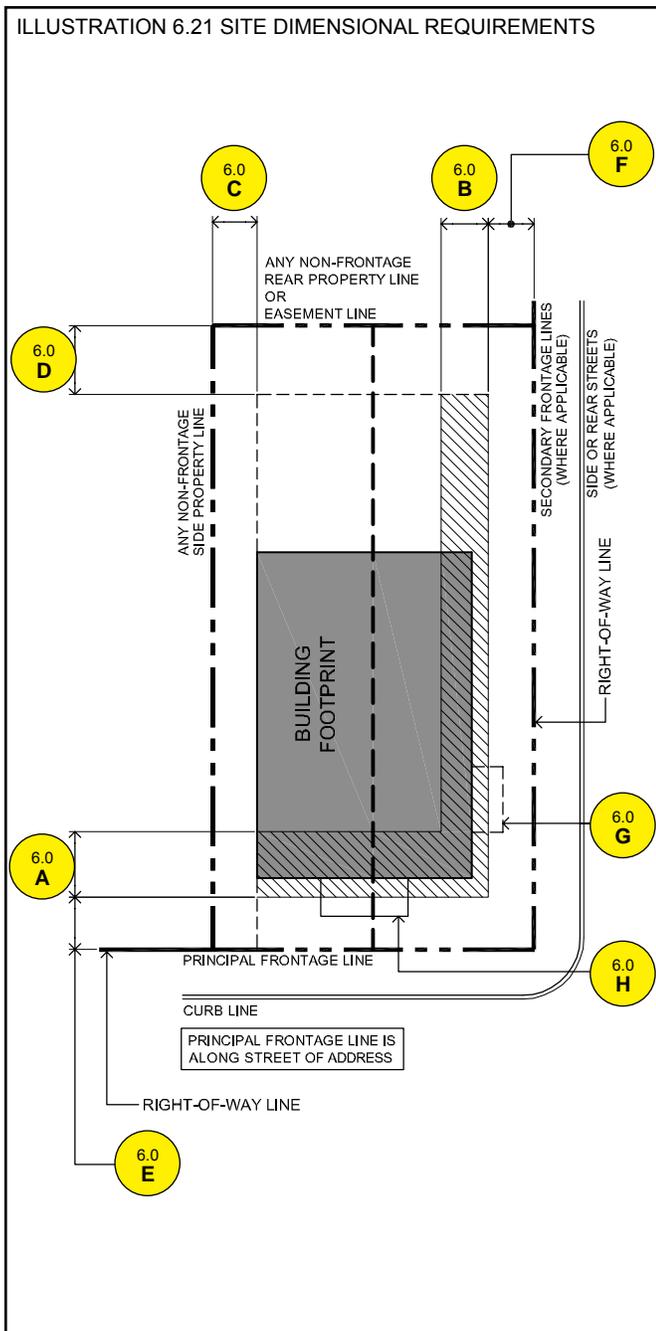


ILLUSTRATION 6.20 FACADE COMPOSITION



BUILDING TYPE STANDARDS : 90-1612 TWO-FAMILY HOUSE BUILDING TYPE

ILLUSTRATION 6.21 SITE DIMENSIONAL REQUIREMENTS



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Two-Family Building:
 1. Stoop Private Frontage
 2. Porch Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.21 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - Required build-to-zone from 15 to 35 feet from Principal Frontage Line (building shall be within build-to-zone).
- B. Side Setback (at Secondary Frontage):
 - Required build-to-zone from 10 to 20 feet from Secondary Frontage Line (building shall be within build-to-zone).
- C. Side Setback (at non-frontage locations):
 - 7 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 10 feet from Non-Frontage Rear Property Line.
- E. Front build-to-zone shall begin fifteen (15) feet from the Principal Frontage Line.
- F. Side build-to-zone at Secondary Frontage shall begin ten (10) feet from Secondary Frontage Line.
- G. Balconies, awnings, canopies, cornices, eaves, and upper bays may extend into setbacks, beyond build-to-zones or into the public right-of-way per the requirements of the encroachment section in Division 3.
- H. Unenclosed porches, stoops, wells, and/or steps may extend into required setbacks per the requirements of the encroachment section in Division 3. These elements shall not project into the public right-of-way.
- I. Maximum site coverage for Two-Family Buildings is 60%.



90-1613 Single-Family House Building Type

The following standards apply to the Single-Family House Building Type:

1.0 Access

- A. The main entrance to each dwelling unit shall be directly from and face a street, public path or civic space.

2.0 Building Height

Refer to Illustration 6.22 for building height graphic representation.

- A. Maximum building height permitted for Single-Family House Buildings is regulated by Context Area. Refer to Division 4.
- B. Two-Family House Buildings shall be a maximum of two (2) stories in height.
- C. First story shall be nine (9) feet minimum in height, measured from finished floor to finished ceiling.
- D. Upper stories shall be eight (8) feet minimum in height, measured from finished floor to finished ceiling.
- E. Optional attic space is not among the number of stories regulated by Context Area.
- F. First Floor Entry Door Height Above Grade. First floor at entry door height above grade is dependant on the Private Frontage used for this Building Type. Refer to Private Frontages permitted for this Building Type and Division 7.

3.0 Facade Composition Requirements

Refer to Illustrations 6.22 and 6.23 for building composition graphic reference.

- A. Building shall have a pitched roof.
- B. Transparency Upper Stories: Building facades facing streets shall have 10% to 50% of the façade be windows between the finish floor line of the second story and eave.
- C. Transparency First Story: Refer to Private Frontage Types (Division 7) for transparency requirements of first story.
- D. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.
- E. Building Materials: Refer to section 90-1614 for required building materials.

SINGLE-FAMILY HOUSE BUILDING CHARACTER EXAMPLES:

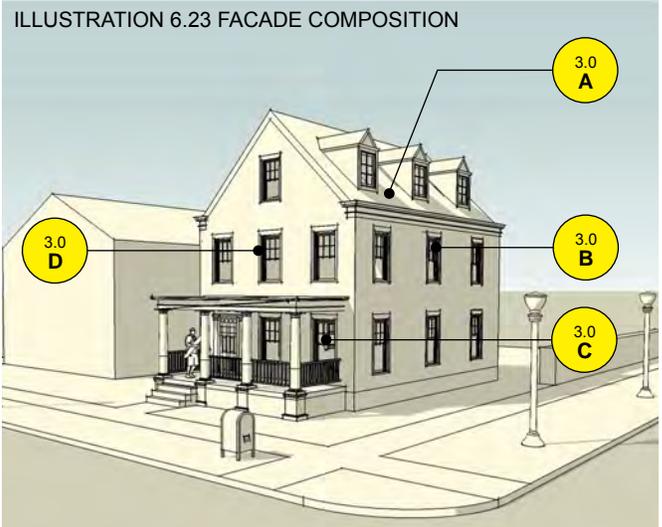
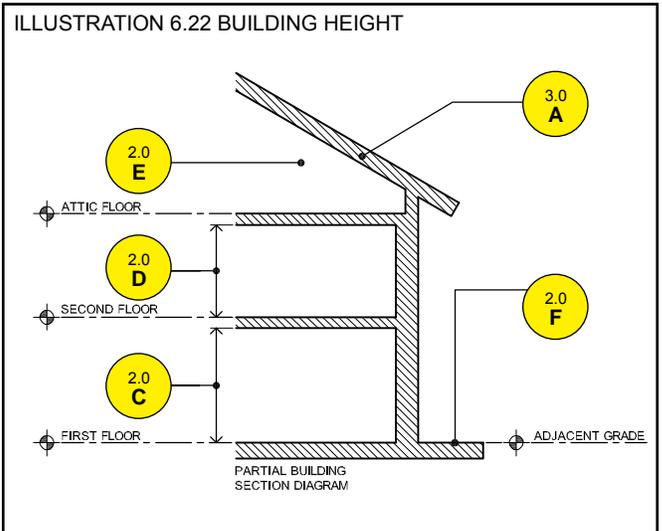


SINGLE-FAMILY HOUSE BUILDING DESCRIPTION:

A lot located and designed to accommodate a single-family detached building with front, rear and side yards.

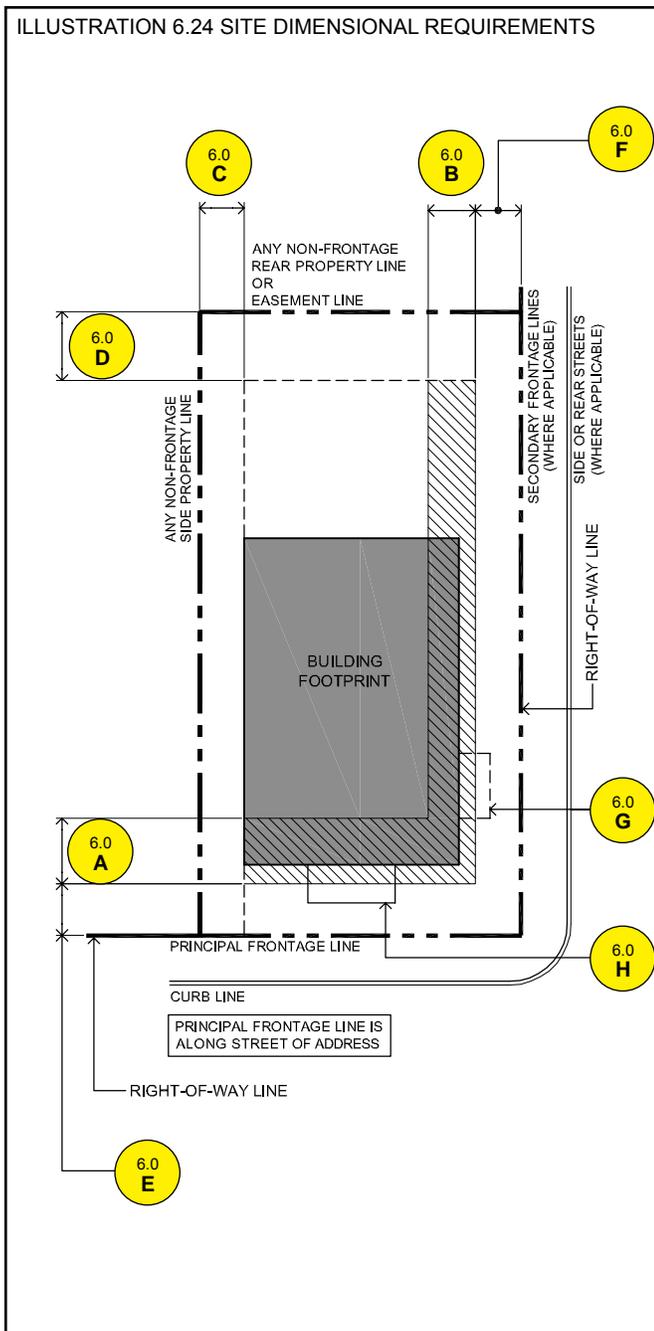
Accessory Buildings are allowed on Single-Family House Building Type lots.

Accessory Structures are allowed on Single-Family House Building lots.



BUILDING TYPE STANDARDS : 90-1613 SINGLE-FAMILY HOUSE BUILDING TYPE

ILLUSTRATION 6.24 SITE DIMENSIONAL REQUIREMENTS



4.0 Private Frontages

- A. Refer to Division 7 for requirements of Private Frontages.
- B. Private Frontage Types permitted for Single-Family Building:
 1. Stoop Private Frontage
 2. Porch Private Frontage

5.0 Use

Uses are regulated by Context Area. Refer to Division 4 for permitted uses in each Context Area.

6.0 Site Dimensional Requirements

Refer to Illustration 6.24 for graphic representation of the dimensional requirements regarding site and building placement.

- A. Front Setback (at Principal Frontage):
 - Required build-to-zone from 15 to 35 feet from Principal Frontage Line (building shall be within build-to-zone).
- B. Side Setback (at Secondary Frontage):
 - Required build-to-zone from 10 to 15 feet from Secondary Frontage Line (building shall be within build-to-zone).
- C. Side Setback (at non-frontage locations):
 - 7 feet from Non-Frontage Side Property Line.
- D. Rear Setback (at non-frontage locations):
 - 10 feet from Non-Frontage Rear Property Line.
- E. Front build-to-zone shall begin fifteen (15) feet from the Principal Frontage Line.
- F. Side build-to-zone at Secondary Frontage shall begin ten (10) feet from Secondary Frontage Line.
- G. Balconies, awnings, canopies, cornices, eaves, and upper bays may extend into setbacks, beyond build-to-zones or into the public right-of-way per the requirements of the encroachment section in Division 3.
- H. Unenclosed porches, stoops, wells, and/or steps may extend into required setbacks per the requirements of the encroachment section in Division 3. These elements shall not project into the public right-of-way.
- I. Maximum site coverage for Single-Family Buildings is 50%.



I. EXTERIOR BUILDING WALLS

1.0 Intent

- A. Exterior building walls shall reflect and complement the materials and construction techniques of West Michigan's regional architecture.
- B. Building materials on exterior walls shall express the construction techniques and structural constraints of traditional and long-lasting building materials.
- C. All building materials shall express their specific properties. For example, heavier more permanent materials (masonry) shall support lighter materials (wood).

2.0 Exterior Wall Materials

The following materials are permitted on exterior walls:

- A. Brick and masonry.
- B. Stucco
 - 1. The use of stucco is not permitted on the ground floor of the Mixed Use Building Type.
 - 2. The use of stucco is not permitted on the Zero Lot Line Retail Building Type.
 - 3. The use of stucco is not permitted on the Retail Building Type.
- C. Stone (or synthetic equivalent).
- D. Pre-cast masonry (for trim and cornice elements only).
- E. Polyurethane and Cellular PVC shapes (for cornice element only).
- F. Metal (for beams, lintels, trim elements and ornamentation only).
- G. Metal panels, insulated metal panels and/or rain screens (for upper levels only).
- H. Split-faced block (for piers, foundation walls, and chimneys only).
- I. Wood lap siding.
- J. Cement board siding (Hardie-Plank or equivalent).
- K. Other materials as approved by Planning Director or Planning Commission.

3.0 Exterior Wall Configurations and Techniques

The following configurations and construction techniques shall be utilized when assembling exterior walls:

- A. Wall openings shall not span vertically more than one story.
- B. Wall openings shall correspond to interior space and not span horizontally across the building.
- C. Wall materials shall be consistent horizontally (i.e. – joints between different materials shall be horizontal and continue around corners) except at chimneys and piers.
- D. Cement board siding shall have a smooth finish (no faux wood grain).
- E. All trim on wood- and cement board-sided walls (including window trim, door trim, horizontal expression lines and corner trim) shall be similar to the material of the siding.

II. ROOFS AND PARAPETS

1.0 Intent

- A. Roofs and parapets shall demonstrate recognition of the climate by utilizing appropriate pitch, drainage and materials.
- B. Sustainable practices, such as green roof technology, are strongly encouraged to the maximum extent possible.

2.0 Roof Materials for Pitched or Sloped Roofs

The following materials are permitted for pitched roofs:

- A. Slate (or equivalent synthetic).
- B. Metal (standing seam or similar).
- C. Dimensional asphalt shingles.
- D. Other materials as approved by Planning Director or Planning Commission.

3.0 Roof Materials for Flat Roofs

The following materials are permitted for flat roofs:

- A. Any material that is permitted by the Building Code.

4.0 Materials for Cornices

The following materials are permitted for parapets and cornices:

- A. Any material that is permitted in the Exterior Building Wall Section.
- B. Material shall be consistent and compatible with the material of the exterior wall.

5.0 Pitched Roof Configurations and Techniques

The following configurations and construction techniques shall be utilized when assembling pitched roofs:

- A. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 12:12.
- B. Shed roofs attached to the main structure shall be pitched between 4:12 and 7:12.
- C. Eaves shall overhang a minimum of twelve (12) inches.
- D. Rakes (gable end) shall overhang a minimum of eight (8) inches.
- E. Eaves on accessory buildings, dormers and other similar structures shall overhang a minimum of eight (8) inches.
- F. Rakes (gable end) on accessory buildings, dormers and other similar structures shall overhang a minimum of six (6) inches.
- G. Open eaves and simple traditional soffits and fascia are encouraged.



III. WINDOWS AND DOORS**1.0 Window Materials**

- A. Window frames shall be anodized aluminum, wood, clad wood, vinyl, or steel.
- B. Glass in windows shall be clear. Refer to definitions in Division 11 for requirements of clear glass.
- C. Window screens shall be black or gray.
- D. Screen frames shall match window frame material or be dark anodized.

2.0 Door Materials

- A. Door frames shall be anodized aluminum, wood, clad wood, or steel.
- B. Doors shall be made of wood, clad wood, fiberglass, steel, or other materials as approved by Planning Director or Planning Commission.
- C. Any glass that is provided in doors as part of minimum transparency requirements shall be clear. Refer to definitions in Division 11 for requirements of clear glass.

3.0 Window Configurations and Techniques

- A. Windows may be ganged horizontally (maximum 5 per group) if each grouping is separated by a mullion, column, pier or wall section.
- B. Windows shall be no closer than thirty (30) inches to a building corner, excluding bay windows.
- C. Windows shall be square or vertically proportioned.
- D. Exterior shutters, if applied, shall be sized and mounted appropriately for the window (i.e. each shutter shall be one-half the window width).

4.0 Door Configurations and Techniques

- A. Double height entries (those that span more than one story) are not allowed.
- B. Roll down security gates and doors are prohibited.





This page left intentionally blank



PRIVATE FRONTAGE TYPE STANDARDS

90-1700 PURPOSE

Division 7 identifies specific Private Frontage Types that are allowed in conjunction with Building Types and provides design standards for each type, to ensure that building entrances, form, and character is consistent with the goals of the Turn On 28th Street Corridor Sub Area Plan.

90-1701 APPLICABILITY

Each proposed building shall be designed to incorporate a Private Frontage Type in compliance with the standards of this Division, except for civic buildings which are not required to meet these standards.

90-1702 FRONTAGE TYPES BY BUILDING TYPE

Property may be developed only with the Frontage Types allowed by this Division in conjunction with the applicable Building Type.

- A. Refer to Table 90-1702 on this page to determine the specific Frontage Types that are permitted for each of the Building Types.

90-1703 CONTENTS OF THIS DIVISION

The following Building Types are specified in this Division:

- A. Storefront Private Frontage Type
- B. Balcony Private Frontage Type
- C. Shopfront Private Frontage Type
- D. Drive-through Private Frontage Type
- E. At-Grade Private Frontage Type
- F. Lightwell Private Frontage Type
- G. Stoop Private Frontage Type
- H. Porch Private Frontage Type

TABLE 90-1702 PRIVATE FRONTAGES PERMITTED BY BUILDING TYPE

Private Frontage Types	Mixed Use Building	Zero Lot Line Retail Building	Retail Building	Live / Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House
Storefront Private Frontage								
Balcony Private Frontage								
Shopfront Private Frontage								
Drive-through Private Frontage								
At-Grade Private Frontage								
Lightwell Private Frontage								
Stoop Private Frontage								
Porch Private Frontage								

White cells represent Building Types where Private Frontage is permitted.

Darkented cells represent Building Types where Private Frontage is NOT permitted.

Refer to individual Private Frontage Standards to review specific requirements for application to Building Type.



90-1704 HOW TO USE THIS DIVISION

Refer to sample pages on this sheet for references of how to use each Private Frontage Type Standard. These pages are representative of the layout for each Private Frontage Type contained in this Division.

- A. Private Frontage Character: This box serves as an introduction to the Private Frontage Type, including precedent examples and a general Private Frontage Type description.
- B. Access: Specifies required frontage access and door location requirements.
- C. Building Type: Specifies the Building Types that the Private Frontage Type is permitted to be applied to. Private Frontages define the architecture and design components for the entrance(s) to the building and the area between the façade and the Frontage Line(s). Refer to Division 6 for Building Types.
- D. Private Frontage Location Requirements: Specifies the location requirements for the Private Frontage depending on the Building Type. This section also specifies the requirements of the ground area between the Principal Frontage Line and the building facade, relative to distance from the Principal Frontage Line.
- E. Private Frontage Landscape Requirements: Specifies the landscape requirements for the Private Frontage.
- F. Private Frontage Composition Requirements: Specifies the requirements of the Private Frontage, including transparency, composition, and required elements.
- G. Note: The Drive-Through Frontage (90-1709) is identical to the Storefront Frontage, except that it has provisions for an automobile drive-through at non-frontage sides and the rear of the site. The pages for the Drive-Through Frontage include one additional graphic that depicts the location of where this drive-through is permitted.

DIVISION 7
PRIVATE FRONTAGE TYPE STANDARDS: 90-1706 STOREFRONT FRONTAGE TYPE

90-1704 STOREFRONT Private Frontage Type
The following standards apply to all Storefront Private Frontage Type.

1.0 Access:
A. Storefront Private Frontage required entry doors shall be directly from the public path or civic space.

2.0 Allowed Per Building Type:
The Storefront Private Frontage is permitted on the following Building Types (refer to Division 6):
A. Mixed Use Building
B. Zero Lot Line
C. Retail Building
D. Live / Work Building

3.0 Frontage Location Requirements:
Refer to Illustration 7.01 for graphic representation of the location requirements for Private Frontage placement.
A. The Storefront Frontage is required to be placed as a build-out or within a build-out zone, depending on building site specific requirements. Refer to Division 6.
B. The ground area between the Principal Frontage Line and building facade shall have one of the following treatments depending on distance from the Principal Frontage Line:
1. Distance between building facade and Principal Frontage Line is zero (0) to ten (10) feet: Ground area shall be paved to match public sidewalk.
2. Distance between building facade and Principal Frontage Line is greater than ten (10) feet and front parking is present: Ground area shall be paved to match public sidewalk. Sidewalk connecting entry door to the public sidewalk shall have a width that is equal to the width of the widest part of the entry door recess.
3. Distance between building facade and Principal Frontage Line is greater than ten (10) feet and front parking is present: Ground area shall be paved to the edge of the parking.
4. Ground area may be paved at distances greater than ten (10) feet when outdoor seating is proposed per approval of Planning Director and / or Planning Commission.
C. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the sign placement section in Division 3.

4.0 Private Frontage Landscape Requirements:
A. Landscape for Private Frontage (when required) shall be green.

STOREFRONT FRONTAGE CHARACTER EXAMPLES:
The storefront is a frontage located along the Principal (and sometimes Secondary) Frontage Line(s). It is typically associated with retail and mixed use buildings. The storefront shall be designed in a way that provides an attractive, connected shopping experience. Storefronts are at grade with the sidewalk and are businesses shaded by awnings.

ILLUSTRATION 7.01 FRONTAGE LOCATION

CITY OF WYOMING FORM BASED CODE
Division 7 : Page 4

DIVISION 7
PRIVATE FRONTAGE TYPE STANDARDS: 90-1706 STOREFRONT FRONTAGE TYPE

5.0 Private Frontage Composition Requirements:
Refer to Illustration 7.02 for frontage composition graphic reference.

A. Storefronts shall extend across eighty (80) percent of the first story, to the full height of the first story.

B. Optional transom window may extend over entry recess (if specified) or follow entry recess.

C. Required entry door shall have fifty (50) percent minimum transparency.

D. Entry door is required to be recessed from the Principal Frontage Line from three (3) feet to eight (8) feet. Storefront shall extend from Principal Frontage Line to the recessed entry door.

E. Entry door is required to be at adjacent sidewalk grade.

F. Required 30" to 42" sign band or horizontal expression band above storefront window or transom. Sign band or horizontal expression band shall extend the entire width of the building.

G. Storefront entry door shall be eight (8) feet high minimum, measured to the top of the door.

H. Transparency: Storefronts shall have 60% to 80% of the storefront area and 80% of sign band (or horizontal expression line). Entry door transparency shall be included as part of this required transparency.

I. Required 18" to 30" storefront base.

J. Required 18" to 32" planter or wall surface, space as indicated by Building Type.

K. Transparency Upper Stories: Refer to Building Type (Division 6) for transparency requirements of upper stories.

L. The Storefront Private Frontage may have an angled corner entry as allowed by the specific Building Type. The angled corner entry shall meet the transparency requirements of the Storefront Private Frontage.

M. Frontage Materials: Refer to section 90-1714 for required building materials.

ILLUSTRATION 7.02 FRONTAGE COMPOSITION

CITY OF WYOMING FORM BASED CODE
Division 7 : Page 5



90-1705 STANDARDS FOR ALL PRIVATE FRONTAGE TYPES

The following standards apply to all Private Frontage Types:

- A. **Principal Frontage:** Principal frontages of buildings represent the building front and are located at the public right-of-way lines along the street, public path or civic space of address for the building.
- B. **Secondary Frontage:** Secondary Frontages of buildings represent the building sides that are located at the public right-of-way lines along all streets, public paths or civic spaces that are not the street of address for the building. The side setback for secondary frontages shall apply to all situations where secondary frontages occur at more than one side of a building (due to a parcel that is bound on more than two sides by right-of-way lines).
- C. **Principal Frontage Transparency Requirements at First Story:** Each Building Type's first story transparency at the Principal Frontage Line is per the Private Frontage Requirements. Secondary Frontages are required to use one (1) of the following standards:
 1. Transparency that is the same as what is required by the upper stories for the Building Type.
 2. Transparency that is the same as the Private Frontage that has been applied to the Principal Frontage.
- D. **Setback Measurements:** For all Principal and Secondary Frontage locations along the required 28th Street greenbelt, the required build-to-lines, build-to-zones and setback measurements shall be taken from the back edge (the edge facing the private side of the right-of-way) of the greenbelt. Refer to Division 9 for greenbelt measurement and design.
- E. **Private Frontages:** Private Frontage Types define architecture and design components for the entrance(s) to the building and the area between the façade and the Frontage Line. Each Building Type identifies the appropriate Private Frontage Type(s). The use of one of the Private Frontage Types identified is required. Refer to Division 6 for Building Types.
- F. **Sign Standards:** Refer to Division 10 for Sign Standards.



90-1706 Storefront Private Frontage Type

The following standards apply to the Storefront Private Frontage Type:

1.0 Access

- A. Storefront Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The Storefront Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Mixed Use Building Type
- B. Zero Lot Line Retail Building Type
- C. Retail Building Type
- D. Live / Work Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.01 for graphic representation of the location requirements for Private Frontage placement.

- A. The Storefront Frontage is required to be placed at a build-to-line or within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall have one of the following treatments depending on distance from the Principal Frontage Line.
 - 1. Distance between building façade and Principal Frontage Line is zero (0) to ten (10) feet: Ground area shall be paved to match public sidewalk.
 - 2. Distance between building façade and Principal Frontage Line is greater than ten (10) feet and front parking is NOT present: Ground area shall be landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall have a width that is equal to the width of the widest part of the entry door recess.
 - 3. Distance between building façade and Principal Frontage Line is greater than ten (10) feet and front parking is present: Ground area shall be paved to the edge of the parking.
 - 4. Ground area may be paved at distances greater than ten (10) feet when outdoor seating is proposed per approval of Planning Director and / or Planning Commission.

- C. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Storefront Frontage (when required) shall be ground cover.

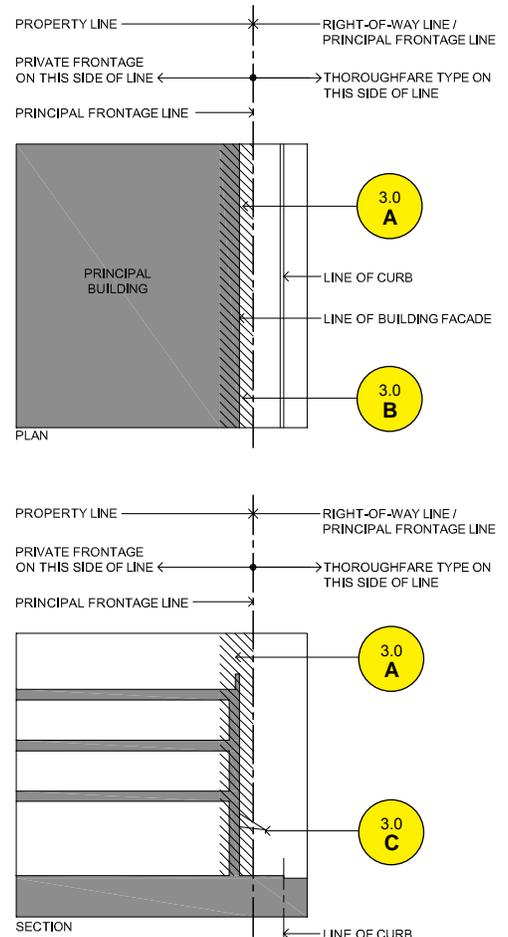
STOREFRONT FRONTAGE CHARACTER EXAMPLES:



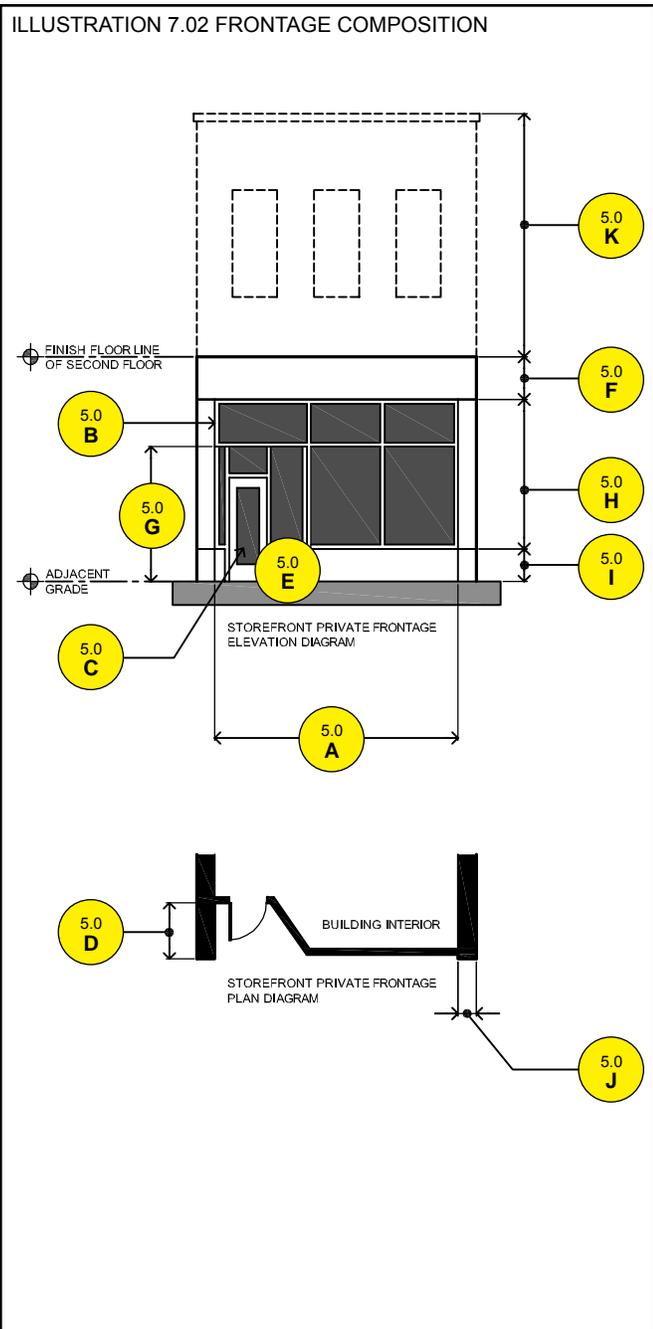
STOREFRONT FRONTAGE DESCRIPTION:

The storefront is a frontage type placed along the Principal (and sometimes Secondary) Frontage line(s). It is typically associated with retail and mixed use buildings. The storefront shall be designed in a way that promotes an attractive, convenient shopping experience. Storefronts are at grade with the sidewalk and are sometimes shaded by awnings.

ILLUSTRATION 7.01 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1706 STOREFRONT FRONTAGE TYPE



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.02 for frontage composition graphic reference.

- A. Storefronts shall extend across eighty (80) percent of the first story, for the full height of the first story.
- B. Optional transom window may extend over entry recess (as depicted) or follow entry recess.
- C. Required entry door shall have fifty (50) percent minimum transparency.
- D. Entry door is required to be recessed from the Principal Frontage Line from three (3) feet to eight (8) foot. Storefront shall extend from Principal Frontage Line to the recessed entry door.
- E. Entry door is required to be at adjacent sidewalk grade.
- F. Required 30" to 42" sign band or horizontal expression band above storefront window or transom. Sign band or horizontal expression line shall extend the entire width of the building.
- G. Storefront window glass shall be eight (8) feet high minimum, measured from the adjacent grade.
- H. Transparency: Storefront Private Frontages shall have 60% to 80% of the façade be windows between the top of the storefront base and bottom of sign band (or horizontal expression line). Entry door transparency shall be included as part of this required transparency.
- I. Required 18" to 30" storefront base.
- J. Required 18" to 32" pilaster or wall surface spaced as indicated by Building Type.
- K. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- L. The Storefront Private Frontage may have an angled corner entry as allowed by the specific Building Type. The angled corner entry shall meet the transparency requirements of the Storefront Private Frontage.
- M. Frontage Materials: Refer to section 90-1714 for required building materials.

90-1707 Balcony Private Frontage Type

The following standards apply to the Balcony Private Frontage Type:

1.0 Access

- A. Balcony Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The Balcony Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Mixed Use Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.03 for graphic representation of the location requirements for Private Frontage placement.

- A. The Balcony Frontage is required to be placed at a build-to-line or within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall have one of the following treatments depending on distance from the Principal Frontage Line.
 - 1. Distance between building façade and Principal Frontage Line is zero (0) to ten (10) feet: Ground area shall be paved to match public sidewalk.
 - 2. Distance between building façade and Principal Frontage Line is greater than ten (10) feet: Ground area shall be landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall have a width that is equal to the width of the widest part of the entry door recess.
 - 3. Ground area may be paved at distances greater than ten (10) feet when outdoor seating is proposed per approval of Planning Director and / or Planning Commission.
- C. Required recessed balcony located within the mass of the building.
- D. Face of balcony shall align with façade of building.
- E. Storefront frontage is required at first story.
- F. Building roof and / or parapet wall shall extend over balcony and align with face of lower floor(s).
- G. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Balcony Frontage (when required) shall be ground cover.

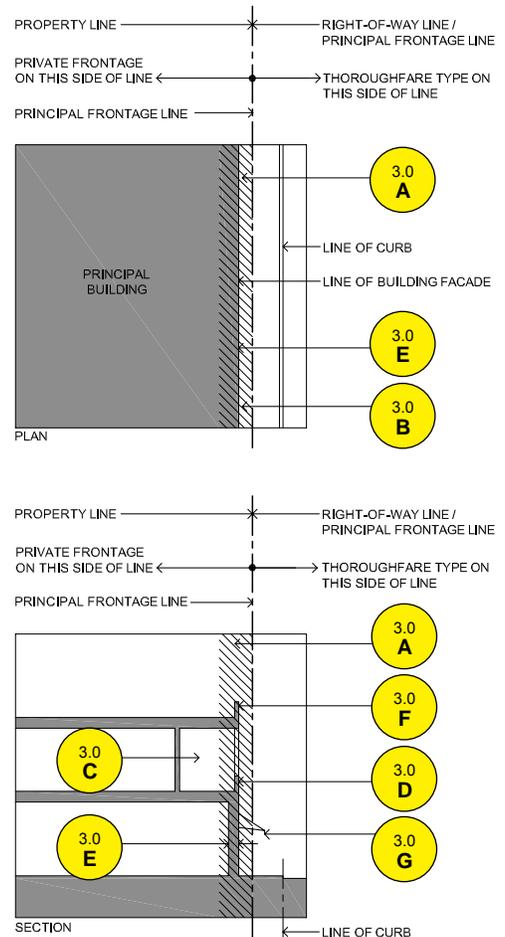
BALCONY FRONTAGE CHARACTER EXAMPLES:



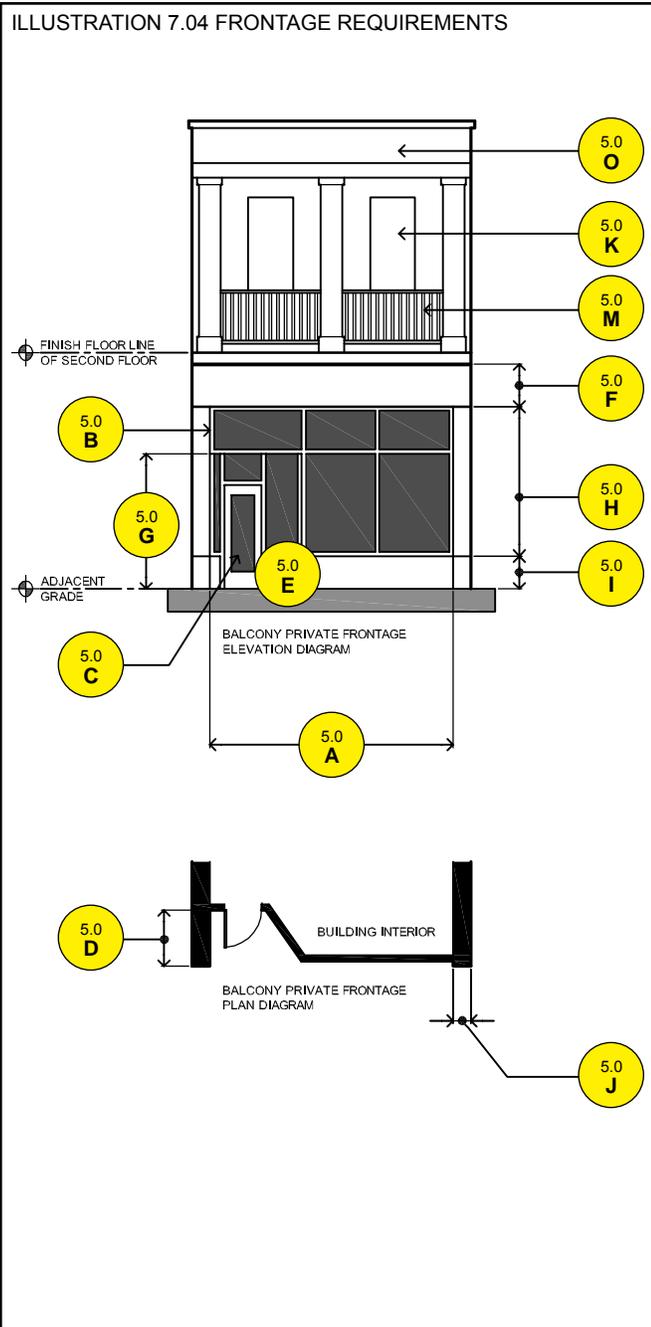
BALCONY FRONTAGE DESCRIPTION:

The balcony is a frontage type placed along the Principal Frontage line. It is typically associated with mixed use buildings. The frontage combines an upper balcony that is recessed into the building mass with a storefront at the first story. The storefront portion of this frontage shall be designed in a way that promotes an attractive, convenient shopping experience.

ILLUSTRATION 7.03 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1707 BALCONY FRONTAGE TYPE



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.04 for frontage composition graphic reference.

- A. Storefronts shall extend across eighty (80) percent of the first story, for the full height of the first story.
- B. Optional transom window may extend over entry recess (as depicted) or follow entry recess.
- C. Required entry door shall have fifty (50) percent minimum transparency.
- D. Entry door is required to be recessed from the Principal Frontage Line from three (3) feet to eight (8) foot. Storefront shall extend from Principal Frontage Line to the recessed entry door.
- E. Entry door is required to be at adjacent sidewalk grade.
- F. Required 30" to 42" sign band or horizontal expression band above storefront window or transom. Sign band or horizontal expression line shall extend the entire width of the building.
- G. Storefront window glass shall be eight (8) feet high minimum, measured from the adjacent grade.
- H. Transparency: Balcony Private Frontages shall have 60% to 80% of the façade be windows between the top of the storefront base and bottom of sign band (or horizontal expression line). Entry door transparency shall be included as part of this required transparency.
- I. Required 18" to 30" storefront base.
- J. Required 18" to 32" pilaster or wall surface spaced as indicated by Building Type.
- K. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- L. The Storefront Private Frontage may have an angled corner entry as allowed by the specific Building Type. The angled corner entry shall meet the transparency requirements of the Storefront Private Frontage.
- M. Required recessed balcony located within the mass of the building.
- N. Required equally spaced columns at balcony.
- O. Building roof and / or parapet wall shall extend over balcony and align with facade of building
- P. Required guardrail or knee wall shall align with facade of building.
- Q. Frontage Materials: Refer to section 90-1714 for required building materials.

90-1708 Shopfront Private Frontage Type

The following standards apply to the Shopfront Private Frontage Type:

1.0 Access

- A. Shopfront Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The Storefront Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Retail Building Type.
- B. Live / Work Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.05 for graphic representation of the location requirements for Private Frontage placement.

- A. The Shopfront Frontage is required to be placed within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall have one of the following treatments depending on distance from the Principal Frontage Line.
 - 1. Distance between building façade and Principal Frontage Line is zero (0) to ten (10) feet: Ground area shall be paved to match public sidewalk.
 - 2. Distance between building façade and Principal Frontage Line is greater than ten (10) feet and front parking is NOT present: Ground area shall be landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall have a width that is equal to the width of the widest part of the entry door recess.
 - 3. Distance between building façade and Principal Frontage Line is greater than ten (10) feet and front parking is present: Ground area shall be paved to the edge of the parking.
 - 4. Ground area may be paved at distances greater than ten (10) feet when outdoor seating is proposed per approval of Planning Director and / or Planning Commission.

- C. Shopfront Frontage is required to have either a terrace or an at grade entry door.
- D. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- E. Stoops, wells, and / or steps may extend into required setbacks per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Shopfront Frontage (when required) shall be ground cover.

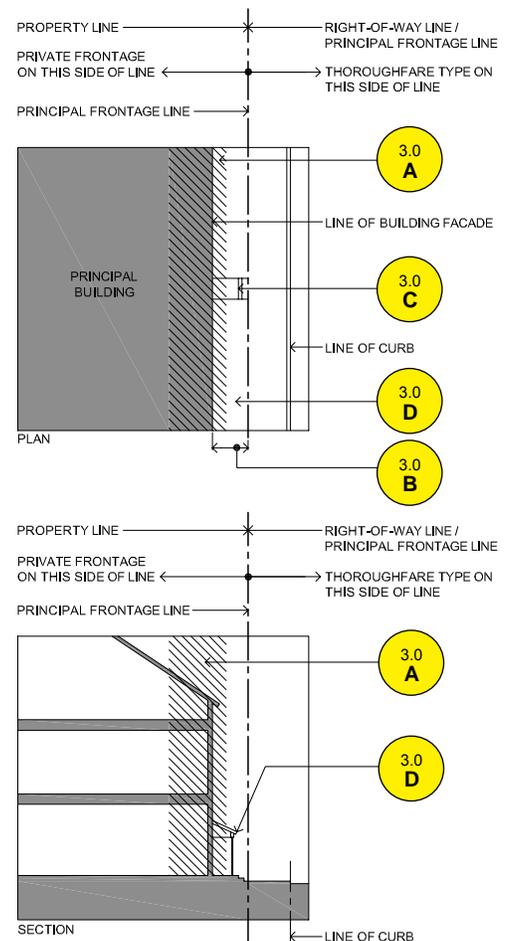
STOREFRONT FRONTAGE CHARACTER EXAMPLES:



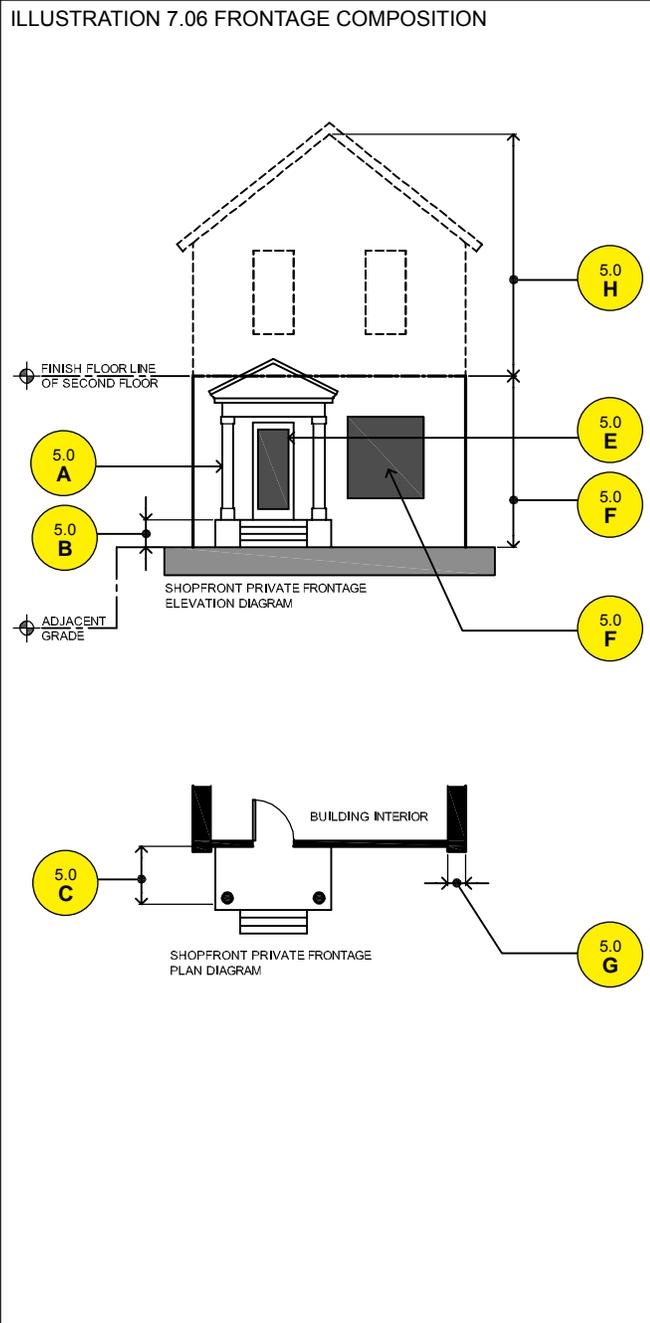
SHOPFRONT FRONTAGE DESCRIPTION:

The shopfront is a frontage type placed along the Principal Frontage line in a build-to-zone. It is typically associated with retail uses at the first story in Context Areas that have a less intense (more residentially scaled) retail environment. The shopfront shall be designed in a way that promotes an attractive, convenient shopping experience. Storefronts may be elevated above the adjacent grade.

ILLUSTRATION 7.05 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1708 SHOPFRONT FRONTAGE TYPE



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.06 for frontage composition graphic reference.

- A. Shopfront Frontage is required to have either a terrace (covered with roof or without roof) or an at grade entry door. (Covered terrace depicted in graphic).
- B. Terrace (if used) shall be twelve (12) inches minimum above adjacent grade.
- C. Depth of the landing at the terrace (if used) shall be a minimum of four (4) feet.
- D. At grade entry door (if used) is required to be at adjacent sidewalk grade.
- E. Required entry door shall have thirty (30) percent minimum transparency.
- F. Transparency: Shopfront Private Frontages shall have 35% to 60% of the façade be windows between the adjacent grade and finish floor line of the second story. Entry door transparency shall be included as part of this required transparency.
- G. Required 18" to 32" pilaster or wall surface spaced as indicated by Building Type.
- H. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- I. The Shopfront Private Frontage may have an angled corner entry as allowed by the specific Building Type. The angled corner entry shall meet the transparency requirements of the Shopfront Private Frontage.
- J. Frontage Materials: Refer to section 90-1714 for required building materials.

90-1709 Drive-Through Private Frontage Type

The following standards apply to the Drive-Through Private Frontage Type:

1.0 Access

- A. Drive-Through Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The Drive-Through Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Mixed Use Building Type
- B. Zero Lot Line Retail Building Type
- C. Retail Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.07 for graphic representation of the location requirements for Private Frontage placement.

- A. The Drive-Through Frontage is required to be placed at a build-to-line or within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall have one of the following treatments depending on distance from the Principal Frontage Line.
 - 1. Distance between building façade and Principal Frontage Line is zero (0) to ten (10) feet: Ground area shall be paved to match public sidewalk.
 - 2. Distance between building façade and Principal Frontage Line is greater than ten (10) feet and front parking is NOT present: Ground area shall be landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall have a width that is equal to the width of the widest part of the entry door recess.
 - 3. Distance between building façade and Principal Frontage Line is greater than ten (10) feet and front parking is present: Ground area shall be paved to the edge of the parking.
 - 4. Ground area may be paved at distances greater than ten (10) feet when outdoor seating is proposed per approval of Planning Director and / or Planning Commission.

- C. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Drive-Through Frontage (when required) shall be ground cover.

5.0 Drive-Through Location Requirements

Refer to Illustration 7.08 for frontage composition graphic reference.

- A. Rear Drive-through Zone: Drive-through is permitted to be placed along non-frontage rear property lines (or easement lines) in the following Context Areas:
 - 1. Corridor Center (CC)
 - 2. Corridor Urban (CU)
 - 3. Corridor General (CG)
 - 4. Corridor Sub-Urban (CS)
 - 5. Corridor Edge (CE)

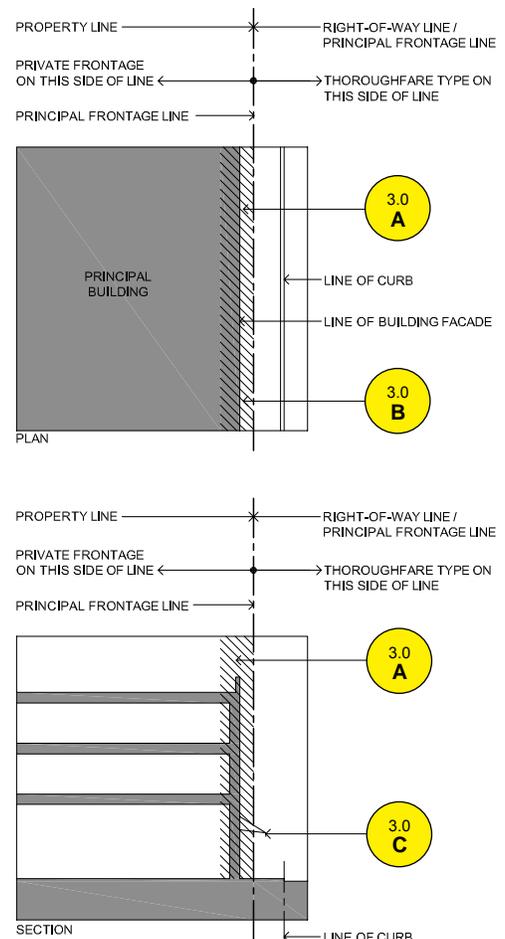
DRIVE-THROUGH FRONTAGE CHARACTER EXAMPLES:



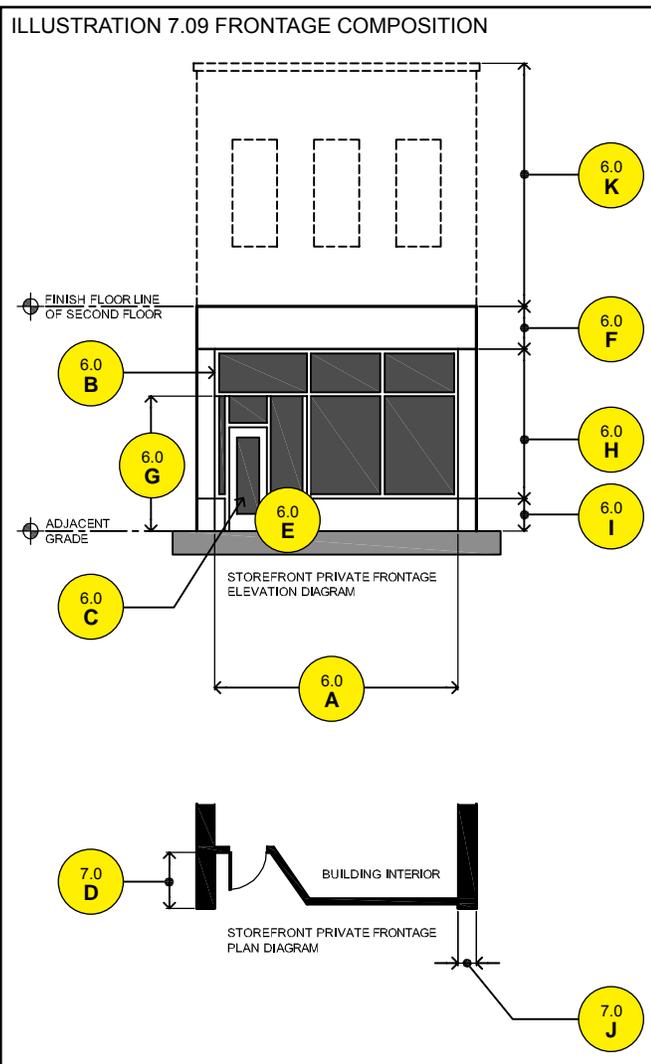
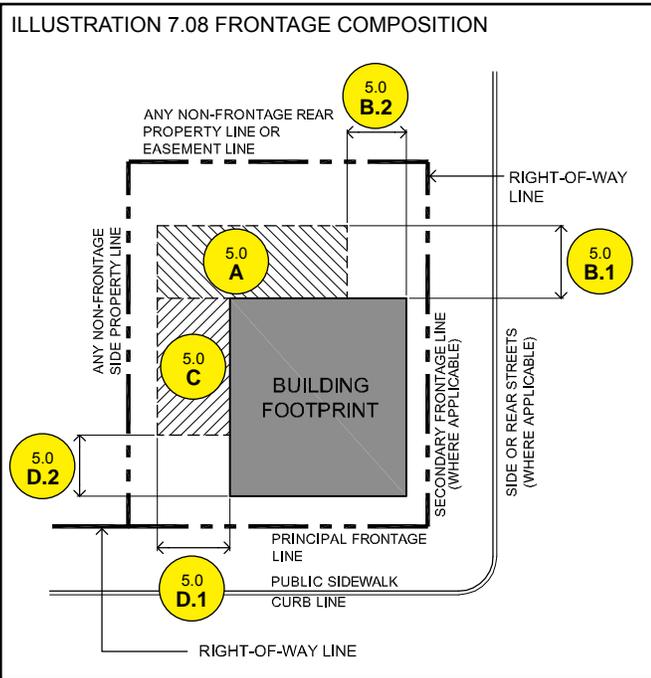
DRIVE-THROUGH FRONTAGE DESCRIPTION:

The drive-through is a frontage that is identical to the storefront frontage type, however it includes an automobile drive-through at the rear or non-frontage side yards. The drive-through may include a covered structure at the service window location. The frontage is typically associated with retail and mixed use buildings and includes a storefront that shall be designed in a way that promotes an attractive, convenient shopping experience. Storefronts are at grade with the sidewalk and are sometimes shaded by awnings.

ILLUSTRATION 7.07 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1709 DRIVE-THROUGH FRONTAGE TYPE



- B. Location of Rear Drive-through Zone: Rear Drive-through zone location shall be located as follows:
 1. 0 to 45 feet, measured from rear building wall.
 2. 15 feet minimum, measured from secondary frontage building wall.
- C. Non-frontage Side Drive-through Zone: Drive-through is permitted to be placed along non-frontage side property lines in the following Context Areas:
 1. Corridor General (CG)
 2. Corridor Sub-Urban (CS)
 3. Corridor Edge (CE)
- D. Location of Non-frontage Side Drive-through Zone: Non-frontage Side Drive-through zone location shall be located as follows:
 1. 0 to 45 feet, measured from non-frontage side building wall.
 2. 15 feet minimum, measured from principal frontage building wall.
- E. Drive-through location shall comply with the non-frontage side and rear setbacks of the Building Type that it is applied to. (Refer to Division 6)

6.0 Private Frontage Composition Requirements

Refer to Illustration 7.09 for frontage composition graphic reference.

- A. Storefronts shall extend across eighty (80) percent of the first story, for the full height of the first story.
- B. Optional transom window may extend over entry recess (as depicted) or follow entry recess.
- C. Required entry door shall have 50% minimum transparency.
- D. Entry door is required to be recessed from the Principal Frontage Line from three (3) feet to eight (8) foot. Storefront shall extend from Principal Frontage Line to the recessed entry door.
- E. Entry door is required to be at adjacent sidewalk grade.
- F. Required 30" to 42" sign band / horizontal expression band above storefront window / transom. Sign band or horizontal expression line shall extend the entire width of the building.
- G. Storefront window glass shall be eight (8) feet high minimum, measured from the adjacent grade.
- H. Transparency: Storefront Private Frontages shall have 60% to 80% of the façade be windows between the top of the storefront base and bottom of sign band (or horizontal expression line). Entry door transparency shall be included as part of this required transparency.
- I. Required 18" to 30" storefront base.
- J. Required 18" to 32" pilaster or wall surface spaced as indicated by Building Type.
- K. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- L. The Storefront Private Frontage may have an angled corner entry as allowed by the specific Building Type. The angled corner entry shall meet the transparency requirements of the Storefront Private Frontage.
- M. Frontage Materials: Refer to section 90-1714 for required building materials.



90-1710 At-Grade Private Frontage Type

The following standards apply to the At-Grade Private Frontage Type:

1.0 Access

- A. At-Grade Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The At-Grade Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Live / Work Building Type
- B. Apartment Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.10 for graphic representation of the location requirements for Private Frontage placement.

- A. The At-Grade Frontage is required to be placed within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall have one of the following treatments depending on distance from the Principal Frontage Line.
 - 1. Distance between building façade and Principal Frontage Line is five (5) to ten (10) feet: Ground area may be paved to match public sidewalk or landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall be five (5) feet wide minimum.
 - 2. Distance between building façade and Principal Frontage Line is greater than ten (10) feet: Ground area shall be landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall be five (5) feet wide minimum.
- C. At-Grade Frontage is required to have either a covered entry door (depicted in graphic) or recessed entry door. Covered entry door shall have a roof that is supported by brackets, cables, columns, or cantilevered. Covered entry door and recessed entry door options may be used together depending on building type and site placement of building.
- D. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- E. Wells may extend into required setbacks per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the At-Grade Frontage (when required) shall be grass ground cover.

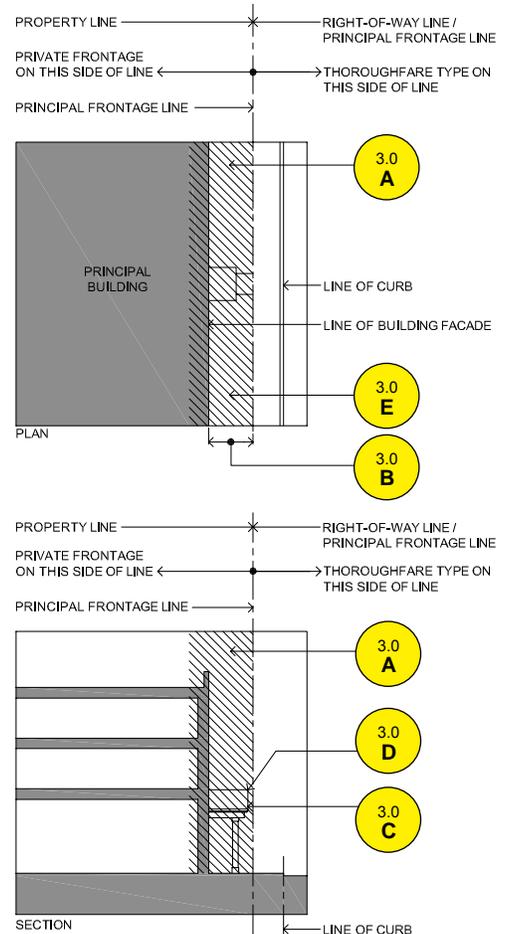
AT-GRADE FRONTAGE CHARACTER EXAMPLES:



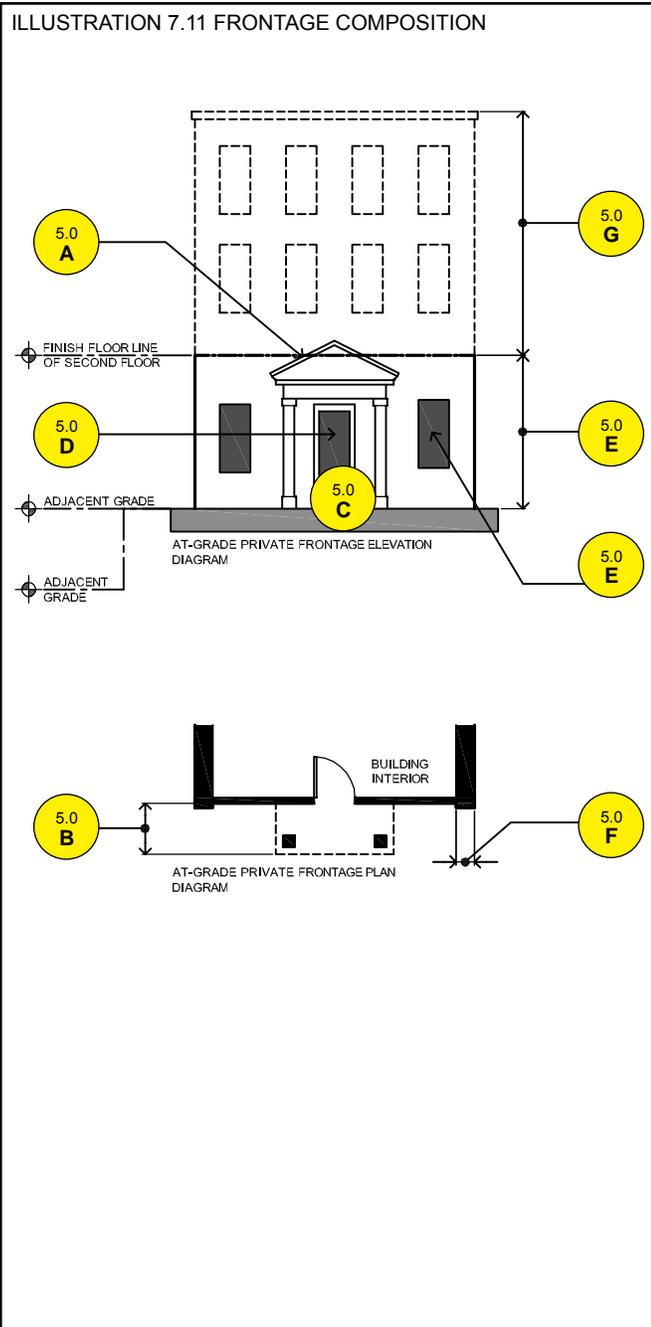
AT-GRADE FRONTAGE DESCRIPTION:

The at-grade is a frontage type placed along the Principal Frontage line in a build-to-zone. It provides an at grade (zero step) entry into residentially scaled buildings and may be associated with lobby buildings (such as apartments).

ILLUSTRATION 7.10 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1710 AT-GRADE FRONTAGE TYPE



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.11 for frontage composition graphic reference.

- A. At-Grade Frontage is required to have either a covered entry door (as depicted on graphic) or recessed entry door. Covered entry door shall have a roof that is supported by brackets, cables, columns, or cantilevered. Covered entry door and recessed entry door options may be used together depending on building type and site placement of building.
- B. Depth of covered entry (if used) shall be four (4) feet minimum.
- C. Entry door for At-Grade Frontages is required to be adjacent sidewalk grade.
- D. Required entry door shall have fifty (50) percent minimum transparency.
- E. Transparency: At-Grade Private Frontages shall have 10% to 30% of the façade be windows between the adjacent grade and finish floor line of the second story. Entry door transparency shall be included as part of this required transparency.
- F. Required 18" to 32" pilaster or wall surface spaced as indicated by Building Type.
- G. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- H. Frontage Materials: Refer to section 90-1714 for required building materials.

90-1711 Lightwell Private Frontage Type

The following standards apply to the Lightwell Private Frontage Type:

1.0 Access

- A. Lightwell Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The Lightwell Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Live / Work Building Type
- B. Rowhouse Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.12 for graphic representation of the location requirements for Private Frontage placement.

- A. The Lightwell Frontage is required to be placed within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall have one of the following treatments depending on distance from the Principal Frontage Line.
 - 1. Distance between building façade and Principal Frontage Line is five (5) to ten (10) feet: Ground area may be paved to match public sidewalk or landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall be five (5) feet wide minimum.
 - 2. Distance between building façade and Principal Frontage Line is greater than ten (10) feet: Ground area shall be landscaped with a sidewalk connecting the entry door to the public sidewalk. Sidewalk connecting entry door and public sidewalk shall be five (5) feet wide minimum.
- C. Lightwell Frontage may have a covered entry door. Covered entry door shall have a roof that is supported by brackets, cables, or cantilevered.
- D. Required exterior stair from adjacent grade (sidewalk) up to terrace.
- E. Required exterior stair from adjacent grade (sidewalk) down to lightwell.
- F. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- G. Stoops, wells, and / or steps may extend into required setbacks per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Lightwell Frontage (when required) shall be ground cover.

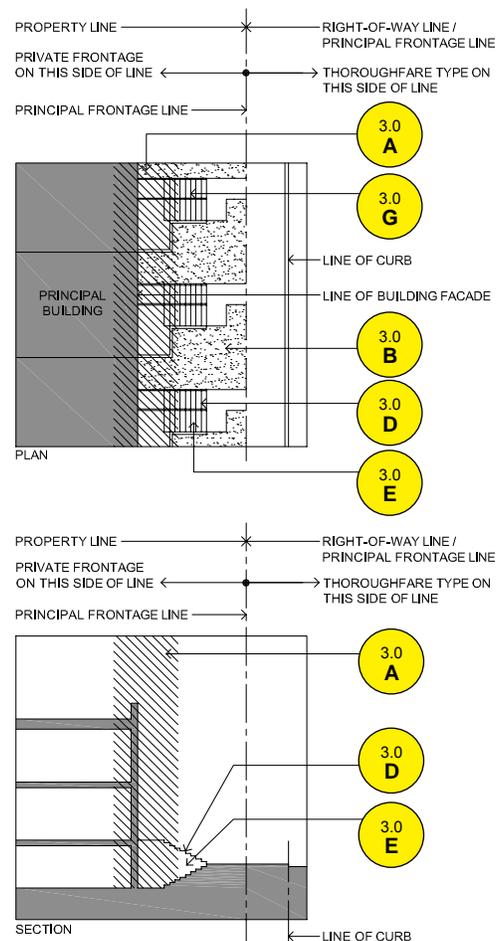
LIGHTWELL FRONTAGE CHARACTER EXAMPLES:



LIGHTWELL FRONTAGE DESCRIPTION:

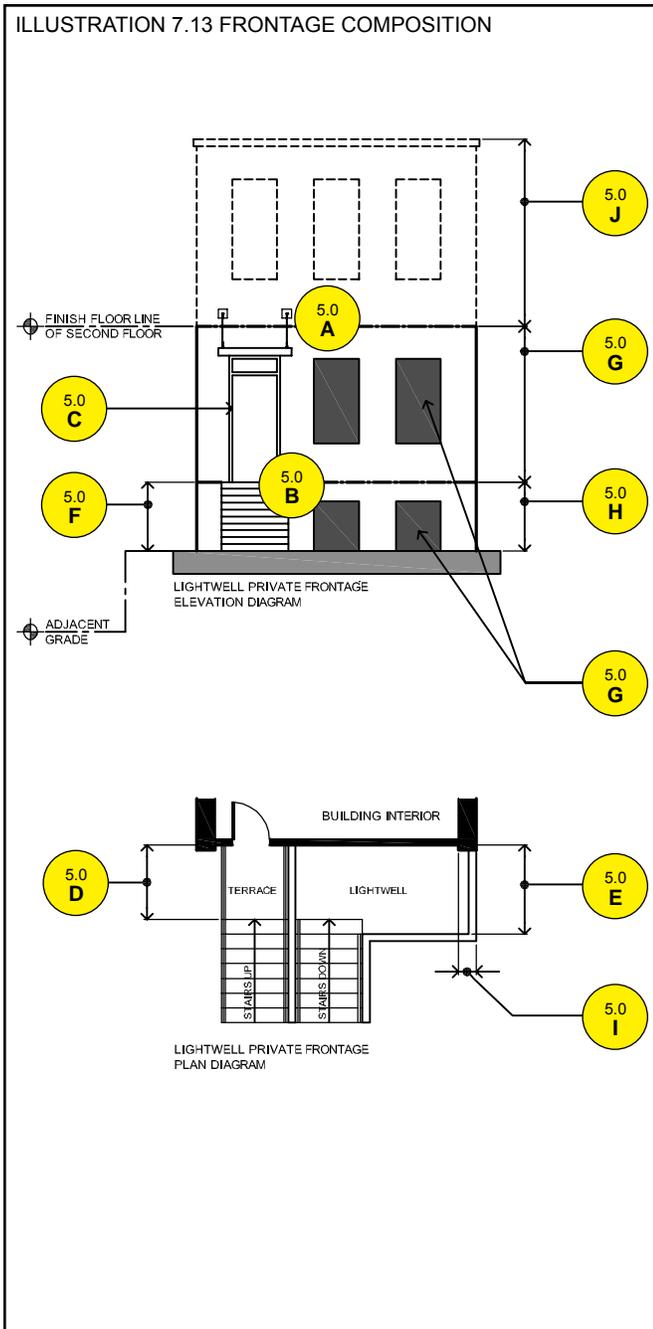
The lightwell is a frontage type placed along the Principal Frontage line in a build-to-zone. It has separate stairs that connect a lower level entrance (lightwell) and an upper level entrance (terrace) to the public sidewalk. This allows direct access to the first story and a partially exposed basement. Commonly used on attached buildings, this frontage may also provide outdoor seating opportunities at both the terrace and lightwell locations.

ILLUSTRATION 7.12 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1711 LIGHTWELL FRONTAGE TYPE

ILLUSTRATION 7.13 FRONTAGE COMPOSITION



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.13 for frontage composition graphic reference.

- A. Lightwell Frontage may have a covered entry door (as depicted in graphic). Covered entry door shall have a roof that is supported by brackets, cables, or cantilevered.
- B. Entry doors for Lightwell Frontages are required to be accessed from a terrace and lightwell.
- C. Required entry door is not required to have transparency.
- D. Depth of required terrace shall be four (4) feet minimum and eight (8) feet maximum.
- E. Depth of required lightwell shall be four (4) feet minimum and eight (8) feet maximum.
- F. Terrace shall be three (3) feet minimum above adjacent grade.
- G. Transparency between first story finish floor and second story finish floor: 10% to 30% of the façade shall be windows between the adjacent grade and finish floor line of the second story. Door transparency (if used) may be included in required transparency measurement.
- H. Transparency between first story finish floor and finish floor of lightwell (floor below first floor): 15% to 30% of the façade shall be windows between the adjacent grade and finish floor line of the lightwell floor (floor below first floor). Door transparency (if used) may be included in required transparency measurement.
- I. Required 18" to 32" pilaster or wall surface spaced as indicated by Building Type.
- J. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- K. Frontage Materials: Refer to section 90-1714 for required building materials.

90-1712 Stoop Private Frontage Type

The following standards apply to the Stoop Private Frontage Type:

1.0 Access

- A. Stoop Private Frontage and required covered entry doors shall be directly from and face a street, public path or civic space.
 - 1. Exception: Stoop and entry door may be located on the side of two-family and single-family home Building Types when the stoop is connected to the public sidewalk with a minimum of three (3) foot sidewalk.

2.0 Allowed Per Building Type

The Stoop Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Live / Work Building Type
- B. Apartment Building Type
- C. Rowhouse Building Type
- D. Two-Family House Building Type
- E. Single-Family House Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.14 for graphic representation of the location requirements for Private Frontage placement.

- A. The Stoop Frontage is required to be placed within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
 - 1. Exception: As noted in 1.0.A.1 of this Section.
- B. The ground area between the Principal Frontage Line and building façade shall be landscaped with a sidewalk connecting the stoop to the public sidewalk. Sidewalk connecting stoop and public sidewalk shall be three (3) feet wide minimum.
- C. Stoop Frontage shall have a covered entry door. Covered entry door shall have a roof that is supported by brackets, cables, or cantilevered.
- D. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- E. Stoops, wells, and / or steps may extend into required setbacks per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Stoop Frontage shall be ground cover.

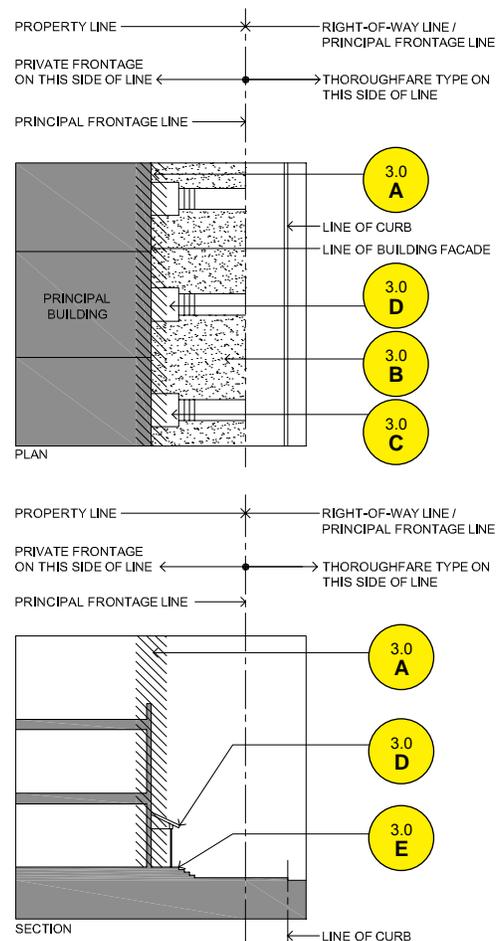
STOOP FRONTAGE CHARACTER EXAMPLES:



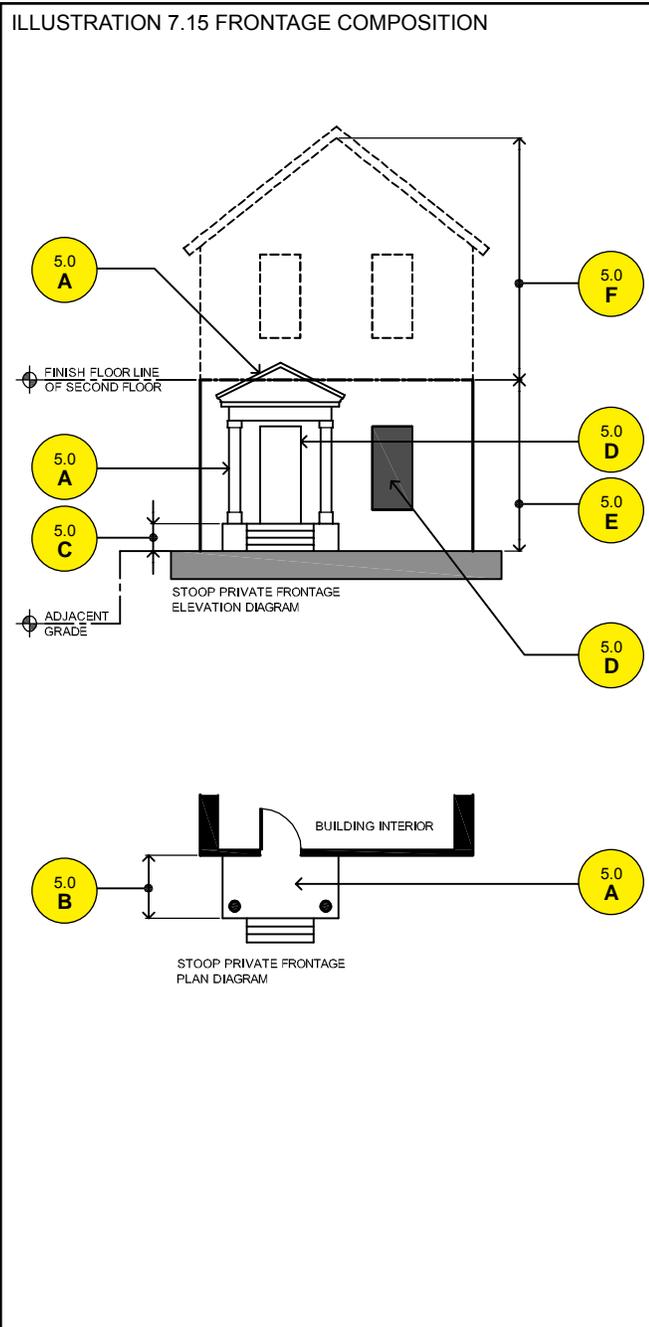
STOOP FRONTAGE DESCRIPTION:

The stoop is a frontage type typically placed along the Principal Frontage line, although it may also be placed in the side yard. A stoop is a small staircase leading to the entrance of a building that has a roof at the entrance. The elevation of the stoop is required to achieve privacy for residential uses on the first story.

ILLUSTRATION 7.14 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1712 STOOP FRONTAGE TYPE



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.15 for frontage composition graphic reference.

- A. Stoop Frontage is required to have a covered entry door that has a roof that is either supported by brackets, cables, columns (depicted in graphic), or cantilevered.
- B. Depth of stoop landing shall be four (4) feet minimum.
- C. Stoop shall be twelve (12) inches minimum above adjacent grade.
- D. Required entry door is not required to have transparency.
- E. Transparency: Stoop Private Frontages shall have 10% to 30% of the façade be windows between the adjacent grade and finish floor line of the second story. Door transparency (if used) may be included in required transparency measurement.
- F. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- G. Frontage Materials: Refer to section 90-1714 for required building materials.

90-1713 Porch Private Frontage Type

The following standards apply to the Porch Private Frontage Type:

1.0 Access

- A. Porch Private Frontage and required entry doors shall be directly from and face a street, public path or civic space.

2.0 Allowed Per Building Type

The Porch Private Frontage is permitted on the following Building Types (refer to Division 6):

- A. Apartment Building Type
- B. Rowhouse Building Type
- C. Two-Family House Building Type
- D. Single-Family House Building Type

3.0 Frontage Location Requirements

Refer to Illustration 7.16 for graphic representation of the location requirements for Private Frontage placement.

- A. The Porch Frontage is required to be placed within a build-to-zone, depending on building site specific requirements. Refer to Division 6.
- B. The ground area between the Principal Frontage Line and building façade shall be landscaped with a sidewalk connecting the stoop to the public sidewalk. Sidewalk connecting stoop and public sidewalk shall be three (3) feet wide minimum.
- C. Balconies, awnings, canopies, cornices, upper bays, and projecting signs may extend into the public right-of-way per the requirements of the encroachment section in Division 3.
- D. Porches, wells, and / or steps may extend into required setbacks per the requirements of the encroachment section in Division 3.

4.0 Private Frontage Landscape Requirements

- A. Landscape for the Porch Frontage shall be ground cover.

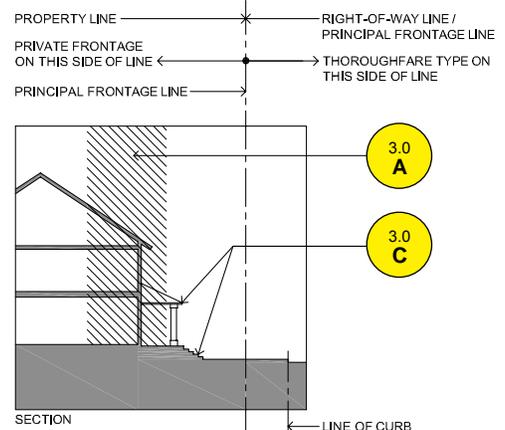
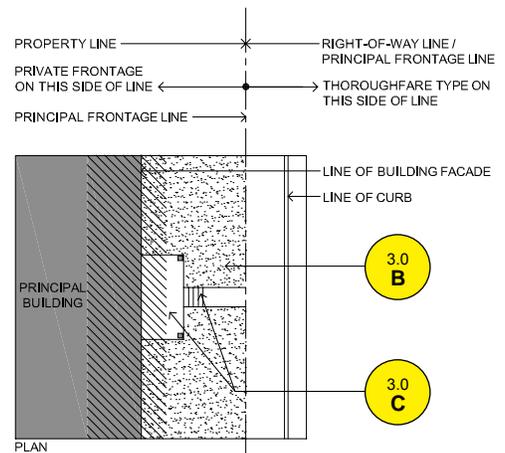
PORCH FRONTAGE CHARACTER EXAMPLES:



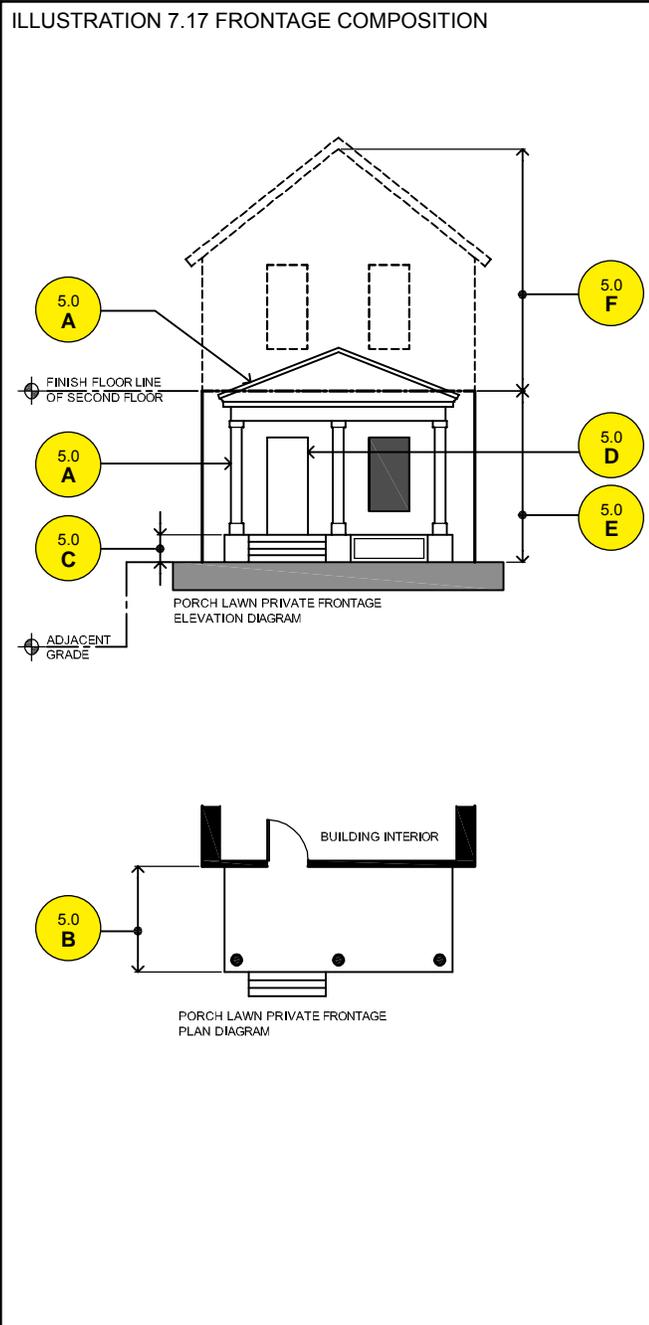
PORCH FRONTAGE DESCRIPTION:

The porch is a frontage type placed along the Principal Frontage line(s) within a build-to-zone. Porches are open-air structures that are attached to the Principal Building, forming a covered entrance. Porch dimensions need to be such that sufficient space for furniture is provided, allowing comfortable use of the space.

ILLUSTRATION 7.16 FRONTAGE LOCATION



PRIVATE FRONTAGE TYPE STANDARDS : 90-1713 PORCH FRONTAGE TYPE



5.0 Private Frontage Composition Requirements

Refer to Illustration 7.17 for frontage composition graphic reference.

- A. Porch Frontage is required to be covered by a roof that is supported by columns.
- B. Depth of porch floor shall be eight (8) feet minimum.
- C. Porch floor shall be eighteen (18) inches minimum above adjacent grade.
- D. Required entry door is not required to have transparency.
- E. Transparency: Porch Private Frontages shall have 10% to 30% of the façade be windows between the adjacent grade and finish floor line of the second story. Door transparency (if used) may be included in required transparency measurement.
- F. Transparency Upper Stories: Refer to Building Types (Division 6) for transparency requirements of upper stories.
- G. Frontage Materials: Refer to section 90-1714 for required building materials.

I. PRIVATE FRONTAGE EXTERIOR WALLS

1.0 Intent

- A. Private Frontage walls shall reflect and complement the materials and construction techniques of West Michigan's regional architecture.
- B. Materials on exterior walls shall express the construction techniques and structural constraints of traditional and long-lasting building materials.
- C. All exterior wall materials shall express their specific properties. For example, heavier more permanent materials (masonry) shall support lighter materials (wood).
- D. Private Frontage walls shall be compatible and complement the building walls.

2.0 Exterior Wall Materials

The following materials are permitted on exterior walls:

- A. Brick and masonry.
- B. Stone (or synthetic equivalent).
- C. Pre-cast masonry (for trim and cornice elements only).
- D. Polyurethane and Cellular PVC shapes (for cornice element only).
- E. Metal (for beams, lintels, trim elements and ornamentation only).
- F. Split-faced block (for piers and foundation walls only).
- G. Wood lap siding.
- H. Cement board siding (Hardie-Plank or equivalent).
- I. Other materials as approved by Planning Director or Planning Commission.

3.0 Exterior Wall Configurations and Techniques

The following configurations and construction techniques shall be utilized when assembling exterior walls:

- A. Wall openings shall not span vertically more than one story.
- B. Wall openings shall correspond to interior space and not span horizontally across the building.
- C. Wall materials shall be consistent horizontally (i.e. – joints between different materials shall be horizontal and continue around corners) except at chimneys and piers.
- D. Cement board siding shall have a smooth finish (no faux wood grain).
- E. All trim on wood- and cement board-sided walls (including window trim, door trim, horizontal expression lines and corner trim) shall be similar to the material of the siding.

II. ROOFS AND PARAPETS

1.0 Intent

- A. Roofs and parapets shall demonstrate recognition of the climate by utilizing appropriate pitch, drainage and materials.
- B. Sustainable practices, such as green roof technology, are strongly encouraged to the maximum extent possible.

2.0 Roof Materials for Pitched or Sloped Roofs

The following materials are permitted for pitched roofs:

- A. Slate (or equivalent synthetic).
- B. Metal (standing seam or similar).
- C. Dimensional asphalt shingles.
- D. Other materials as approved by Planning Director or Planning Commission.

3.0 Roof Materials for Flat Roofs

The following materials are permitted for flat roofs:

- A. Any material that is permitted by the Building Code.

4.0 Materials for Cornices

The following materials are permitted for parapets and cornices:

- A. Any material that is permitted in the Exterior Building Wall Section.
- B. Material shall be consistent and compatible with the material of the exterior wall.

5.0 Pitched Roof Configurations and Techniques

The following configurations and construction techniques shall be utilized when assembling pitched roofs:

- A. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 12:12.
- B. Shed roofs attached to the main structure shall be pitched between 4:12 and 7:12.
- C. Eaves shall overhang a minimum of twelve (12) inches.
- D. Rakes (gable end) shall overhang a minimum of eight (8) inches.
- E. Open eaves and simple traditional soffits and fascia are encouraged.



PRIVATE FRONTAGE TYPE STANDARDS : 90-1714 MATERIALS AND TECHNIQUE

III. WINDOWS AND DOORS

1.0 Window Materials

- A. Window frames shall be anodized aluminum, wood, clad wood, vinyl, or steel.
- B. Glass in windows shall be clear. Refer to definitions in Division 11 for requirements of clear glass.
- C. Window screens shall be black or gray.
- D. Screen frames shall match window frame material or be dark anodized.

2.0 Door Materials

- A. Door frames shall be anodized aluminum, wood, clad wood, or steel.
- B. Doors shall be made of wood, clad wood, fiberglass, steel, or other materials as approved by Planning Director or Planning Commission.
- C. Any glass that is provided in doors as part of minimum transparency requirements shall be clear. Refer to definitions in Division 11 for requirements of clear glass.

3.0 Window Configurations and Techniques

- A. Windows may be ganged horizontally (maximum 5 per group) if each grouping is separated by a mullion, column, pier or wall section.
- B. Windows shall be no closer than thirty (30) inches to a building corner, excluding bay windows.
- C. Windows shall be square or vertically proportioned.
- D. Exterior shutters, if applied, shall be sized and mounted appropriately for the window (i.e. each shutter shall be one-half the window width).

4.0 Door Configurations and Techniques

- A. Double height entries (those that span more than one story) are not allowed.
- B. Roll down security gates and doors are prohibited.

IV. AWNINGS AND CANOPIES

1.0 Awning and Canopy Materials

- A. Awnings shall be cloth, canvas or similar material. Shiny or reflective surfaces are not permitted.
- B. Canopies shall be metal.
- C. Internal illumination is not permitted on awnings or canopies.
- D. One-quarter or one-half cylinder style awnings are not permitted.





This page left intentionally blank



90-1800 PURPOSE

The purpose of this Division is to identify the Thoroughfare Types (streets and streetscapes) permitted within the Context Areas of the Form Based Code. These standards ensure that proposed development is consistent with the desired character and development patterns as outlined in the Turn On 28th Street Sub Area Plan and to provide design standards for each Thoroughfare Type.

90-1801 APPLICABILITY

The regulations of this Division apply to Thoroughfares located in the Form Based Code.

- A. Each proposed Thoroughfare shall be designed based on the standards established within this Division.
 1. Permitted thoroughfares in Context Areas are identified in Table 90-1802.
 2. The "crescent street" identified in the 28th Street Sub Area Plan and depicted on Map 90-1801 is required to meet the standards of Thoroughfare Type AV-110-66-C.

90-1802 THOROUGHFARES BY CONTEXT AREA

Refer to Table 90-1802 to determine the specific Thoroughfare Types that are permitted in each of the Context Areas.

90-1803 CONTENTS OF THIS DIVISION

The following Thoroughfare Types are specified in this Division

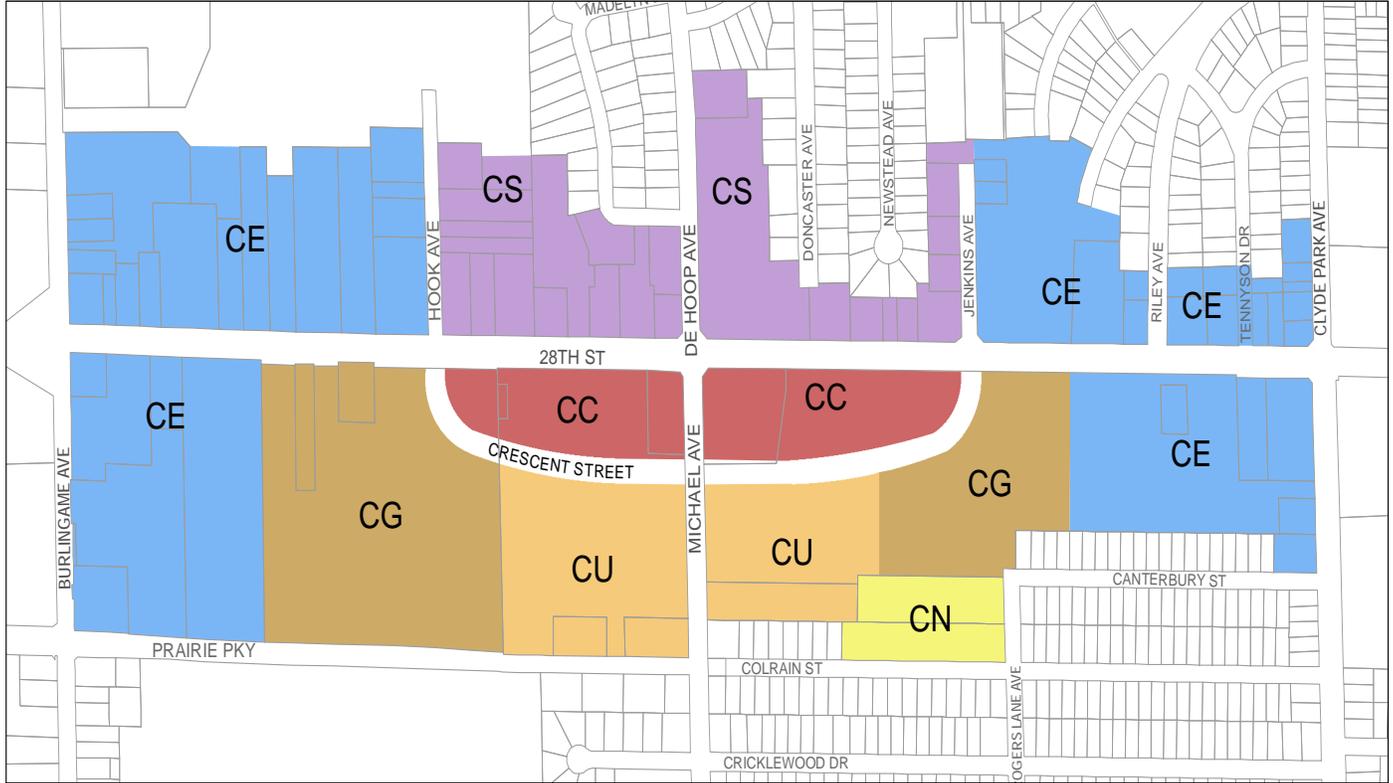
- A. Avenue AV-110-66-C: Avenue with center median.
- B. Street ST-60-35-C: Commercial Street
- C. Street ST-60-35-R: Residential Street
- D. Yield Street YS-60-27-R: Residential Yield Street
- E. Rear Alley RA-20-20-C: Commercial Alley
- F. Rear Alley RA-20-12-R: Residential Alley



DIVISION 8

THOROUGHFARE TYPES

MAP 90-1801 CONTEXT AREAS

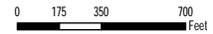


City of Wyoming, Michigan Context Area Map

October 8, 2013

Legend

- CC, Corridor Center Context Area
- CS, Corridor Sub-urban Context Area
- CU, Corridor Urban Context Area
- CE, Corridor Edge Context Area
- CG, Corridor General Context Area
- CN, Corridor Neighborhood Context Area



© 2012 REGIS. All Rights Reserved.
This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy and should be verified through other means. Any duplication is restricted under copyright laws and the Enhanced Access to Public Records Act, PA 462 of 1996, as amended.

TABLE 90-1802 THOROUGHFARE TYPES PERMITTED PER CONTEXT AREA

Building Types	Corridor Center (CC)	Corridor Urban (CU)	Corridor General (CG)	Corridor Sub-Urban (CS)	Corridor Edge (CE)	Corridor Neighborhood (CN)
AV-110-66-C	(FOR USE IN CRESCENT STREET AREA ONLY)					
ST-60-35-C						
ST-60-35-R						
YS-60-27-R						
RA-20-20-C						
RA-20-12-R						

White cells represent Context Areas where ThoroughfareType is permitted.

Darkened cells represent Context Areas where Thoroughfare Type is NOT permitted.

CITY OF WYOMING FORM BASED CODE





This page left intentionally blank



90-1805 STANDARDS FOR ALL THOROUGHFARES

The following standards apply to all Thoroughfare Types:

- A. Thoroughfares are intended to be for use by all modes of transportation, including vehicular, bicycle, and pedestrian.
- B. Thoroughfares shall generally consist of vehicular lanes, parking lanes, a pedestrian realm (the sidewalk area), and landscaping.
- C. Thoroughfares shall be designed in context with the urban form and desired design speed of the Context Area through which they pass.
- D. Thoroughfare network shall be designed to define blocks not exceeding the size prescribed in Division 5, Subdivision and Access Standards.
- E. All thoroughfares shall terminate at other thoroughfares, forming a network. Cul-de-sacs shall be subject to approval by Planning Director or Planning Commission, to accommodate specific site conditions only.
- F. Each lot shall front on at least one thoroughfare.
- G. Each thoroughfare shall have street canopy trees consistent with the requirements of this Division.
- H. Street canopy trees shall be "limbed up" so as to not interfere with pedestrian or automobile travel. (Minimum 7 feet clear over the sidewalk and minimum 14 feet clear over travel lanes).
- I. Unpaved ground area fronting lots shall be planted with groundcover consistent with the requirements of Division 6 Building Types and Division 7 Private Frontage Types.



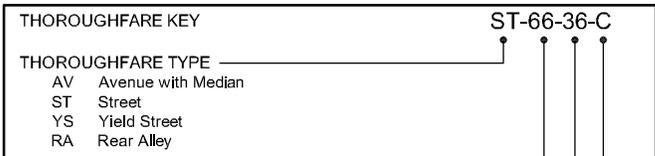
TABLE 90-1806 THOROUGHFARE ATTRIBUTES

THOROUGHFARE TYPE:	AVENUE WITH MEDIAN
CONTEXT AREA ASSIGNMENT:	CC / CU / CG (CRESCENT STREET AREA ON PLAN)
RIGHT-OF-WAY WIDTH:	110 FEET
PAVEMENT WIDTH:	62 FEET
MOVEMENT:	FREE MOVEMENT
TRAFFIC LANES:	(2) 11 FOOT WIDE LANES
PARKING LANES:	6'-6" WIDE PARALLEL BOTH SIDES
MEDIAN:	REQUIRED LANDSCAPED CENTER MEDIAN
WALKWAY TYPE:	21'-6" WIDE SIDEWALK
PLANTER TYPE:	5'-0" x 5'-0" TREE WELL OR RAISED PLANTER
CURB TYPE:	CONCRETE HIGH-BACK CURB AND GUTTER
LANDSCAPE TYPE:	TREES AT 50 FEET ON CENTER (AVERAGE)
MULTIMODAL PROVISIONS:	5'-0" WIDE BIKE LANES WITH 3'-0" BUFFER BETWEEN PARKING LANE

This thoroughfare assembly has a landscaped center median and serves commercial uses in more intense Context Areas. The thoroughfare assembly consists of wide sidewalks, bump-outs, formally arranged street trees, bike lanes and parallel parking. The wide sidewalks can accommodate outdoor seating areas while also maintaining adequate pedestrian travel zones and furnishing zones. The center median may be replaced with left turn lanes at intersections and driveways as required to accommodate traffic volumes.

Bike lanes are continuous and located in between the sidewalk and the parking lanes.

THOROUGHFARE KEY



RIGHT-OF-WAY WIDTH — Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH — Measured from "edge of metal" to "edge of metal" (not including gutters).

COMMERCIAL OR RESIDENTIAL DESIGNATION — Commercial (C) indicates that the thoroughfare is typically located on predominately commercial streets. Commercial thoroughfares have pavement from right-of-way to curb with street trees in tree grates or raised planters (no landscaped parkways). Residential (R) indicates that the thoroughfare is typically located on predominately residential streets. Residential thoroughfares have landscaped parkways.

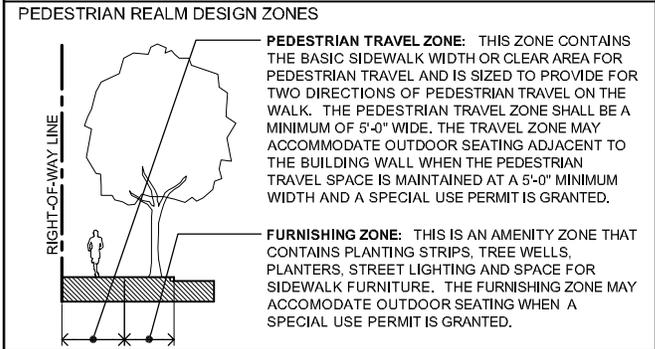


ILLUSTRATION 8.01 THOROUGHFARE CROSS-SECTION

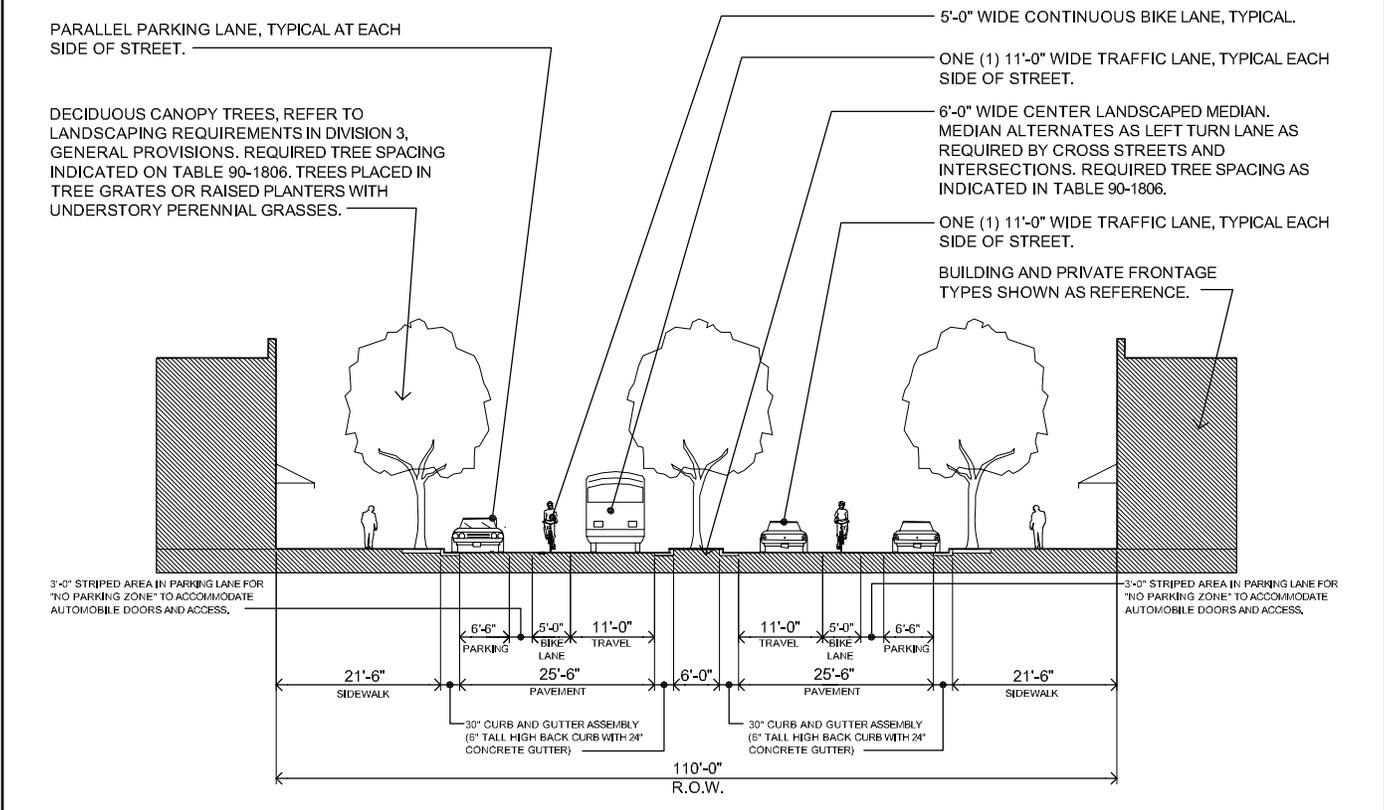


ILLUSTRATION 8.02 THOROUGHFARE PLAN VIEW

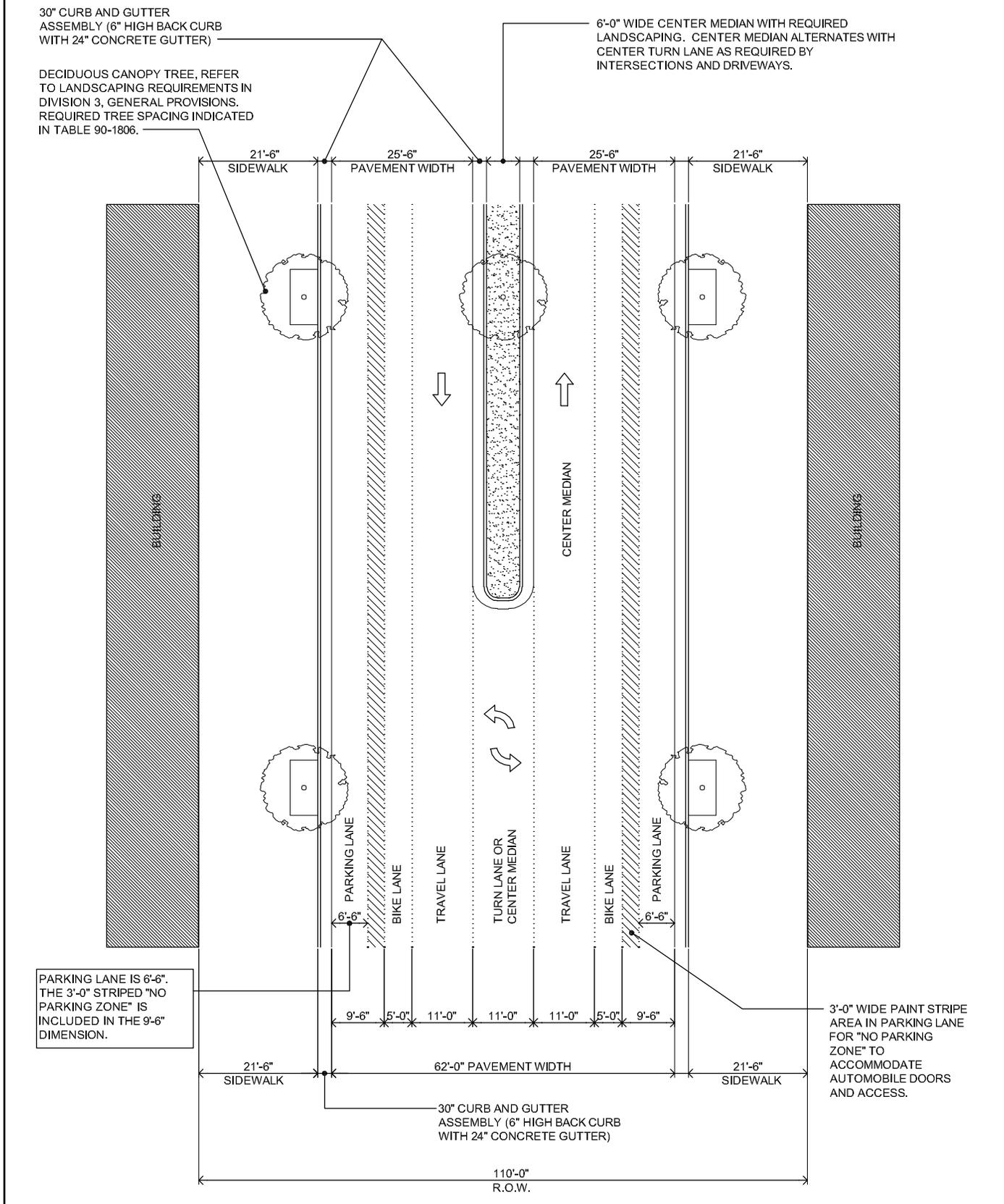


TABLE 90-1807 THOROUGHFARE ATTRIBUTES

THOROUGHFARE TYPE:	STREET
CONTEXT AREA ASSIGNMENT:	ALL CONTEXT AREAS
RIGHT-OF-WAY WIDTH:	60 FEET
PAVEMENT WIDTH:	35 FEET
MOVEMENT:	FREE MOVEMENT
TRAFFIC LANES:	(2) 11 FOOT WIDE LANES
PARKING LANES:	6'-6" WIDE PARALLEL BOTH SIDES
WALKWAY TYPE:	10'-0" WIDE SIDEWALK
PLANTER TYPE:	5'-0" x 5'-0" TREE WELL OR RAISED PLANTER
CURB TYPE:	CONCRETE HIGH-BACK CURB AND GUTTER
LANDSCAPE TYPE:	TREES AT 66 FEET ON CENTER (AVERAGE)
MULTIMODAL PROVISIONS:	BICYCLE ROUTE WITH SHARROWS

This thoroughfare type may serve commercial uses in all of the Context Areas in the Form Based Code. The thoroughfare assembly consists of wide sidewalks and formally arranged street trees. The wide sidewalks may accommodate outdoor seating areas while also maintaining adequate pedestrian travel zones and furnishing zones.

Street parking is accommodated with parallel parking on both sides of the street.

Bicycle lanes are shared with the travel lanes because of the street's slow design speed. Sharrows are painted within the travel lanes to designate bike route.

THOROUGHFARE KEY

THOROUGHFARE KEY	ST-66-36-C
THOROUGHFARE TYPE	ST-66-36-C
AV	Avenue with Median
ST	Street
YS	Yield Street
RA	Rear Alley

RIGHT-OF-WAY WIDTH —————
Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH —————
Measured from "edge of metal" to "edge of metal" (not including gutters).

COMMERCIAL OR RESIDENTIAL DESIGNATION —————
Commercial (C) indicates that the thoroughfare is typically located on predominately commercial streets. Commercial thoroughfares have pavement from right-of-way to curb with street trees in tree grates or raised planters (no landscaped parkways).

Residential (R) indicates that the thoroughfare is typically located on predominately residential streets. Residential thoroughfares have landscaped parkways.

PEDESTRIAN REALM DESIGN ZONES

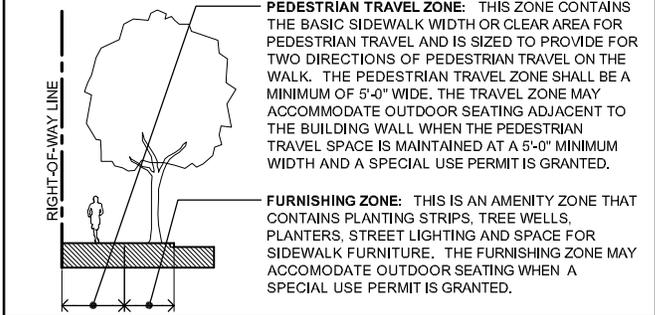
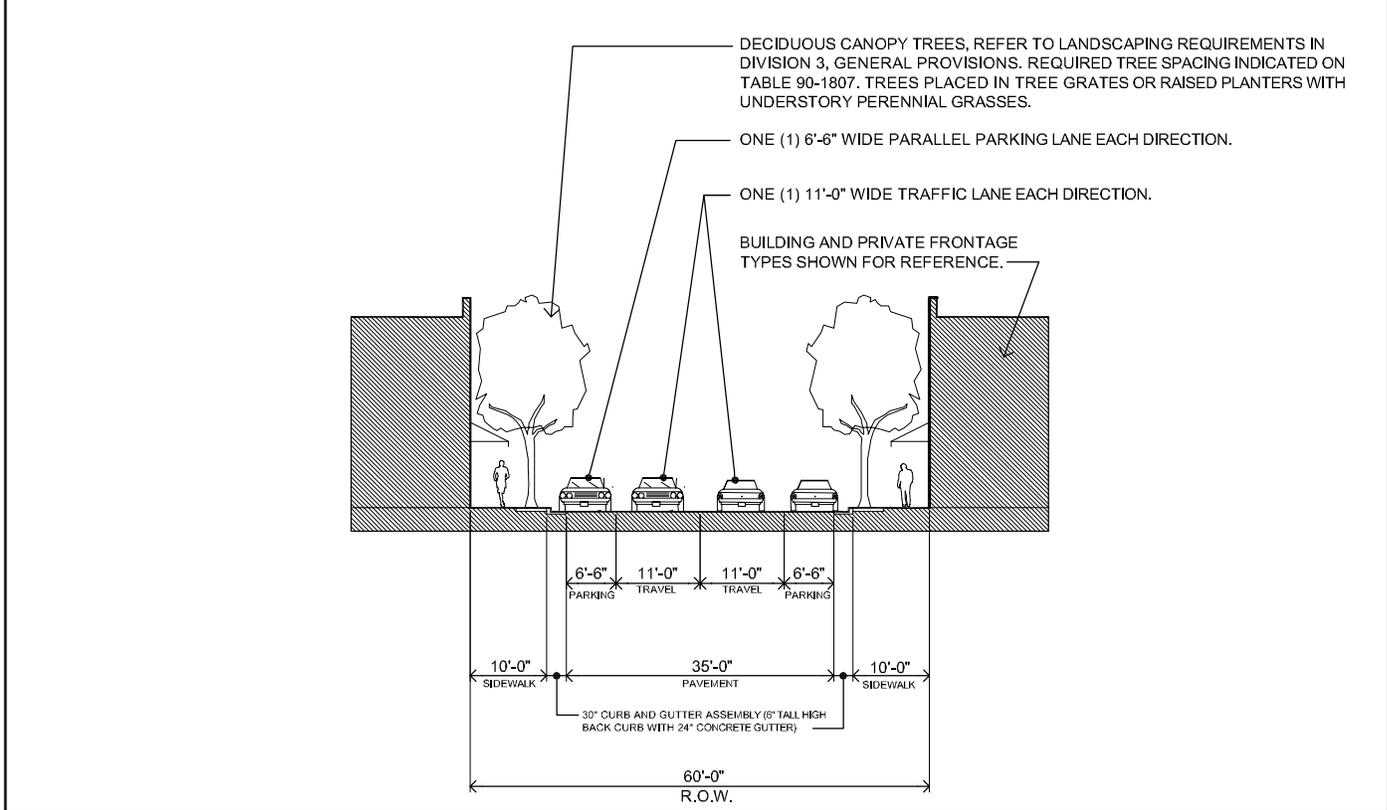


ILLUSTRATION 8.03 THOROUGHFARE CROSS-SECTION



THOROUGHFARE TYPES : 90-1807 STREET ST-60-35-C

ILLUSTRATION 8.04 THOROUGHFARE PLAN VIEW

30" CURB AND GUTTER ASSEMBLY (6" HIGH BACK CURB WITH 24" CONCRETE GUTTER)

DECIDUOUS CANOPY TREE, REFER TO LANDSCAPING REQUIREMENTS IN DIVISION 3, GENERAL PROVISIONS. REQUIRED TREE SPACING INDICATED IN TABLE 90-1807.

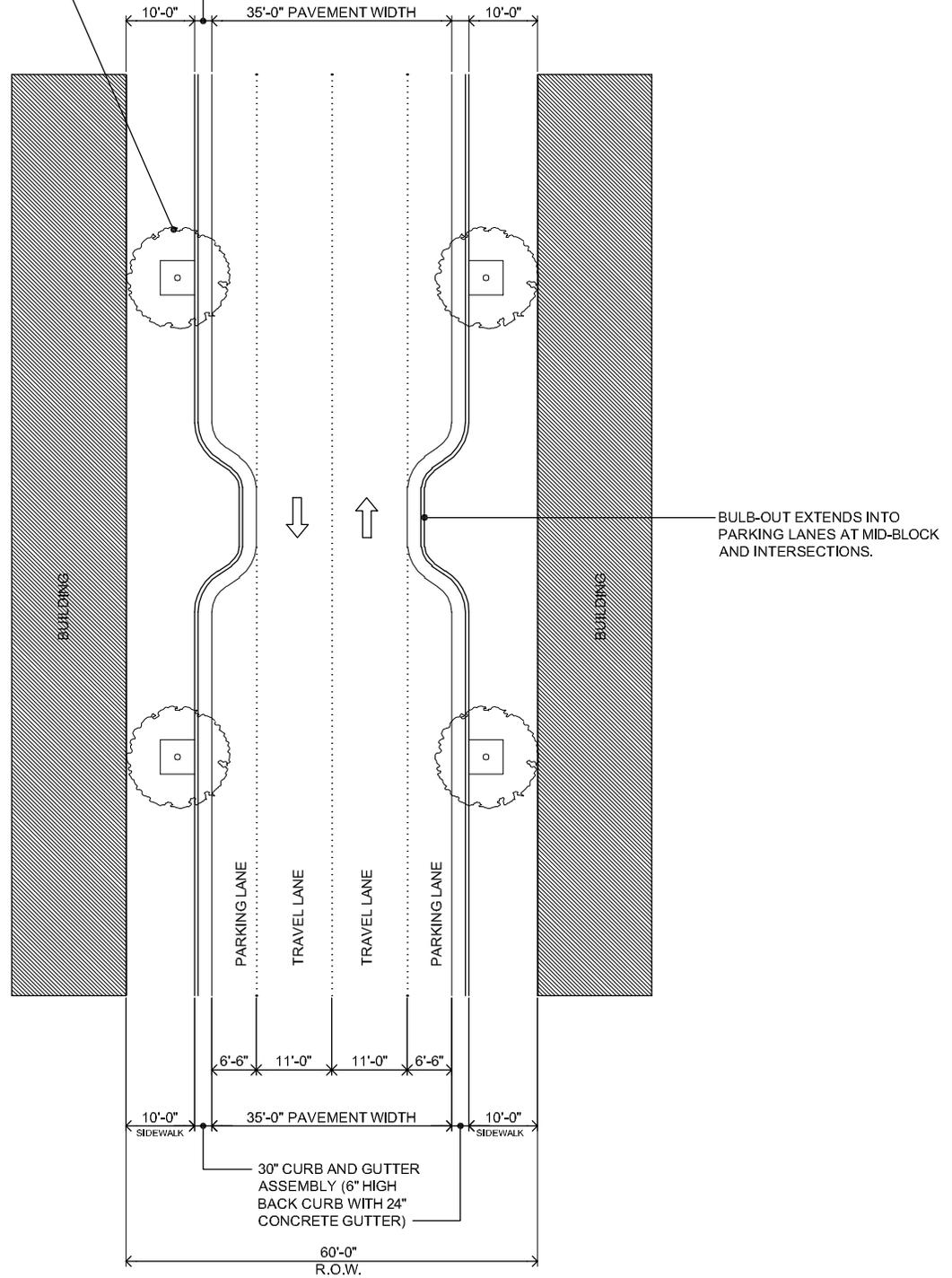


TABLE 90-1808 THOROUGHFARE ATTRIBUTES

THOROUGHFARE TYPE:	STREET
CONTEXT AREA ASSIGNMENT:	CG / CS / CE / CN
RIGHT-OF-WAY WIDTH:	60 FEET
PAVEMENT WIDTH:	35 FEET
MOVEMENT:	FREE MOVEMENT
TRAFFIC LANES:	(2) 11 FOOT WIDE LANES
PARKING LANES:	6'-6" WIDE PARALLEL BOTH SIDES
WALKWAY TYPE:	5'-0" WIDE SIDEWALK
PLANTER TYPE:	5'-0" CONTINUOUS LANDSCAPED PARKWAY
CURB TYPE:	CONCRETE HIGH-BACK CURB AND GUTTER
LANDSCAPE TYPE:	TREES AT 40 TO 45 FEET ON CENTER
MULTIMODAL PROVISIONS:	BICYCLE ROUTE (NO SHARROWS)

This thoroughfare type serves residential uses. The thoroughfare consists of residentially scaled sidewalks and a landscaped parkway with formally arranged street trees between the sidewalk and curb.

Street parking is accommodated with parallel parking on both sides of the street.

Bicycle lanes are not defined within the thoroughfare although the street may accommodate bike traffic within the travel lanes because of its slow design speed.

THOROUGHFARE KEY

THOROUGHFARE KEY ST-66-36-C

THOROUGHFARE TYPE

- AV Avenue with Median
- ST Street
- YS Yield Street
- RA Rear Alley

RIGHT-OF-WAY WIDTH _____
Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH _____
Measured from "edge of metal" to "edge of metal" (not including gutters).

COMMERCIAL OR RESIDENTIAL DESIGNATION _____
Commercial (C) indicates that the thoroughfare is typically located on predominately commercial streets. Commercial thoroughfares have pavement from right-of-way to curb with street trees in tree grates or raised planters (no landscaped parkways).
Residential (R) indicates that the thoroughfare is typically located on predominately residential streets. Residential thoroughfares have landscaped parkways.

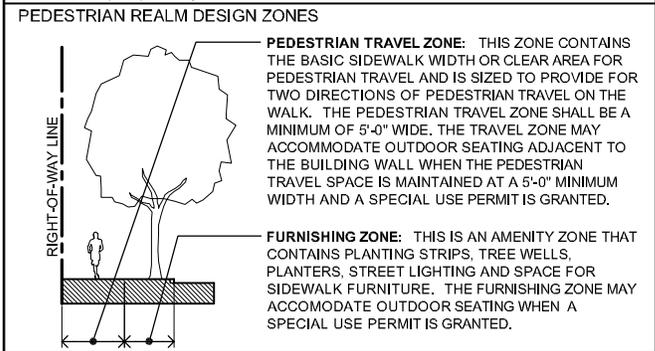
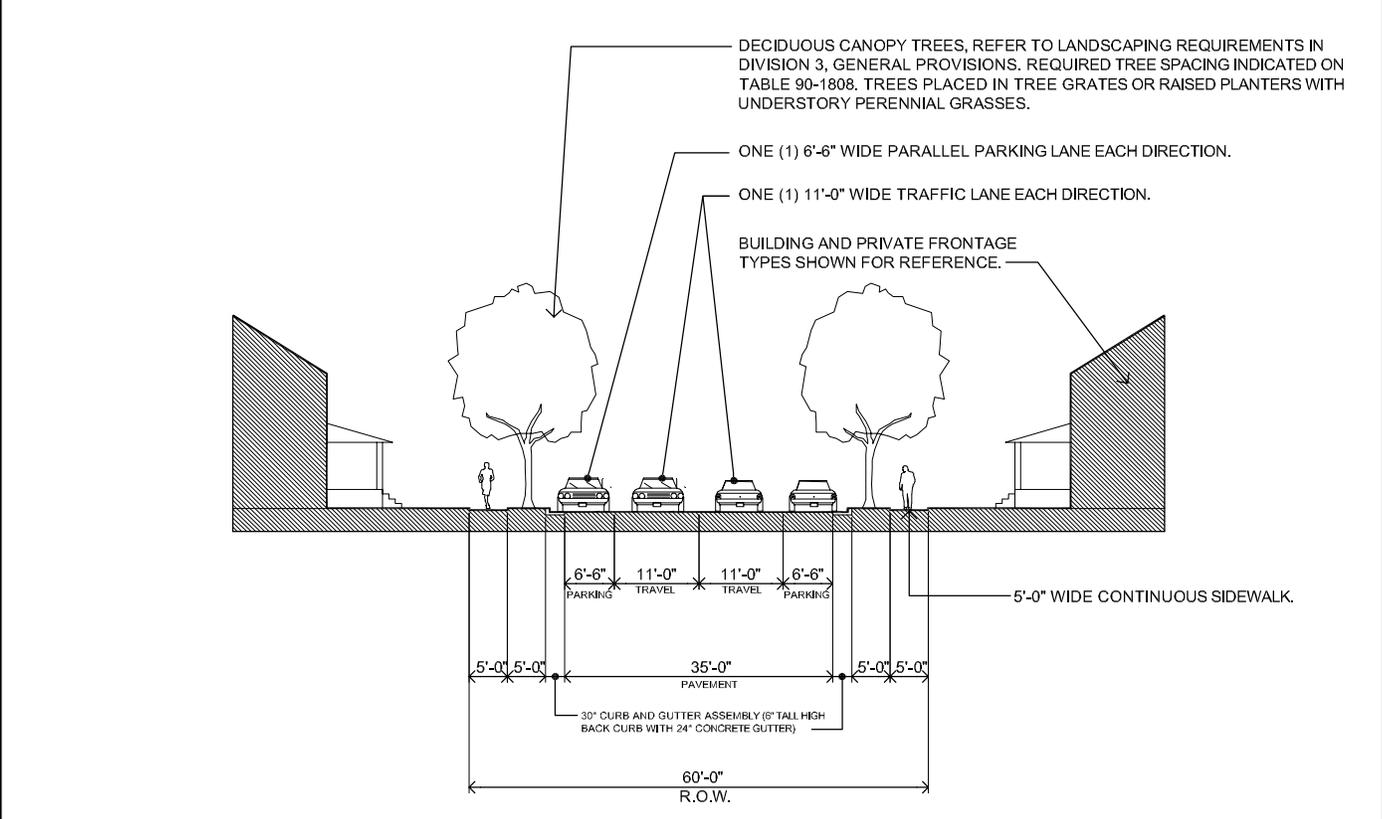


ILLUSTRATION 8.05 THOROUGHFARE CROSS-SECTION



THOROUGHFARE TYPES : 90-1808 STREET ST-60-35-R

ILLUSTRATION 8.06 THOROUGHFARE PLAN VIEW

30" CURB AND GUTTER ASSEMBLY (6" HIGH BACK CURB WITH 24" CONCRETE GUTTER)

DECIDUOUS CANOPY TREE, REFER TO LANDSCAPING REQUIREMENTS IN DIVISION 3, GENERAL PROVISIONS. REQUIRED TREE SPACING INDICATED IN TABLE 90-1808.

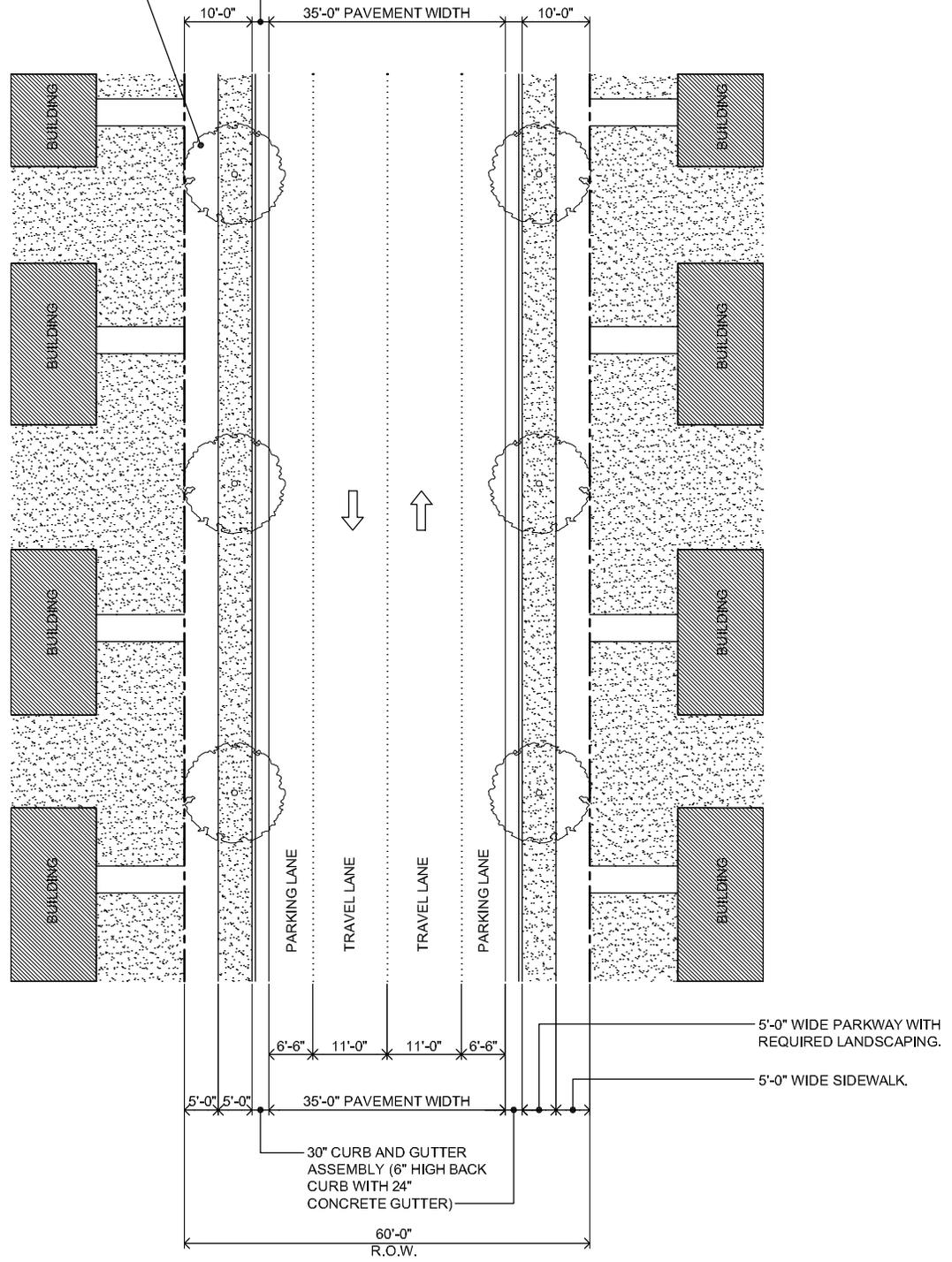


TABLE 90-1809 THOROUGHFARE ATTRIBUTES

THOROUGHFARE TYPE:	YIELD STREET
CONTEXT AREA ASSIGNMENT:	CN
RIGHT-OF-WAY WIDTH:	60 FEET
PAVEMENT WIDTH:	24 FEET
MOVEMENT:	YIELD MOVEMENT
TRAFFIC LANES:	(1) 11 FOOT WIDE LANE
PARKING LANES:	6'-6" WIDE PARALLEL BOTH SIDES
WALKWAY TYPE:	5'-0" WIDE CONCRETE SIDEWALK
PLANTER TYPE:	9'-6" CONTINUOUS LANDSCAPED PARKWAY
CURB TYPE:	CONCRETE HIGH-BACK CURB AND GUTTER
LANDSCAPE TYPE:	TREES AT 30 TO 40 FEET ON CENTER
MULTIMODAL PROVISIONS:	BICYCLE ROUTE (NO SHARROWS)

This thoroughfare type serves lower density residential uses. The thoroughfare assembly consists of residentially scaled sidewalks and a landscaped parkway with formally arranged street trees between the sidewalk and curb.

The thoroughfare has one travel lane that forces opposing traffic to take turns passing through areas where parked cars have narrowed the cross section. This yield movement creates safer streets by slowing down vehicular traffic.

Street parking is accommodated with parallel parking on both sides of the street.

Bicycle lanes are not defined within the thoroughfare although the street may accommodate bike traffic within the travel lanes because of its slow design speed.

THOROUGHFARE KEY



RIGHT-OF-WAY WIDTH — Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH — Measured from "edge of metal" to "edge of metal" (not including gutters).

COMMERCIAL OR RESIDENTIAL DESIGNATION — Commercial (C) indicates that the thoroughfare is typically located on predominately commercial streets. Commercial thoroughfares have pavement from right-of-way to curb with street trees in tree grates or raised planters (no landscaped parkways).

Residential (R) indicates that the thoroughfare is typically located on predominately residential streets. Residential thoroughfares have landscaped parkways.

PEDESTRIAN REALM DESIGN ZONES

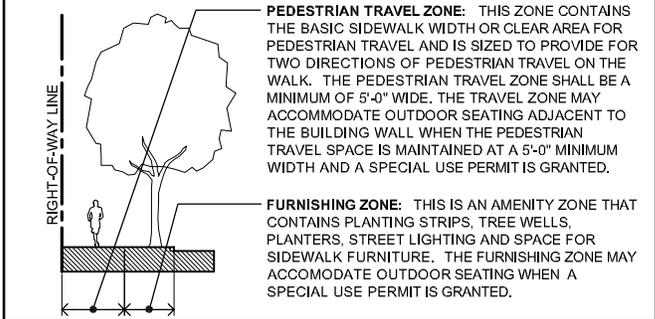
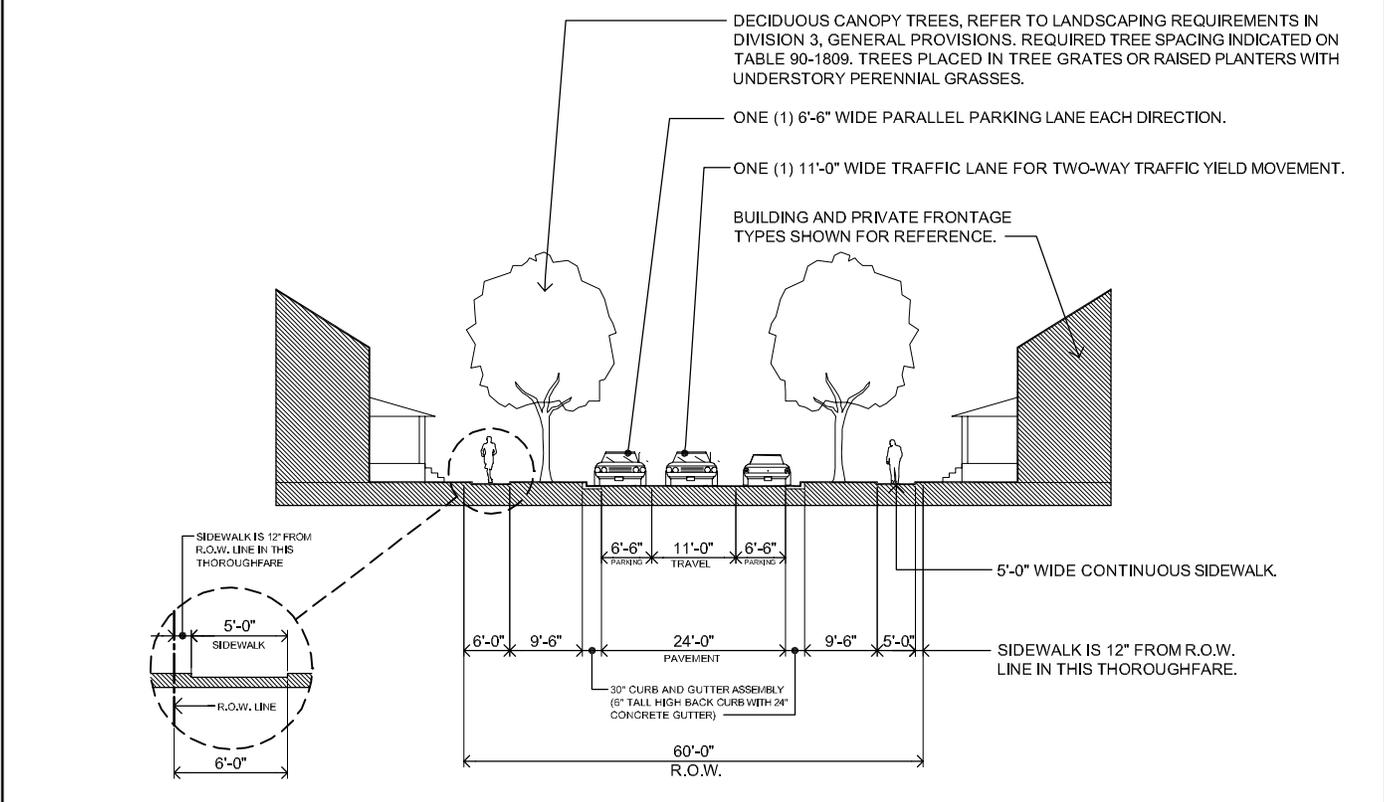


ILLUSTRATION 8.07 THOROUGHFARE CROSS-SECTION



THOROUGHFARE TYPES : 90-1809 YIELD STREET YS-60-27-R

ILLUSTRATION 8.08 THOROUGHFARE PLAN VIEW

30" CURB AND GUTTER ASSEMBLY (6" HIGH BACK CURB WITH 24" CONCRETE GUTTER)

DECIDUOUS CANOPY TREE, REFER TO LANDSCAPING REQUIREMENTS IN DIVISION 3, GENERAL PROVISIONS. REQUIRED TREE SPACING INDICATED IN TABLE 90-1809.

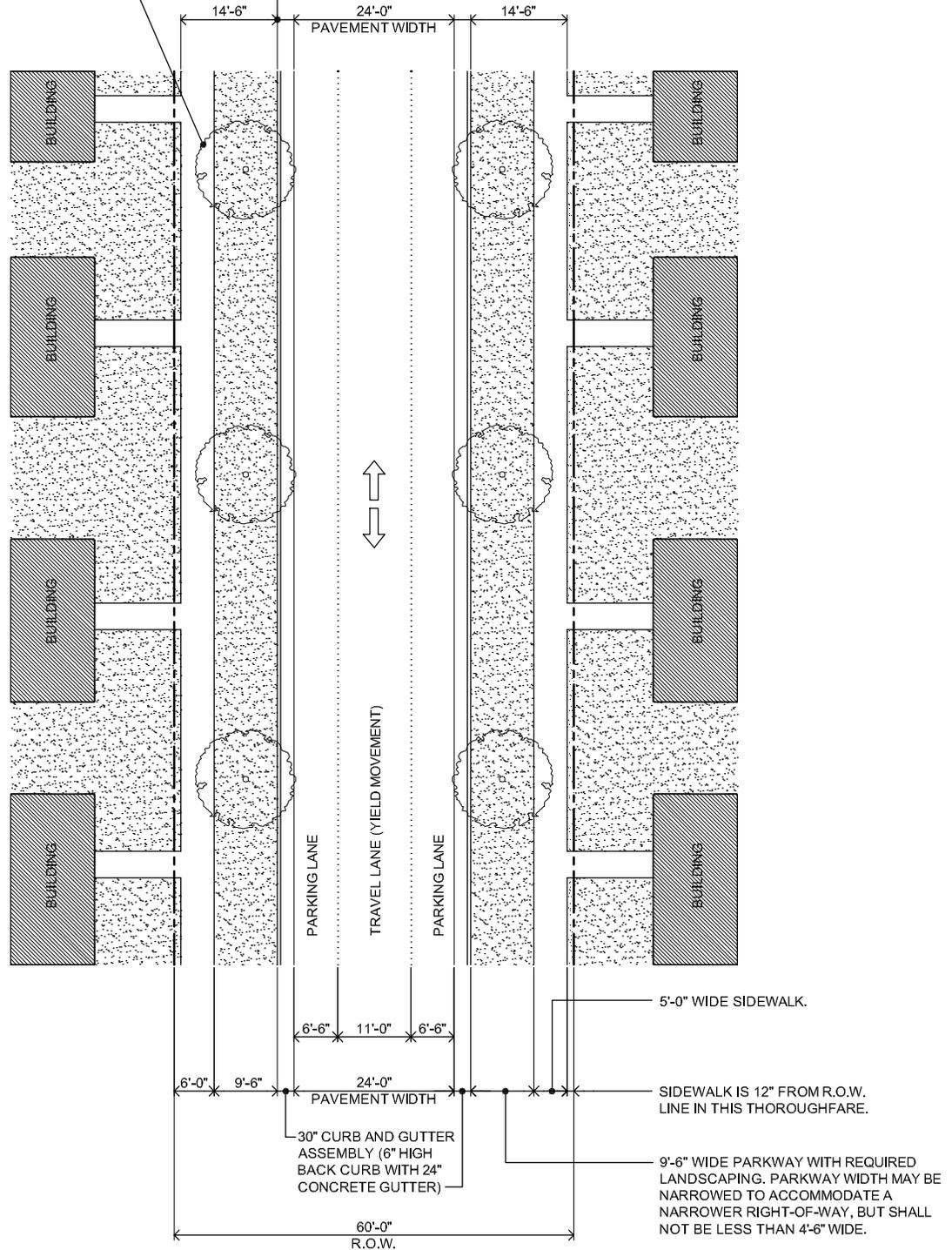


TABLE 90-1810 THOROUGHFARE ATTRIBUTES

THOROUGHFARE TYPE:	REAR ALLEY
CONTEXT AREA ASSIGNMENT:	CU / CG / CS / CE
RIGHT-OF-WAY WIDTH:	20 FEET
PAVEMENT WIDTH:	20 FEET
MOVEMENT:	SLOW MOVEMENT
TRAFFIC LANES:	NOT APPLICABLE
PARKING LANES:	NONE
WALKWAY TYPE:	NONE
PLANTER TYPE:	NONE
CURB TYPE:	INVERTED CROWN
LANDSCAPE TYPE:	NONE
MULTIMODAL PROVISION:	NOT APPLICABLE

This thoroughfare type is a rear alley that serves commercial uses in more intense Context Areas. It provides service access to the rear of commercial buildings, including parking access and dumpster and trash removal service.

The thoroughfare does not have curb and gutter and instead accommodates storm water with an inverted crown that drains in the center of the alley. Pavement extends from right-of-way line to right-of-way line (or from easement line to easement line).

Parking is not permitted within the alley right-of-way, although temporary parking for loading, unloading and deliveries is permitted.

Alleys do not accommodate bicycle traffic or pedestrian traffic.

THOROUGHFARE KEY

THOROUGHFARE KEY ST-66-36-C

THOROUGHFARE TYPE

- AV Avenue with Median
- ST Street
- YS Yield Street
- RA Rear Alley

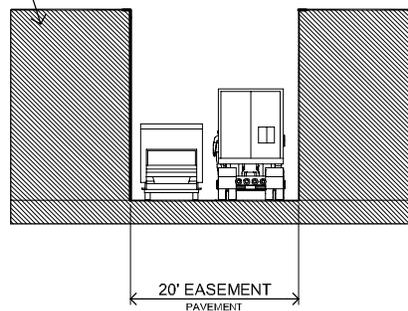
RIGHT-OF-WAY WIDTH _____
Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH _____

COMMERCIAL OR RESIDENTIAL DESIGNATION _____
Commercial (C) indicates that the thoroughfare is typically located on predominately commercial frontages and uses. Commercial thoroughfares have continuous sidewalks from right-of-way to curb.
Residential (R) indicates that the thoroughfare is typically located on predominately residential frontages and uses. Residential thoroughfares have landscaped parkways.

ILLUSTRATION 8.09 THOROUGHFARE CROSS-SECTION

BUILDING TYPES SHOWN FOR REFERENCE.



THOROUGHFARE TYPES : 90-1811 REAR ALLEY RA-20-12-R

TABLE 90-1811 THOROUGHFARE ATTRIBUTES

THOROUGHFARE TYPE:	REAR ALLEY
CONTEXT AREA ASSIGNMENT:	CN
RIGHT-OF-WAY WIDTH:	20 FEET
PAVEMENT WIDTH:	12 FEET
MOVEMENT:	SLOW MOVEMENT
TRAFFIC LANES:	NOT APPLICABLE
PARKING LANES:	NONE
WALKWAY TYPE:	NONE
PLANTER TYPE:	NONE
CURB TYPE:	INVERTED CROWN
LANDSCAPE TYPE:	NONE
MULTIMODAL PROVISION:	NOT APPLICABLE

This thoroughfare type is a rear alley that serves residential uses. It provides service access to the rear of residential buildings, including parking access, garage and carriage house access and trash removal service.

The thoroughfare does not have curb and gutter and instead accommodates storm water with an inverted crown that drains in the center of the alley.

Parking is not permitted within the alley right-of-way except for residential driveways that access the alley, which may allow automobile parking on the driveway within the right-of-way provided that the auto does not extend onto the alley pavement.

Alleys do not accommodate bicycle traffic or pedestrian traffic.

THOROUGHFARE KEY

THOROUGHFARE KEY ST-66-36-C

THOROUGHFARE TYPE

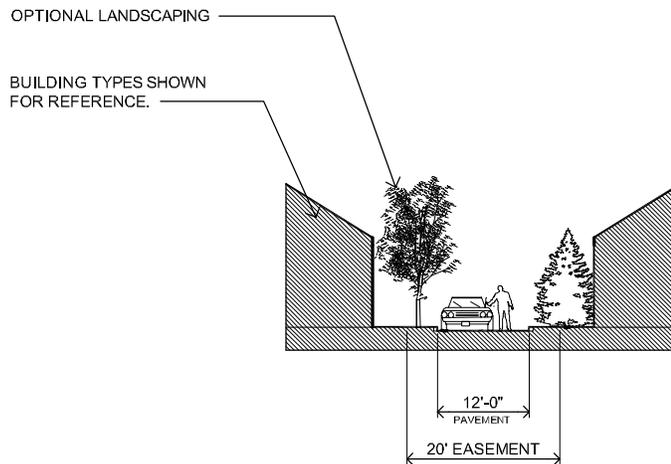
- AV Avenue with Median
- ST Street
- YS Yield Street
- RA Rear Alley

RIGHT-OF-WAY WIDTH _____
Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH _____

COMMERCIAL OR RESIDENTIAL DESIGNATION _____
Commercial (C) indicates that the thoroughfare is typically located on predominately commercial frontages and uses. Commercial thoroughfares have continuous sidewalks from right-of-way to curb.
Residential (R) indicates that the thoroughfare is typically located on predominately residential frontages and uses. Residential thoroughfares have landscaped parkways.

ILLUSTRATION 8.10 THOROUGHFARE CROSS-SECTION





This page left intentionally blank



90-1900 PURPOSE

The purpose of this Division is to regulate and ensure the provision of parking spaces and access drives are designed for motor vehicles and bicycles. The Division also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns as outlined in the Turn On 28th Street Sub Area Plan.

90-1901 APPLICABILITY

The regulations of this Division apply to off-street parking and landscaping located in the Form Based Code.

- A. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this Division.
- B. If the intensity of use of any building (other than a single- or two-family residence) or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided for such increase in intensity of use.

90-1902 REQUIRED OFF-STREET PARKING SPACES

The maximum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, on the basis of the following and the specific requirements of table 90-646 in Article XIX.

- A. When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
- B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar shall apply, as determined by the city planner.
- C. Each twenty-four (24) inches of bench, pew or similar seating facilities shall be counted as one seat.
- D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the Building Code and the Fire Code.

90-1903 MODIFICATION OF PARKING REQUIREMENTS

Parking space requirements may be reduced by no more than fifty (50) percent (except as provided in the bicycle reduction in D.2.) as part of the site plan approval by the site plan review authority, based upon one or more of the following conditions:

- A. Shared Parking with Staggered Peak Periods. Where a mix of land uses on two (2) or more adjacent lots create staggered peak periods of parking demand, the on-site parking requirements for the adjacent lots may be reduced subject to the following:
 1. Shared parking areas shall be located within three hundred (300) feet of the use.
 2. Pedestrian connections shall be maintained between the buildings or uses.
 3. Lots shall be adjacent and shall be interconnected for vehicular passage.
 4. A shared parking agreement shall be submitted.
 5. For shared parking with places of worship, the other uses shall not normally operate between the hours of 6:00am and 6:00pm on Sundays.
- B. Mixed Use Buildings. Where one (1) mixed use building on one (1) lot creates staggered peak periods of parking demand, the on-site parking requirements for the single lot may be reduced subject to the following:
 1. Mixed Use Building Type shall have different uses on multiple floors that create a staggered demand.

- C. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building.
- D. Availability of other modes of travel. To qualify, the site plan must incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities, as applicable.
 1. Transit reduction. Structures or uses shall be within three-hundred (300) feet of a transit stop. The Rapid shall verify in writing that the transit stop is in a permanent location.
 2. Bicycle reduction. Parking requirements may be reduced by one (1) space for every four (4) covered, secure bicycle parking spaces that are provided on site. Parking requirements may be further reduced by four (4) spaces where free showers are available for employee use within the building.
- E. Where the applicant has provided a parking study, conducted by a qualified professional, that demonstrates that another standard would be more appropriate based on actual number of employees or expected level of customer traffic. Actual counts at a similar establishment provided by the applicant may also be acceptable.
- F. A parking study may be required as part of site plan review to document that any one of the criteria A. through D. above would be met.

90-1904 PARKING EASEMENTS AND AGREEMENTS

- A. Written easements that provide for continued use and maintenance of shared parking shall be submitted to the site plan review authority for review and approval. Any agreement shall include provisions to address changes in use.
- B. Shared parking leases or agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.
- C. Should the agreement be voided or expire for any reason, the uses utilizing the shared parking facility shall provide all required parking spaces in accordance with the requirements of this article, or shall be in violation thereof.

90-1905 BANKED PARKING

- A. Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the site plan review authority may defer ("bank") some of the required parking. The site plan shall designate portions of the site for future construction of the required parking spaces. This banked area shall be maintained in a landscaped appearance and not be located within required greenbelts or parking lot setback areas and shall not be used for any other purpose.
- B. The site plan shall show the area proposed to be banked, with all required site plan elements, but shall indicate with hatching, dashed lines, or other means the area to be banked. The site plan shall include parking space requirements, with the number of spaces required, number proposed at initial construction, and number of spaces banked.
- C. Construction of part or all of the additional spaces designated for the banked parking area may be initiated by the owner or required by the city, based on parking needs or observation of parking deficiencies, and shall require administrative approval of an amended site plan.



90-1906 OFF-STREET PARKING FACILITY DESIGN

A. Off-street parking location and setbacks. Off-street parking lots shall meet the setback requirements (Refer to **Illustration 9.01**) of the Building Type that they are servicing, as follows:

1. Principal Frontage Parking. Off-street parking is prohibited along Principal Frontages. Refer to **Illustration 9.01**.

Exception: Off-street parking is permitted in conjunction with Retail Building Type in Corridor Edge Context Area. Refer to Section 90-1608 in Division 6.

2. Principal Frontage Parking Access. Access drives along Principal Frontages are discouraged. If Principal Frontage Access is required by site limitations, shared access is strongly encouraged.
3. Secondary Frontage Parking and Access. Off-street parking and access is prohibited along the first forty (40) feet of Secondary Frontages, measured from the Principal Frontage Line. Refer to **Illustration 9.01**.
4. Secondary Frontage. Parking lots located adjacent to Secondary Frontages shall not extend past the building wall and are required to have a parking lot landscape screen per Section 90-1914. Refer to **Illustration 9.01**.
5. In cases where two different Building Types are using a shared parking lot, the more restrictive setback requirements shall be used.
6. Off-street parking areas shall be separated at least ten (10) feet from buildings in order to make room for a sidewalk, landscaping, and other planting between the building and the parking area.

Exception: This separation may be eliminated to the rear of buildings in areas designed for unloading and loading.

- B. Off-street parking facilities required for all uses shall be located on the same lot or within 300 feet of the use(s) they are intended to serve, as measured from the nearest point of the parking facility to the nearest entry of the building(s) served.
- C. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or parcel as the building they are intended to serve, and shall consist of a driveway and/or garage. All residential driveways shall provide a minimum width of at least eight feet. Driveways must be paved and shall be set back at least one (1) foot from adjoining side lot lines. All parking spaces shall be paved and no more than one parking space shall be located within the required front yard. Additions to existing single- and two-family dwellings shall not require the paving of an unpaved driveway.

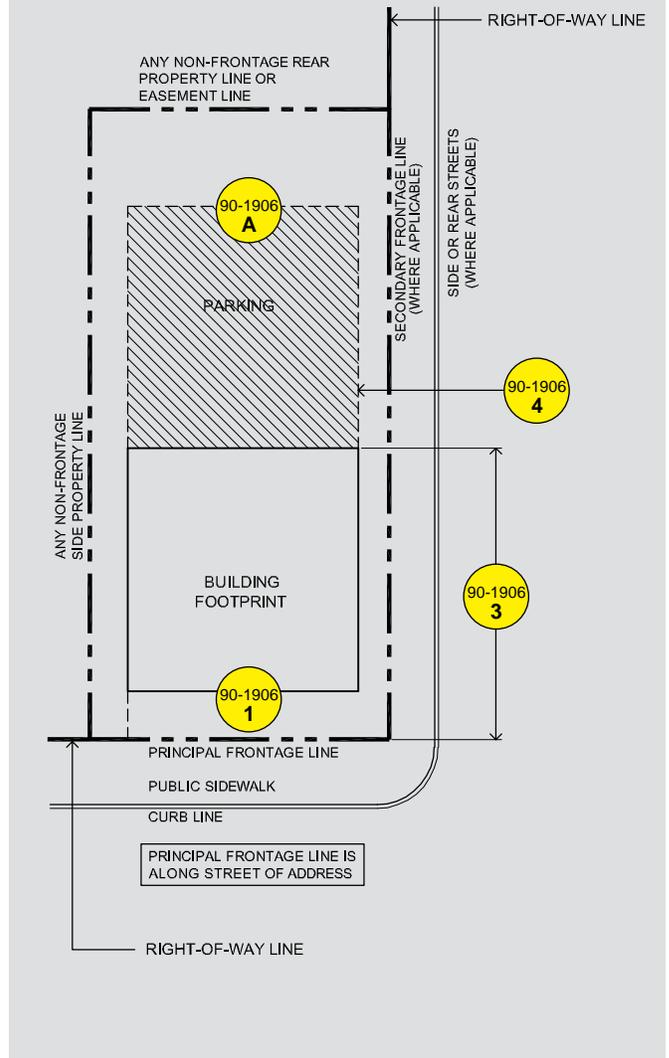
90-1907 PARKING CONSTRUCTION AND DEVELOPMENT

For parking construction and development refer to Section 90-647 (2).

90-1908 PARKING STRUCTURES

- A. Dimensional requirements. Parking stall and driving aisles shall meet the minimum dimensional requirements of Section 90-647 (2)(c).
- B. Internal arrangement. Internal arrangement and design shall be approved by the city engineer for appropriate grades, traffic circulation, aisle length, column spacing, ceiling height, exit stairwell and elevator location.
- C. Access points/lanes. Storage areas for entering and exiting traffic should be long enough to minimize backups of traffic onto surrounding streets or within the garage.

ILLUSTRATION 9.01 OFF-STREET PARKING



- D. Lighting and security. Adequate lighting is necessary for the safe movement of vehicles and pedestrians and for the security of patrons and parked vehicles.
- E. Location and setback requirements. Parking structures shall be set back the same distance as required for the Building Type that they are servicing. Ground Level Active Use. An active use is required at the ground level of the parking facility where the structure abuts a Principal or Secondary Frontage.
- F. Active Use. Space for the active use shall have a minimum depth of thirty (30) feet and minimum width not less than eighty (80) percent of the building frontage on Principal Frontages and not less than fifty (50) percent of the building frontage on the Secondary Frontages.

- G. Liner Building. In lieu of an active use on the ground level, a parking structure may be paired with a liner building at Principal and Secondary Frontages. Liner buildings may be one (or a combination of) the following Building Types.
1. Mixed Use Building Type
 2. Live-Work Building Type
 3. Apartment Building Type
 4. Rowhouse Building Type
- H. Architecture. Parking structures shall be architecturally compatible with the buildings they serve.

90-1909 PARKING FACILITY MAINTENANCE

For parking facility maintenance refer to Section 90-647 (4).

90-1910 LIMITATIONS ON USE OF PARKING LOTS

For limitations on use of parking lots refer to Section 90-647 (5).

90-1911 OFF-STREET LOADING REQUIREMENTS

For off-street loading requirements refer to Section 90-648.

90-1912 DRIVEWAY ACCESS MANAGEMENT

For driveway access management refer to Section 90-649 .

90-1913 PARKING LOT LANDSCAPING

In order to provide a more aesthetic appearance, a measure of shading, increased oxygen generation, and reduced air pollution, wherever site plan approval is required in this chapter, part of that approval shall include a parking lot landscaping plan unless waived by the City Planner under the provisions of Section 90-1003 of this Zoning Code. The applicable parking lot landscaping plan requirements are detailed in Table 90-1003 (e) of this Zoning Code. The following standards shall apply for all required landscaping:

- A. Parking Lot Landscape Screen. Parking lots located adjacent to Secondary Frontages shall have one (1) of the following landscape screens located at the Secondary Frontage Line.
1. Wall Screen. Walls used as a screening device shall be constructed of permanent, low-maintenance materials such as concrete, brick, or architectural block. Such screens shall have minimum eighty (80) percent opacity. Wire or chain link fencing, painted or stained wood screens and unpatterned or unpainted concrete or concrete block shall not be permitted. Walls shall avoid a blank and monotonous appearance by using decorative patterns or architectural elements such as piers, pilasters or breaks in the wall. Walls used as screens shall not be less than thirty-six (36) inches nor greater than forty-eight (48) inches in height. A wall used as a screen may be placed at the lot line. A two (2) foot minimum buffer shall be provided between the wall and the parking or loading area to accommodate the overhang of cars and protect the wall wherever cars are likely to park adjacent to the wall. Walls may be used in conjunction with the Landscape Buffer in Subsection A.4. below.
 2. Fence with Landscape Buffer. A decorative fence shall be installed at the lot line and shall be used in conjunction with the landscape buffer described in Subsection A.4. below. The fence shall be constructed of painted decorative elements between thirty six (36) and forty eight (48) inches in height. Wire or chain link fencing shall not be permitted adjacent to public rights-of-way.

3. Landscape Hedge Buffer. A minimum five (5) foot wide landscape buffer, consisting of ornamental grasses, hedges, shrubbery, or other planted materials shall be provided. The buffer shall have a minimum height of three (3) feet when planted, and shall be maintained to form a minimum visual screen of a maximum of four (4) feet in height with eighty (80) percent summer opacity within two (2) years after planting. Planting boxes or raised planters, constructed of materials acceptable under Wall Screens in Subsection A.1. above may be used, provided the height and opacity of such elements meet the criteria established within this Subsection.

4. Landscape Buffer (in conjunction with decorative fence). A minimum two (2) foot wide landscape buffer shall be provided in addition to the requirements of a fence as described in Subsection A.2. above. The landscape buffer shall be placed between the fence and the lot line. Groundcover, ornamental grasses, annual or perennial flowers, shrubs, trees or a combination thereof may be used to soften the appearance of the fence. Landscape Buffer may also be used with the Wall Screen described in A.1. above.

5. Changes in Grade. In situations where the parking area is more than three (3) feet below or above grade at the lot line, a landscape buffer having a minimum width of three (3) feet shall be provided at the grade of the sidewalk. A wall, fence, or landscape hedge shall be provided between the right-of-way and the parking area, as described in this Section. If a retaining wall is used and exposed to view from the public realm, it shall comply with the Wall Screen described in Subsection A.1. above.

- B. Parking Lots. For every twenty-five (25) parking spaces, or fraction thereof, there shall be provided an interior landscape area at least ten feet in width and twenty (20) feet in length. Said landscape area shall contain at least one shade tree, at least 2.5 inch caliper. Other landscaping treatment shall be included in the landscape area, including, but not limited to, groundcover, ornamental grasses, annual or perennial flowers, or shrubbery. Shrubby must be planted at least three feet from all sidewalks, drives and parking spaces, so as to not infringe upon same. Interior landscape areas shall be dispersed evenly throughout parking lot.
- C. Installation and Maintenance. Refer to Division 3 General Provisions for landscape installation and maintenance requirements.





This page left intentionally blank



90-2000 PURPOSE

Division 10 identifies sign standards that are intended to appropriately limit the placement, type, size, construction, illumination, and number of signs allowed within a specific Context Area and to require the proper maintenance of signs. The regulations and standards of this Division are intended to be content neutral and are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values. The purpose of these limitations and requirements are to:

- A. Protect the public right to receive messages and information protected by the First Amendment of the U.S. Constitution;
- B. Safeguard and protect the public health, safety, and general welfare;
- C. Promote aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work and shop;
- D. Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;
- E. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs;
- F. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically designed and proportioned in relation to adjacent structures and the structures to which they are attached;
- G. Recognize that the principal intent of commercial signs is for identification of an establishment on the premises, and not for advertising off-premises activities; and
- H. Regulate portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

90-2001 APPLICABILITY

- A. The regulations of this Division apply to signs located in the Form Based Code district as follows:
 - 1. Any building or parcel with a principal or secondary frontage along the Crescent Street.
 - 2. Any building or parcel with a principal or secondary frontage along a new private or platted road within the Form Based Code.
 - 3. Any building or parcel with a principal or secondary frontage along Michael Street south to Prairie Parkway.
- B. No person, firm, or corporation shall erect, repair, alter, relocate, display or maintain any sign which does not comply with the standards set forth in this Division, and no permit shall be issued for any such sign.

90-2002 EXEMPT SIGNS

This Division does not apply to the following signs:

- A. Signs which are not applicable per Section 90-2001.
- B. Signs which are exempt per Section 90-794.

90-2003 PROHIBITED SIGNS

The following signs shall be prohibited within the Form Based Code district:

- A. Any sign not expressly permitted.
- B. Signs prohibited per Section 90-795.
- C. Signs in the Right-of-Way. No sign, except those established and maintained by the city, county, state or federal

governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

Exception: The following signs may be located in, project into, or overhang a public right-of-way when an encroachment permit is obtained:

- 1. Sidewalk Sign Type.
- 2. Any approved Projecting Sign Type that is attached to a building.
- 3. Any approved Awning Sign Type that is attached to a building.

90-2004 GENERAL SIGN STANDARDS

For general standards for permitted signs, see Section 90-796 of the City of Wyoming Zoning Ordinance.

90-2005 SPECIFIC SIGN REQUIREMENTS

- A. Sign Types are indicated as follows. Sign Types regulated by this Division include:
 - 1. Sign Band Signs.
 - 2. Wall Signs.
 - 3. Projecting Signs.
 - 4. Awning Signs.
 - 5. Window Signs.
 - 6. Sidewalk (Sandwich Board) Signs.
 - 7. Ground Signs.
- B. Temporary Signs. For temporary sign standards, see Sec. 90-799-4 and Table 90-799-4.

90-2006 OFF PREMISE ADVERTISING

Off-premise advertising shall not be permitted.

90-2007 NONCONFORMING SIGNS

For nonconforming signs, see Section 90-801 and Section 90-1310 C.

90-2008 DANGEROUS, UNSAFE, ABANDONED AND ILLEGAL ERECTED SIGNS

For dangerous, unsafe, abandoned and illegally erected signs, see Section 90-802.

90-2009 ADMINISTRATION

For administration, see Section 90-803.





This page left intentionally blank



90-2010 SIGN BAND SIGNS

The following standards apply:

1.0 Sign Band Sign Standards

- A. Sign content (letters, corporate logos, symbols or designs) may be engraved, painted, or surface mounted on the building's sign band or horizontal expression band. Sign content shall be made of materials visually compatible with the display surface.
- B. Dimensional requirements of sign band and horizontal expression band are indicated in Frontage Standards in Division 7.
- C. Sign content is not required to be placed in sign band or horizontal expression line.

2.0 Sign Band Sign Location

- A. Sign Bands Signs are permitted to be installed at the sign band or horizontal expression band above a storefront window or transom on buildings that have Storefront, Balcony, or Drive-through Private Frontage.
 - 1. At corner lot buildings, Sign Band Signs are also permitted to be installed at the sign band or horizontal expression line above storefronts or transoms at the Secondary Frontage Line.

3.0 Sign Band Sign Size and Proportion

Refer to Illustration 10.01 for graphic representation of the dimensional requirements regarding Sign Band Signs.

- A. Sign Band Sign sizes and proportions are relative to the size of the building's sign band or horizontal expression band.
- B. Vertical Placement: Sign content height shall not exceed 80% of the overall height of the sign band or horizontal expression band.
- C. Horizontal Placement: Sign content within the sign band or horizontal expression band shall not come closer than two (2) feet to the side edges of the sign band.
- D. Sign content shall not extend more than three (3) inches from the face of the sign band or horizontal expression line.

4.0 Sign Band Sign Quantity

- A. The number of Sign Band Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Sign Bands may be used in conjunction with other Sign Types.

5.0 Sign Band Sign Illumination

- A. Sign Band Signs may be externally illuminated per the requirements of 90-796-5.
- B. Sign Band Signs are not permitted to be internally illuminated.
- C. Sign Band is not permitted to be illuminated with neon illumination.
- D. Sign Band is not required to be illuminated.

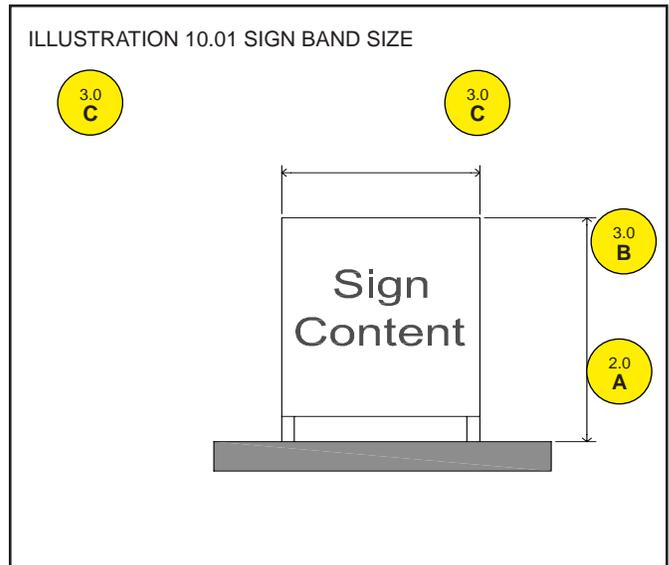
SIGN BAND SIGN CHARACTER EXAMPLES:



DESCRIPTION:

A sign that is painted on, incorporated in, or attached directly to the sign band or horizontal expression band above a storefront window or transom on buildings that have Storefront, Balcony, or Drive-through Private Frontages.

ILLUSTRATION 10.01 SIGN BAND SIZE



90-2011 WALL SIGNS

The following standards apply:

1.0 Wall Sign Standards

- A. Wall Signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
- B. Wall Sign content may include letters, corporate logos, symbols or designs that are painted or applied to the building wall.

2.0 Wall Sign Location

Refer to Illustration 10.02 for location requirements of Wall Signs.

- A. Wall Signs are permitted on the fronts of the following buildings:
 - 1. Live / Work Building
 - 2. Apartment Building
 - 3. Civic Building
- B. Wall Signs are permitted on the sides (along Secondary Frontage Lines) of the following buildings:
 - 1. Mixed Use Building
 - 2. Zero Lot Line Retail Building
 - 3. Retail Building
 - 4. Live / Work Building
 - 5. Apartment Building
 - 6. Civic Building
- C. Wall Signs are permitted on the non-frontage backs of buildings if the building has a parking lot or alley along the non-frontage rear.
- D. Wall Signs shall be a minimum of three (3) feet above the adjacent grade.
- E. Wall Signs shall not come closer than two (2) feet to the corner of the building.

3.0 Wall Sign Size and Proportion

Refer to Table 90-2017 for sizes of Wall Signs for specific Building Types in each Context Area.

4.0 Wall Sign Quantity

- A. The number of Wall Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Wall Signs may be used in conjunction with other Sign Types.

5.0 Wall Sign Illumination

- A. Wall Signs may be externally or internally illuminated per Sec. 90-796-5.
- B. Wall Signs are not permitted to be illuminated with neon illumination.
- C. Wall signs are not required to be illuminated.

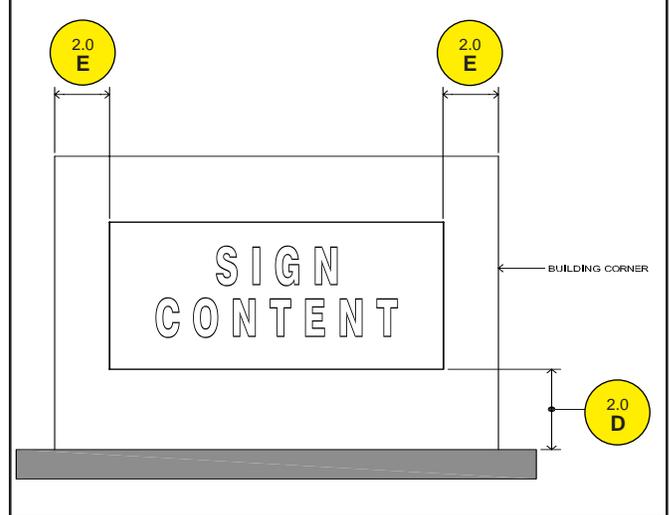
WALL SIGN CHARACTER EXAMPLES:



DESCRIPTION:

A sign that is painted on, incorporated in, or attached directly to a building wall, with the exposed face of the sign in place parallel to the building wall.

ILLUSTRATION 10.02 WALL SIGN LOCATION



90-2012 PROJECTING SIGNS

The following standards apply:

1.0 Projecting Sign Standards

- A. Projecting Signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
- B. Projecting Sign content may include letters, corporate logos, symbols, or designs that are painted, applied or surface mounted on the sign surface.
- C. Projecting Signs shall have content on both sides of the sign.
- D. Projecting Signs placed on fabric, cloth or canvas shall be securely anchored to a sign frame.

2.0 Projecting Sign Location

Refer to Illustration 10.03 for graphic representation of the location requirements regarding Projecting Signs.

- A. Projecting Signs are permitted on the fronts of the following buildings:
 - 1. Mixed Use Building
 - 2. Zero Lot Line Retail Building
 - 3. Retail Building
 - 4. Live / Work Building
 - 5. Apartment Building
 - 6. Civic Building
- B. Projecting Signs shall be a minimum of eight (8) feet above the adjacent grade.
- C. Projecting Signs shall not extend more than four (4) feet from the face of building.
- D. Projecting Signs are required to be perpendicular to the building face.

3.0 Projecting Sign Size and Proportion

Refer to Table 90-2017 for sizes of Projecting Signs for specific Building Types in each Context Area.

- A. Maximum height of Projecting Signs shall be four (4) feet.
- B. Maximum Width of Projecting Signs shall be three (3) feet.

4.0 Projecting Sign Quantity

- A. The number of Projecting Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Projecting Signs may be used in conjunction with other Sign Types.

5.0 Projecting Sign Illumination

- A. Projecting Signs may be externally or internally illuminated per Sec. 90-796-5.
- B. Projecting Signs are not permitted to be internally illuminated.
- C. Projecting Signs are not permitted to be illuminated with neon illumination.
- D. Projecting Signs are not required to be illuminated.

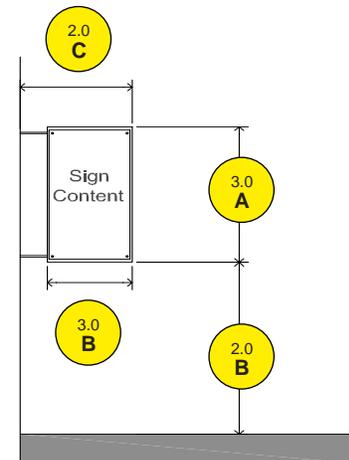
PROJECTING SIGN CHARACTER EXAMPLES:



DESCRIPTION:

A double faced sign that is attached to the face of a building and projects from the wall of the building at a ninety (90) degree angle. Projecting signs may include logos or creative art and graphics as part of the sign composition and may be fabricated of wood, metal, fabric, or other durable material.

ILLUSTRATION 10.03 PROJECTING SIGN LOCATION AND PROPORTION



90-2013 AWNING / CANOPY SIGNS

The following standards apply:

1.0 Awning / Canopy Sign Standards

A. Awning and Canopy Sign content may include letters, corporate logos, symbols, or designs that are painted, applied or surface mounted on the awning or canopy surface. Sign content on canopy signs may also be located above the canopy sign.

2.0 Awning / Canopy Sign Location

Refer to Illustrations 10.04 and 10.05 for graphic representation of the location requirements regarding Awning and Canopy Signs.

- A. Awning Signs are permitted on the fronts and sides (along Secondary Frontage Lines) of buildings above any windows and/or doors where awnings are placed.
- B. Canopy Signs are permitted on the fronts and sides (along Secondary Frontage Lines) of buildings above doors where canopies are placed.
- C. Awning and Canopies shall be a minimum of eight (8) feet above the adjacent grade.
- D. Height of awning valance shall be between eight (8) and fourteen (14) inches.
- E. Height of sign content on awning valance shall not exceed 80% of the valance height.
- F. Width of awning shall not exceed the width of the door or window that it is above.
- G. Width of sign content on awning valance shall not exceed 90% of the valance width.
- H. Area of sign content located on the shed (sloped) area of the awning shall not exceed 30% of the overall shed area.
- I. Width of canopy shall not exceed the width of the door that it is above.
- J. Sign content may be placed on or above the canopy fascia and shall not exceed 90% of the width of the canopy.
- K. Height of canopy sign content shall not exceed 90% of the height of the canopy.

3.0 Awning / Canopy Sign Size

Refer to Table 90-2017 for sizes of Awning and Canopy Signs for specific Building Types in each Context Area.

4.0 Awning / Canopy Sign Quantity

- A. The number of Awning and Canopy Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Awning and Canopy Signs may be used in conjunction with other Sign Types.

5.0 Awning / Canopy Sign Illumination

A. Awning and Canopy Signs are not permitted to be illuminated.

AWNING & CANOPY SIGN CHARACTER EXAMPLES:



DESCRIPTION:

Awning Signs may be painted, screen printed or appliquéd to the awning. Canopy Signs shall be attached upon the face or above the face of metal canopies. Awning and Canopy Signs shall be placed on canopies or awnings that are above doors and/or windows.

ILLUSTRATION 10.04 AWNING SIGN LOCATION

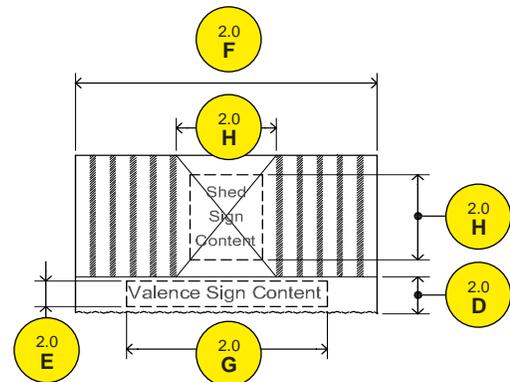
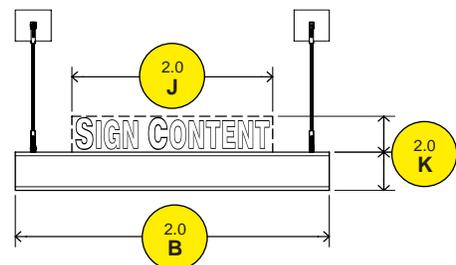


ILLUSTRATION 10.05 CANOPY SIGN LOCATION



90-2014 WINDOW SIGNS

The following standards apply:

1.0 Window Sign Standards

- A. Surface Applied Window Signs shall be professionally painted or applied letters, corporate logos, symbols or designs.
- B. Neon Tube Window Signs shall be custom neon tubes that are bent to form letters or images independent of a separate structure other than the required fastening of the neon tube. Neon channel signs are not permitted.

2.0 Window Sign Location

- A. Surface Applied Window Signs are permitted on the ground and upper floor front and side (along Secondary Frontages) windows of the following buildings:
 - 1. Mixed Use Building
 - 2. Zero Lot Line Retail Building
 - 3. Retail Building
 - 4. Live / Work Building
- B. Neon Tube Window Signs are permitted on the ground and upper floor front and side (along Secondary Frontages) windows of the following buildings:
 - 1. Mixed Use Building
 - 2. Zero Lot Line Retail Building
 - 3. Retail Building
- C. Window Signs shall be installed on the inside face of the window.

3.0 Window Sign Size and Proportion

Refer to Table 90-2017 for sizes of Window Signs for specific Building Types in each Context Area. Refer to Illustration 10.06 for graphic representation of Surface Applied Window Sign Proportions.

- A. Surface Applied Window Signs across the bottom twelve (12) inches of storefronts may cover the entire width of the storefront.
- B. Width of Surface Applied Window Signs above twelve (12) inches from the bottom of the storefront shall not exceed five (5) feet.
- C. Height of Surface Applied Window Signs above twelve (12) inches from the bottom of the storefront shall not exceed three (3) feet.
- D. Table 90-2017 indicates maximum areas of Surface Applied Window Signs.
- E. Table 90-2017 indicates maximum areas of Neon Tube Window Signs.

4.0 Window Sign Quantity

- A. The number of Window Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Window Signs may be used in conjunction with other Sign Types.

5.0 Window Sign Illumination

- A. Surface applied Window Signs are not permitted to be illuminated.

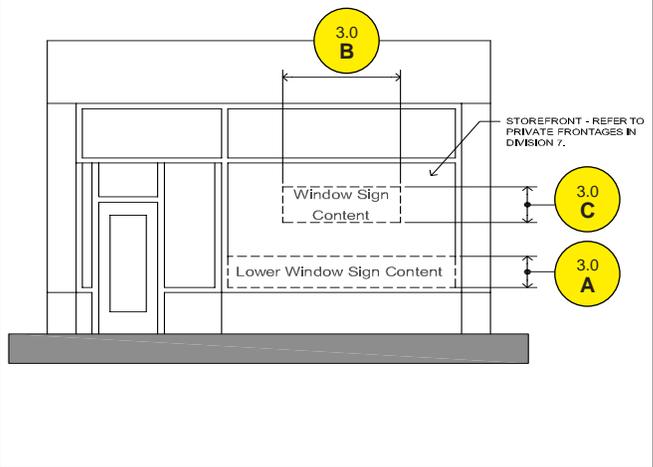
WINDOW SIGN CHARACTER EXAMPLES:



DESCRIPTION:

Window Signs are any sign, picture, symbol or combination thereof that is designed to communicate information about activity, business, commodity, event, sale, or service that is placed on the interior of the window and which is intended to be seen by the public from the outside. Window signs include neon tube signs that indicate "open" for business and other neon tube signs as indicated in this subsection.

ILLUSTRATION 10.06 WINDOW SIGN LOCATION AND PROPORTION



90-2015 SIDEWALK SIGNS

The following standards apply:

1.0 Sidewalk Sign Standards

- A. Sidewalk Signs may be used to announce daily specials, sales, or point to shops off the sidewalk.
- B. Sidewalk Sign content may include letters, corporate logos, symbols, or designs that are painted, applied or temporarily written on the sign surface.
- C. Sidewalk Signs shall have content on both sides of the sign.

2.0 Sidewalk Sign Location

- A. Sidewalk Signs are permitted on the sidewalks along Principal Frontages adjacent to the following buildings.
 - 1. Mixed Use Building
 - 2. Zero Lot Line Retail Building
 - 3. Retail Buildings except in Corridor Edge (CE).
- B. Sidewalk Signs shall not interfere with pedestrian travel or encroach upon the required accessible path.
- C. Sidewalk Signs shall only be displayed during business hours and shall be removed when the business is closed.

3.0 Sidewalk Sign Size and Proportion

Refer to Table 90-2017 for sizes of Sidewalk Signs for specific Building Types in each Context Area. Refer to Illustration 10.07 for graphic representation of Sidewalk Sign Proportions.

- A. Maximum height of Sidewalk Signs shall be four (4) feet.
- B. Maximum Width of Sidewalk Signs shall be three (3) feet.

4.0 Sidewalk Sign Quantity

- A. The number of Sidewalk Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Sidewalk Signs may be used in conjunction with other Sign Types.

5.0 Sidewalk Sign Illumination

- A. Sidewalk Signs are not permitted to be illuminated.

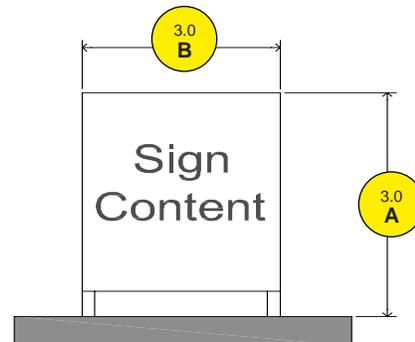
SIDEWALK SIGN CHARACTER EXAMPLES:



DESCRIPTION:

Portable Sidewalk Signs (Sandwich Board Signs) are temporary signs that are not permanently affixed to a structure or ground surface and placed on the sidewalk in front of a business during normal business hours.

ILLUSTRATION 10.07 SIDEWALK SIGN PROPORTION



90-2016 GROUND SIGNS

The following standards apply:

1.0 Ground Sign Standards

- A. Ground Signs shall be designed to be compatible with the character of the surrounding buildings and building materials in order to promote a unified design which compliments the buildings' massing, scale and character.
- B. Ground Sign content may include letters and corporate logos that are permanently affixed to the sign.
- C. Ground Sign content is not permitted to be changeable copy, except for gasoline price signs, directory signs listing more than one tenant, and signs advertising restaurant food specials, films, and live entertainment, which change on a regular basis.
- D. Ground Signs shall have content on both sides of the sign with building address clearly depicted.

2.0 Ground Sign Location

- A. Ground Signs are permitted in the front yard setback of the following buildings:
 - 1. Retail Building in Corridor Sub-Urban (CS) and Corridor Edge (CE).
 - 2. Apartment Building in Corridor General (CG), Corridor Sub-Urban (CS) and Corridor Edge (CE)
 - 3. Civic Building in Corridor Sub-Urban (CS), Corridor Edge (CE), and Corridor Neighborhood (CN).
- B. Ground Signs are permitted in the Greenbelt along 28th Street for any parcel that has property within the Greenbelt.

3.0 Ground Sign Size and Proportion

Refer to Table 90-2017 for sizes of Ground Signs for specific Building Types in each Context Area. Refer to Illustration 10.08 for graphic representation of Ground Sign Proportions.

- A. Maximum height of Ground Signs shall be eight (8) feet except multi-tenant Ground Signs may increase to ten (10) feet.
- B. Maximum width of Ground Signs shall be six (6) feet except multi-tenant Ground Signs may increase to ten (10) feet.

4.0 Ground Sign Quantity

- A. The number of Ground Signs allowed per building shall not exceed the quantities indicated in Table 90-2018.
- B. Ground Signs may be used in conjunction with other Sign Types.

5.0 Ground Sign Illumination

- A. Ground Signs may be externally or internally illuminated per Sec. 90-796-5.
- B. Ground Signs are not required to be illuminated.

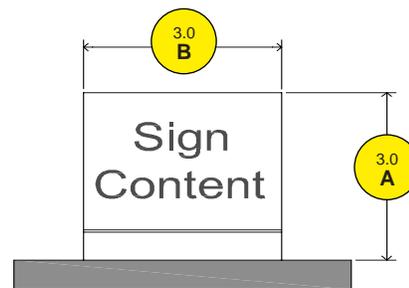
GROUND SIGN CHARACTER EXAMPLES:



DESCRIPTION:

A free-standing permanent sign that is mounted directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.

ILLUSTRATION 10.08 GROUND SIGN PROPORTION



DIVISION 10

SIGN STANDARDS

90-2017 SIGN SIZES

TABLE 90-2017 SIGN SIZE Maximum Sign Size Permitted (refer to Table 90-2018 for quantity of signs permitted)

Sign Type	Building Type	Corridor Center (CC)	Corridor Urban (CU)	Corridor General (CG)	Corridor Sub-Urban (CS)	Corridor Edge (CE)	Corridor Neighborhood (CN)
Sign Bands	Mixed Use Building	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.			
	Zero Lot Line Retail Building	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.			
	Retail Building <i>(with Storefront or Drive-through Private Frontages ONLY)</i>			Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	Sign shall fit within the sign band or horizontal expression band per the Sign Band Sign standards in Division 10.	
Wall Signs	Mixed Use Building	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 32 square feet.	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 32 square feet.	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 48 square feet.			
	Zero Lot Line Retail Building	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 32 square feet.	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 32 square feet.	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 48 square feet.			
	Retail Building			One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 48 square feet.	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 60 square feet.	One (1) square foot for every one (1) linear foot of ground level tenant space fronting on a Principal or Secondary Frontage Line. Not to exceed 60 square feet.	
	Live / Work Building			12 square feet	12 square feet	12 square feet	
	Apartment			24 square feet	24 square feet	24 square feet	
	Civic Building	24 square feet	24 square feet	32 square feet	32 square feet	32 square feet	12 square feet
Projecting Signs	Mixed Use Building	8 square feet per side	8 square feet per side	12 square feet per side			
	Zero Lot Line Retail Building	8 square feet per side	8 square feet per side	12 square feet per side			
	Retail Building			12 square feet per side	12 square feet per side	12 square feet per side	
	Live / Work Building			8 square feet per side	8 square feet per side	8 square feet per side	
	Apartment			12 square feet per side	12 square feet per side	12 square feet per side	
Awning and Canopy Signs	Mixed Use Building	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.			
	Zero Lot Line Retail Building	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.			
	Retail Building			Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	
	Live / Work Building			Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	
	Apartment			Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	Sign shall fit within the awning or canopy per the Awning & Canopy Sign standards in Division 10.	



90-2017 SIGN SIZES, CONT.

TABLE 90-2017 SIGN SIZE (CONTINUED) Maximum Sign Size Permitted (refer to Table 90-2018 for quantity of signs permitted)							
Sign Type	Building Type	Corridor Center (CC)	Corridor Urban (CU)	Corridor General (CG)	Corridor Sub-Urban (CS)	Corridor Edge (CE)	Corridor Neighborhood (CN)
Surface Applied Window Signs	Mixed Use Building	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.			
	Zero Lot Line Retail Building	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.			
	Retail Building			Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 25% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 25% of the total glass area of the window.	
	Live / Work Building			Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	Signs above 12" from the bottom of window. Not to exceed 15% of the total glass area of the window.	
Neon Tube Window Signs	Mixed Use Building	6 square feet per window (ground floor and upper floors)	6 square feet per window (ground floor and upper floors)	6 square feet per window (ground floor and upper floors)			
	Zero Lot Line Retail Building	6 square feet per window	6 square feet per window	6 square feet per window			
	Retail Building			6 square feet per window	8 square feet per window	8 square feet per window	
	Live / Work Building			6 square feet per window (ground floor only, neon tube sign not permitted on upper floors)	6 square feet per window (ground floor only, neon tube sign not permitted on upper floors)	6 square feet per window (ground floor only, neon tube sign not permitted on upper floors)	
Sidewalk Signs	Mixed Use Building	6 square feet per side	6 square feet per side	6 square feet per side			
	Zero Lot Line Retail Building	6 square feet per side	6 square feet per side	6 square feet per side			
	Retail Building			6 square feet per side	6 square feet per side	Not permitted in Context Area	
Ground Signs	Retail Building			36 square feet per side, except multi-tenant signs are permitted up to 80 square feet per side	36 square feet per side, except multi-tenant signs are permitted up to 80 square feet per side	36 square feet per side, except multi-tenant signs are permitted up to 80 square feet per side	
	Apartment			24 square feet per side	24 square feet per side	24 square feet per side	
	Civic Building		24 square feet per side	24 square feet per side			



90-2018 SIGN QUANTITY

TABLE 90-2018 SIGN QUANTITY Signs permitted per Building Type and Context Area (refer to Table 90-2017 for size of signs permitted)

Sign Type	Building Type	Corridor Center (CC)	Corridor Urban (CU)	Corridor General (CG)	Corridor Sub-Urban (CS)	Corridor Edge (CE)	Corridor Neighborhood (CN)
Sign Bands	Mixed Use Building	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages			
	Zero Lot Line Retail Building	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages			
	Retail Building (with Storefront or Drive-through Private Frontages ONLY)			One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	One (1) sign per sign band or horizontal expression band. May be on facades facing Primary and Secondary Frontages	
Wall Signs	Mixed Use Building	One (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building side (along Secondary Frontage Lines)			
	Zero Lot Line Retail Building	One (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building side (along Secondary Frontage Lines)			
	Retail Building			One (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building side (along Secondary Frontage Lines)	
	Live / Work Building			One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	
	Apartment			One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	
	Civic Building	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)	One (1) sign per building front and one (1) sign per building side (along Secondary Frontage Lines)
Projecting Signs	Mixed Use Building	One (1) sign per entry	One (1) sign per entry	One (1) sign per entry			
	Zero Lot Line Retail Building	One (1) sign per entry	One (1) sign per entry	One (1) sign per entry			
	Retail Building			One (1) sign per entry	One (1) sign per entry	One (1) sign per entry	
	Live / Work Building			One (1) sign per entry	One (1) sign per entry	One (1) sign per entry	
	Apartment			One (1) sign per entry	One (1) sign per entry	One (1) sign per entry	
Awning and Canopy Signs	Mixed Use Building	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.			
	Zero Lot Line Retail Building	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.			
	Retail Building			One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	
	Live / Work Building			One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	
	Apartment			One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	One (1) sign per awning or canopy per the requirements of the Awning & Canopy Sign Type in Division 10.	



90-2018 SIGN QUANTITY, CONT.

TABLE 90-2018 SIGN QUANTITY (CONTINUED) Signs permitted per Building Type and Context Area (refer to Table 90-2017 for size of signs permitted)

Sign Type	Building Type	Corridor Center (CC)	Corridor Urban (CU)	Corridor General (CG)	Corridor Sub-Urban (CS)	Corridor Edge (CE)	Corridor Neighborhood (CN)
Surface Applied Window Signs	Mixed Use Building	One (1) sign per storefront or window.	One (1) sign per storefront or window.	One (1) sign per storefront or window.			
	Zero Lot Line Retail Building	One (1) sign per storefront.	One (1) sign per storefront.	One (1) sign per storefront.			
	Retail Building			One (1) sign per storefront.	One (1) sign per storefront.	One (1) sign per storefront.	
	Live / Work Building			One (1) sign per ground floor window.	One (1) sign per ground floor window.	One (1) sign per ground floor window.	
Neon Tube Window Signs	Mixed Use Building	One (1) sign per building.	One (1) sign per building.	One (1) sign per building.			
	Zero Lot Line Retail Building	One (1) sign per building.	One (1) sign per building.	One (1) sign per building.			
	Retail Building			One (1) sign per building.	One (1) sign per building.	One (1) sign per building.	
	Live / Work Building			One (1) sign per building.	One (1) sign per building.	One (1) sign per building.	
Sidewalk Signs	Mixed Use Building	One (1) sign per ground floor tenant.	One (1) sign per ground floor tenant.	One (1) sign per ground floor tenant.			
	Zero Lot Line Retail Building	One (1) sign per ground floor tenant.	One (1) sign per ground floor tenant.	One (1) sign per ground floor tenant.			
	Retail Building			One (1) sign per ground floor tenant.	One (1) sign per ground floor tenant.	Not permitted in Context Area	
Ground Signs	Retail Building			One (1) sign per building.	One (1) sign per building.	One (1) sign per building.	
	Apartment			One (1) sign per building.	One (1) sign per building.	One (1) sign per building.	
	Civic Building		One (1) sign per building.	One (1) sign per building.	One (1) sign per building.	One (1) sign per building.	One (1) sign per building.





This page left intentionally blank



90-2100 APPLICABILITY

The following terms are defined for the purpose of the City of Wyoming Form Based Code.

In instances where terms are not defined here, they may be defined elsewhere in the existing municipal zoning ordinances. In such cases the definitions contained within the existing zoning ordinances shall be used for the administration of the City of Wyoming Form Based Code.

In instances where terms are defined in both the existing ordinances and here, the definitions here shall prevail for the administration of the City of Wyoming Form Based Code.

A

DEFINITIONS “A”

Active Use: A use at the street level of a building that allows physical and visual activity to occur between the inside of the building and the sidewalk area. A group of buildings with active street level uses will generate pedestrian activity on the sidewalk and vehicular activity in the thoroughfare. Typical active uses include retail and restaurants at the street level.

Adjacent Grade: The exterior grade immediately adjacent to the building or structure from which measurements shall be taken.

Alley: Refer to Rear Alley.

Apartment Building Type: A lot located and designed to accommodate a multi-story building with multiple dwelling units above and beside each other.

Architectural Elements: Elements of a building that may project from the façade into the required setbacks, beyond the build-to-zones or into the public right-of-way as indicated in Division 3: Encroachments. These include balconies, awnings, canopies, eaves, cornices, bays, and projecting signs.

At-Grade Entry: An entry door that has a zero-step entrance.

At-Grade Frontage: The at-grade is a frontage type placed along the Principal Frontage line in a build-to-zone. It provides an at grade (zero step) entry into residentially scaled buildings and may be associated with lobby buildings (such as apartments).

Attic: An interior space of a building that has only a single floor of habitable space and that occurs within the pitched roof structure, whether conditioned or not. Attic space is typically not among the number of stories regulated by Context Area or Building Type, unless otherwise noted.

Awning: A retractable or fixed shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework.

Awning Sign: A sign that typically includes letters, logos, symbols and/or designs that is integrated into an awning.

B

DEFINITIONS “B”

Balcony: An open outdoor portion of an upper floor.

Balcony Private Frontage: The balcony is a frontage type placed along the Principal Frontage line. It is typically associated with mixed use buildings. The frontage combines an upper balcony that is recessed into the building mass with a storefront at the first story. The storefront portion of this frontage shall be designed in a way that promotes an attractive, convenient shopping experience.

Basement: An interior space of a building that has more than one half (1/2) of its height below grade.

Bay or Bay Window: An interior portion of an upper floor extending beyond the building’s exterior wall plane that is not supported from below by vertical columns or piers.

Building Façade: The exterior walls of a building that face either a principal or secondary frontage line.

Building Footprint: The shape and placement of the ground floor of a structure on the parcel.

Building Footprint, Condominium Site: The area of the condominium site within which the main building or structure may be constructed as described in the master deed for the site condominium project.

Building Height: Refer to Height, Building.

Building To Line: A measurement that defines the edge in which the building walls that face frontage lines are required to be built to. When a build-to-line is indicated on a building type, it is a requirement and not a permissive minimum as is a set back line.

Build To Zone: A measurement that defines the range (or zone) in which building walls that face frontage lines are required to be located within. When a build-to-zone is indicated on a building type, it is a requirement that the building walls are constructed within this range.

Building Type: Building Types describe the various forms of buildings that are allowable in the City of Wyoming Form Based Code. Each building type has its own specific massing, composition, site placement (disposition), and vertical dimension that create its unique attributes. Building Types are regulated in Division 6 and are allowable within various Context Areas.

Building Composition: The essential architectural characteristics that define a specific Building Type.

C

DEFINITIONS “C”

Canopy: A fixed shelter projecting from and supported by the exterior wall of a building and constructed of metal or other rigid materials.

Canopy Sign: A sign that typically includes letters, logos, symbols and/or designs that is integrated into a canopy.

Civic Building: Civic buildings contain uses of special public importance. Civic buildings include, but are not limited to municipal buildings, churches, libraries, and schools, and do not contain retail, residential or private office uses. Civic buildings are not required to meet the building type standards or the private frontage standards of the City of Wyoming Form Based Code. Civic buildings are typically sited in locations of prominence, such as corners of major intersections, terminating a street vista or overlooking or within a civic space. The design of these building types is encouraged to allow greater flexibility and distinctive architectural expression so that they can become landmarks.

Civic Space: An outdoor area dedicated to public use that is strategically placed to facilitate use by the surrounding community.

Clear Glass: Refer to Glass, Clear.

Context Area: Administratively similar to zoning districts in conventional codes, except that they integrate form-based elements, including Building Type, public realm standards, and Thoroughfare Type into the regulation.



Cornice Expression Line: An architectural feature on buildings that acts as an upper termination or capital for the overall composition of the building.

D

DEFINITIONS “D”

Departure: A Minor or Major modification to selected Form Based Code requirements, refer to Division 2, Tables 90-1203a and 90-12-3b.

Drive-through Frontage: The drive-through is a frontage that is identical to the storefront frontage type, however it includes an automobile drive-through at the rear or non-frontage side yards. The drive-through may include a covered structure at the service window location. The frontage is typically associated with retail and mixed use buildings and includes a storefront that is designed in a way that promotes an attractive, convenient shopping experience. Storefronts are at grade with the sidewalk and are sometimes shaded by awnings.

Drive-through Zone: The area (or zone) in which a drive-through is permitted to be placed on a site. Drive-through zones are part of requirements of the Drive-Through Private Frontage.

E

DEFINITIONS “E”

Eave: The projecting overhang along the sloped edge of a pitched roof.

F

DEFINITIONS “F”

Façade: Refer to Building Façade.

Fascia: Horizontal board that terminates an eave edge of a sloped or pitched roof.

Finish Ceiling: The ceiling surface, usually installed over building structure or hung from the structure, which provides the completed ceiling surface.

Finish Floor: The floor, usually laid over a subfloor, which provides the completed floor surface.

Form Based Code Area: The area on the City of Wyoming Zoning Map (located in Chapter 90, Article II of the City Zoning Ordinance) that is designated as a Form Based Code District. Parcels located in the Form Based Code Area are regulated by the Wyoming Form Based Code.

Frontage: The length of any side of a building which fronts on either a Principal Frontage Line or a Secondary Frontage Line.

Frontage line, Principal: The property lines of a parcel that are public right-of-way lines along the street of address for the parcel or building.

Frontage line, Secondary: The property lines of a parcel that are either a public right-of-way line or directly adjacent to a public right-of-way that are not along the street of address for the parcel or building.

Furnishing Zone: The area of the right-of-way that contains planting strips, tree wells, planters, street lighting, sidewalk furniture, seating sidewalk signs, and other amenities.

G

DEFINITIONS “G”

Glass, Clear: Glass having a Visual Light Transmittance (VLT) of seventy (70) percent minimum. Heavily tinted or reflective glass shall not be considered clear.

Greenbelt: A twenty-five (25) foot deep landscaped area that is required at frontages along 28th Street. Refer to Division 3.

Ground Cover: Grass, vegetative cover, or other living landscape.

Ground Sign: A free-standing sign mounted directly on the ground, on a base or supported by short poles. Not attached directly to a building or wall.

H

DEFINITIONS “H”

Height, Building: The number of stories allowed by either the Building Type and/or the Context Area, with actual measurement of individual stories determined according to specific building types in Division 6.

Horizontal Expression Band: An architectural element on buildings that acts as a horizontal upper termination for the Storefront Private Frontage. Horizontal Expression Lines extend the entire width of the building facade above a storefront and may contain signs. Synonymous with Sign Band.

I

DEFINITIONS “I”

Impervious surface: Any hard surfaced, man-made area that does not readily absorb or retain water including but not limited to building roofs, parking and driveway areas, sidewalks and streets.

J

DEFINITIONS “J”

No definitions for this section.

K

DEFINITIONS “K”

No definitions for this section.

L

DEFINITIONS “L”

Lightwell: A component of the Lightwell Private Frontage that is recessed below the adjacent grade in order to provide a landing and access to the basement from the sidewalk. Typically used in association with a terrace. Refer to Terrace definition.

Lightwell Private Frontage: The lightwell is a frontage type placed along the Principal Frontage line in a build-to-zone. It has separate stairs that connect a lower level entrance (lightwell) and an upper level entrance (terrace) to the public sidewalk. This allows direct access to the first story and a partially exposed basement. Commonly used on attached buildings, this frontage may also provide outdoor seating opportunities at both the terrace and lightwell locations.



Liner Building: A specialized building that is designed to conceal a parking structure or parking lot. The liner building may be an independent building or may be physically attached to a parking structure so that parking may be accessed directly from floor to floor between the building and structure.

Live / Work Building Type: A lot located and designed to accommodate an attached or detached building with integrated residence and commercial space utilized by a single-family household. The ground floor is designed to accommodate commercial uses with a single residence in the upper stories, although ground floor may also accommodate residential uses.

Lot Coverage: The percentage of the lot that is taken up by buildings.

M

DEFINITIONS “M”

Mandatory: Refer to required.

Massing: The scale and proportions of a building or object.

Mixed Use Building Type: A lot located and designed to accommodate a multi-story building with multiple dwelling units in the upper story and various commercial uses permitted within any story.

N

DEFINITIONS “N”

New Development: Development occurring on a vacant parcel of land.

Nonconforming sign:

1. A sign that is prohibited under the terms of this Article, but was erected lawfully and was in use on the date of enactment of this Article, or amendment thereto; or
2. A sign that does not conform to the requirements of this Article, but for which a variance has been granted.

Non-frontage line: The property lines of a parcel that are not a right-of-way line or directly adjacent to a public right-of-way.

O

DEFINITIONS “O”

Optional: A feature or element that is not required, but may be provided on the project at the applicant’s discretion.

Outdoor Seating: Patio, terrace, walkway, sidewalk, lawn or garden or any other place (which is not enclosed) where seating is permitted, usually in association with a restaurant, bar or other related commercial uses.

P

DEFINITIONS “P”

Parapet: A part of the facade that extends above the roof, typically located on flat roof buildings.

Parkway: The landscaped area between the sidewalk and the curb in a thoroughfare assembly. Located within the furnishing zone of the Thoroughfare Type. Synonymous with Planting Strip.

Pedestrian Travel Zone: The sidewalk area for pedestrian travel. Typically sized for two directions of pedestrian travel.

Pilaster: A decorative or structural column that is attached to the façade of a building. Pilasters may be round, in which case they are detailed exactly like a free-standing column. Square or rectangular pilasters may be detailed in a simpler manner and sometimes are a wall projection (common in masonry buildings).

Porch: A slightly elevated partially enclosed area attached to a building and covered with a roof.

Porch Private Frontage: The porch is a frontage type placed along the Principal Frontage line(s) within a build-to-zone. Porches are open-air structures that are attached to the Principal Building, forming a covered entrance. Porch dimensions need to be such that sufficient space for furniture is provided, allowing comfortable use of the space.

Principal Entrance: The main entry to a building, located along the principal frontage line.

Principal Frontage: Refer to Frontage, Principal.

Private Frontage Type: The privately owned area between the frontage line and the building façade. Private Frontage Types are applied to Building Types to ensure that the building adequately engages the street frontage and public realm. Private Frontages are regulated in Division 6 and are assigned to Building Types in Division 7.

Projecting Sign: A double-faced sign that is attached to the face of a building and projects from the wall of the building at a ninety (90) degree angle.

Public Realm: The area between the façade of a building and the corresponding façade of the building across the street.

Q

DEFINITIONS “Q”

No definitions for this section.

R

DEFINITIONS “R”

Rake board: The trim board along the sloping edge of a gable roof.

Rear alley: A dedicated right-of-way or easement providing access for service and parking at the rear of a parcel. Not intended for general traffic circulation.

Retail Building Type: A lot located and designed to accommodate a single-story building with various commercial uses permitted at the ground floor level. Building site placement has a variable build-to-zone at the Principal Frontage Line.

Required: An element or feature that is required to be provided on the project. Synonymous with Mandatory.

Right-of-way (ROW): An area owned or maintained by a local, county, state or federal entity, a public utility, a railroad or a private concern for the placement of utilities or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities or railroads.

Right-of-way Line: A line that forms the boundary of the right-of-way.

Rowhouse Building Type: A lot located and designed to accommodate a principal building with common walls on both side lot lines and a private yard to the rear.



S

DEFINITIONS “S”

Scale: Refers to the size of the building, street fixture, sign or other built or constructed element.

Shopfront Private Frontage: The shopfront is a frontage type placed along the Principal Frontage line in a build-to-zone. It is typically associated with retail uses at the first story in Context Areas that have a less intense (more residentially scaled) retail environment. The shopfront is designed in a way that promotes an attractive, convenient shopping experience. Storefronts may be elevated above the adjacent grade.

Secondary Frontage: Refer to Frontage, Secondary.

Setback: The minimum horizontal distance required by this Form Based Code, measured from the front, side or rear lot line as applicable, to govern the location of buildings, structures or uses on the lot.

Sidewalk Sign: A temporary and portable sign that is not permanently affixed to a structure or ground and is placed on the sidewalk in front of a business during normal business hours. Synonymous with Sandwich Board Sign.

Sign Band: An architectural element on buildings that acts as a horizontal upper termination for the Storefront Private Frontage. Sign Bands extend the entire width of the building facade above a storefront and may contain signs. Synonymous with *Horizontal Expression Band*.

Sign Band Sign: A sign that is painted on, incorporated in, or attached directly to the sign band or horizontal expression band above a storefront window or transom.

Single-Family House Building Type: A lot located and designed to accommodate a single-family detached building with front, rear and side yards.

Site disposition: The placement or location of a building footprint on a lot or parcel. Synonymous with Site Placement.

Stoop: A slightly elevated unenclosed area attached to a building and corresponding to a door. A stoop is always covered with a roof.

Stoop Private Frontage: The stoop is a frontage type typically placed along the Principal Frontage line, although it may also be placed in the side yard. A stoop is a small staircase leading to the entrance of a building that has a roof at the entrance. The elevation of the stoop is required to achieve privacy for residential uses on the first story.

Storefront Private Frontage: The storefront is a frontage type placed along the Principal (and sometimes Secondary) Frontage line(s). It is typically associated with retail and mixed use buildings. The storefront is designed in a way that promotes an attractive, convenient shopping experience. Storefronts are at grade with the sidewalk and are sometimes shaded by awnings.

Storefront Base: The knee wall located at the sidewalk that the storefront window sits on. Sometimes referred to as a bulkhead wall.

Story: The distance between any two adjacent floors or floor lines, measured as the distance between the finished floor and related finished ceiling in feet and inches. Actual story heights are regulated by building type in Division 6. Number of stories are regulated by building type and Context Area.

T

DEFINITIONS “T”

Terrace: A component of the Lightwell and Shopfront Private Frontage that is an area elevated from the adjacent grade in order to provide access and a landing to an elevated first floor. Terraces may be covered with a roof or uncovered. On Lightwell Private Frontages the terrace creates residential privacy at the first floor and allows light to enter a basement level (making that level more attractive to a variety of uses). Refer to Lightwell definition.

Thoroughfare Type: Thoroughfare Types describe the space within the public realm, between the right-of-way lines. They include the sidewalk, parkway, furnishing zones, curbs, parking lanes and travel lanes of streets, roads, and alleys.

Transom: A small horizontal window located above the storefront and entry door to allow light or air into the retail building.

Transparency: The ability to see through with clarity. An opening in a building wall allowing light and views between interior and exterior through the use of clear glass. Only clear or lightly tinted glass in windows, doors and display windows is considered clear. Heavily tinted glass or reflective glass shall not be considered clear. Interior display shelves and merchandise are not allowed to obstruct views into or out of any windows, doors or display areas that are considered part of the transparency calculation. Windows, doors and display areas provide clear views into and out of the building. Transparency is integral to the relationship of buildings and the street because of the permeable edge and dialogue that it creates between the interior and exterior of buildings. Refer to Glass, Clear.

Two-Family House Building Type: A lot located and designed to accommodate a two-family building with front, rear and side yards.

U

DEFINITIONS “U”

No definitions for this section.

V

DEFINITIONS “V”

Vertically proportioned: Typically referring to the orientation of building windows, where the height of the window is taller than the width of the window.

W

DEFINITIONS “W”

Wall Sign: A sign that is painted on, incorporated in or attached directly to a building wall, with the exposed face of the sign in place parallel to the building wall.

Window Sign: Any sign, picture, symbol or combination thereof, designed to communicate information about activity, business, commodity, event, sale or service that is placed on the interior of a window and which is intended to be seen by the public from the outside.

X

DEFINITIONS “X”

No definitions for this section.



Y

DEFINITIONS “Y”

Yard: The space on a lot which is unoccupied by buildings and unobstructed from the ground to the sky.

Z

DEFINITIONS “Z”

Zero Lot Line Retail Building Type: A lot located and designed to accommodate a single-story building with various commercial uses permitted at the ground floor level. Building site placement is required to have no setback at the Principal Frontage Line.



This page left intentionally blank





End of Article XXXI: Wyoming Form Based Code



Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2013.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2013.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. 20-13