



Special Meeting
6:00 p.m., Monday, May 17, 2021
Virtual - Zoom
Meeting ID: 883 5308 4481
Password: 986463

SPECIAL MEETING AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. Discussion: Food Truck Ordinance**
- 5. Discussion: Mechanical Equipment**
- 6. Other Business**
- 7. Public Comment**
- 8. Council Comment**
- 9. Adjournment**

The City will follow its normal procedures for accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 474-5500, ext. 2218 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Farmington City Council Staff Report	Council Meeting Date: May 17, 2021	Item Number 4
Submitted by: City Manager David Murphy		
<u>Agenda Topic:</u> Food Truck Ordinance		
<u>Proposed Motion:</u> NA		
<u>Background:</u>		
<u>Materials:</u> Segments of the ordinance that apply to Mobile Food Vending		

Code of Ordinances Chapter Four: Amusements and Entertainments

- **Sec. 4-196. - Exercise of approval authority.**

Approval authority for special events shall be as set forth in the City's Park Reservation, Facility Use, and Special Event Policy; provided, however, that as to mobile food vending events that are not part of a larger special event application that includes additional activities, the city manager shall be authorized to review and approve such events.

(Ord. No. C-679-2001, § 1, 2-19-01; Ord. No. C-782-2017, § I, 2-21-17)

- **Sec. 4-198. - Mobile food vending special events.**

(a)

The provisions of this [section 4-198](#) apply to mobile food stands, mobile food trailers, and mobile food vehicles. This section does not apply to vehicles that dispense food and move from place to place and are only stationary for a brief period of time not to exceed ten (10) minutes, such as ice cream trucks.

(b)

A special event permit shall be required to operate a mobile food vehicle, mobile food trailer, or mobile food stand. The application for a permit shall include the information required in [section 4-193](#). In addition, the applicant shall provide (1) proof of insurance in the amount of one million dollars (\$1,000,000.00) naming the city as an additional insured; and (2) an additional application fee in an amount to be set by resolution of the city council from time to time. If mobile food vending is proposed as part of an activity that also requires a special event permit, no additional or separate mobile food vending permit shall be required.

(c)

No owner or occupant of property within the city may secure more than three (3) mobile food vending special event permits within a calendar year with respect to events located on private property.

(d)

No mobile food vendor may secure more than three (3) special event permits per calendar year for a mobile food vending special event, subject to the following:

(1)

The application shall specify the number of days the event is proposed to last, and the permit shall establish the number of days the event is permitted to last.

(2)

For purposes of this section, a "day" shall be a period of time from 9:00 a.m. to 11:59 p.m. of the day for which the permit is issued.

(3)

No event shall last more than three (3) consecutive days.

(4)

No event shall exceed twelve (12) consecutive hours.

(e)

Mobile food vending activities as a special event, or as part of a special event, shall be subject to the following additional requirements:

(1)

The customer service area for mobile food vehicles, trailers, or stands shall be on the side of the truck that faces a curb, lawn, or sidewalk if allowed on a street or right-of-way. No food service shall be provided on the driving land side of the vehicle, trailer, or stand when parked on a street or right-of-way. No food shall be prepared, sold, or displayed outside of mobile food vehicles, trailers, or stands when located on a city street or right-of-way.

(2)

No mobile food stand may be larger than ten (10) feet by ten (10) feet nor more than seventy-five (75) square feet in size. A five-foot clearance must be maintained on all sides of the stand within the maximum space allotted.

(3)

Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles, trailers, or stands shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

(4)

No mobile food vehicle, trailer, or stand shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles, trailers, or stands shall meet the city noise ordinance, including generators. No music, high-decibel sounds, horns, or amplified announcements are allowed.

(5)

Signage is only allowed when placed on mobile food vehicles, trailers, or stands. No separate freestanding signs are permitted on city streets, rights-of-way, or city-owned property except as expressly allowed in the permit.

(6)

No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles, trailers, or stands or related signage when the vehicle, trailer, or stand is parked and engaged in serving customers. All exterior lights with over sixty (60) watts shall contain opaque hood shields to direct the illumination downward.

(7)

Mobile food vehicles, trailers, or stands when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

(8)

A mobile food vehicle, trailer, or stand shall not be left unattended and unsecured at any time. Any mobile food vehicle, trailer, or stand found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(9)

A vendor shall not operate on private property within first obtaining written consent to operate from the affected private property owner. The property owner or occupant shall be responsible for securing the special event permit.

(10)

No mobile food vehicle, trailer, or stand shall use external signage, bollards, seating or other equipment not contained within the vehicle when parked on city streets or right-of-ways. When extended, awnings for mobile food vehicles, trailers, or stands shall have a minimum clearance of seven (7) feet between the ground level and the lowest point of the awning or support structure.

(11)

Any power required for the mobile food vehicle, trailer, or stand located on a public way shall be self-contained and a mobile food vehicle, trailer, or stand shall not use utilities drawn from the public right-of-way. Mobile food vehicles, trailers, or stands on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any city street, alley sidewalk, or right-of-way.

(12)

Mobile food vehicles, trailers, or stands shall not be parked within one hundred fifty (150) feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business unless the applicant for the special event permit is also an existing brick and mortar business that serves food or alcohol.

(13)

No event shall extend beyond 10:00 p.m. unless authorized by the city manager.

(Ord. No. C-782-2017, § I, 2-21-17)

**Farmington City Council
Staff Report**

**Council Meeting
Date: May 17, 2021**

**Item
Number
5**

Submitted by: Kevin Christiansen, Economic & Community Development Director

Agenda Topic: Mechanical Equipment

Proposed Motion: NA

Background:

This item is a discussion of current Zoning Ordinance requirements related to mechanical equipment for non-residential properties in the City. A concern was recently expressed by a City Council member with respect to the existing rooftop mechanical equipment for Cottage Inn. As requested, I reviewed the building file for Cottage Inn at 33216 Grand River Avenue. I also spoke with former City of Farmington Building Official/Code Enforcement Officer John Koncsol. From my review of the file and from discussion with John, Cottage Inn was established in 2015. This was a change of use from the prior use at the time, Sarian Jewlery Gallery. Permits for changes to the interior of the existing building were approved and the improvements were constructed/installed for Cottage Inn. New exterior building signage was approved and installed. New/additional rooftop equipment was also approved and installed. The new/additional rooftop equipment was in addition to what existed at the time in 2015 (see attached aerial photos). Screening of the new/additional rooftop equipment was not required in 2015 as it was not part of any required site plan and was in addition to the existing equipment, which was not screened. This has been consistent with new/additional rooftop equipment being added to existing rooftop equipment in the City. Attached are copies of applicable sections of the City Zoning Ordinance.

Materials:

Aerial Photos
Copies of applicable sections of Zoning Ordinance



City of Farmington
CivicSight Map

MAP LEGEND:

- CITY BOUNDARY
- RIVERS-STREAMS
- MULTITENANTBUILDING (Type)
 - BUILT
 - PROPOSED
- COMM_INDUST BLDGS
- RAPHAEL STREET (POLY)2
- RAPHAEL STREET (POLY)
- PARCELS
- ROADS OUTSIDE FARMINGTON
- RIGHTOFWAY
- MULTITENANTPAVING
- ROW EXTEND
- LOT HISTORY
- OPEN WATER (FEATURETYPE)
 - DetentionPond
 - StreamRiver
 - LakePond
 - Channel
 - SwampMarsh
- 2010 AERIAL PHOTOS (Image)

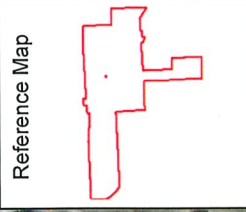
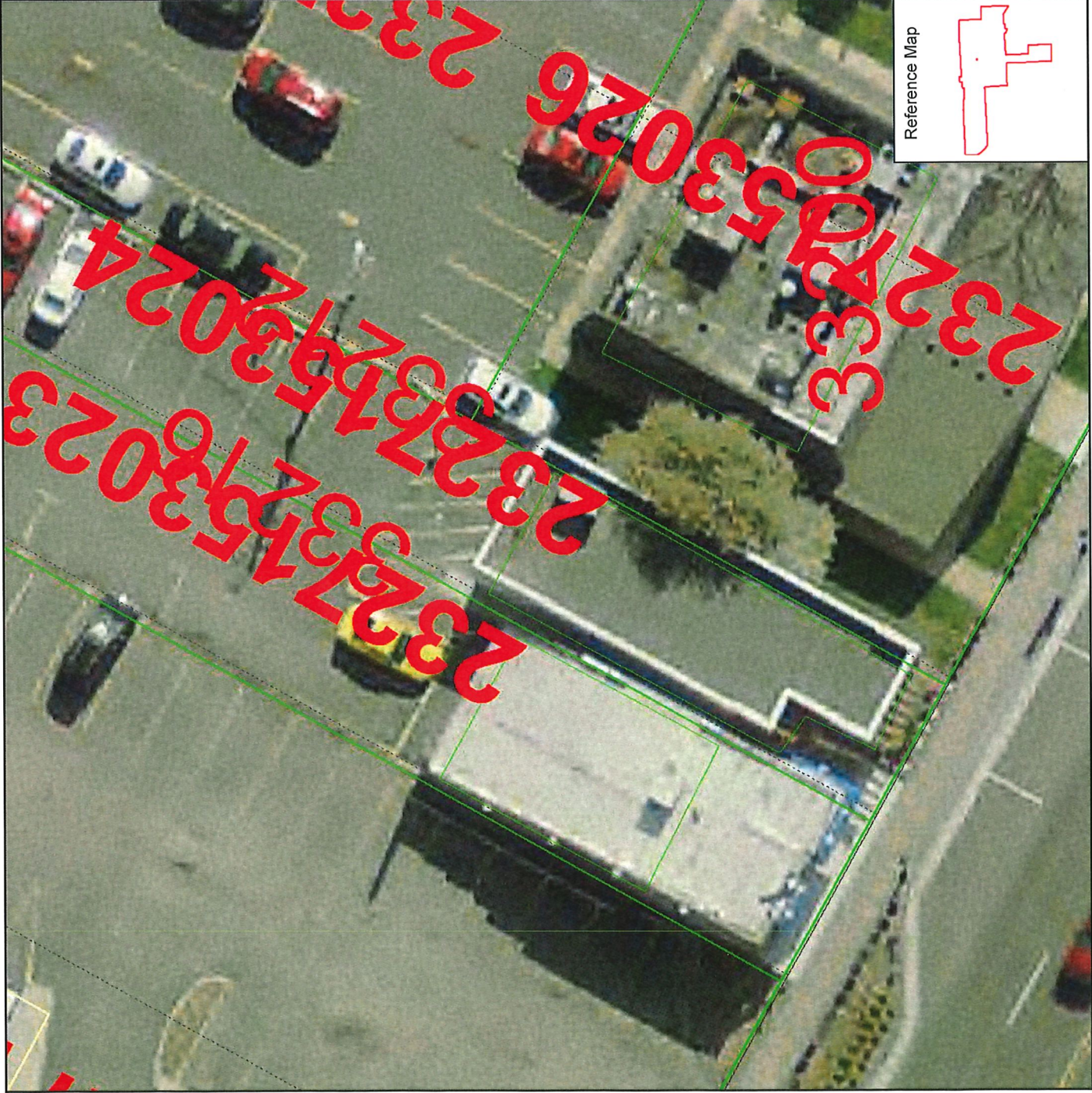
2010

Map Scale: 1 inch = 22 feet
Map Date: 4/06/2021
Data Date: October 30, 2020



Sources: City of Farmington, Oakland County GIS
Utility, River's Edge GIS, LLC.

Disclaimer:
Note: The information provided by this program has been compiled from various sources including public records and other public records and data. It is not a legally recorded map or survey and is not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information. Once again, USE AT YOUR OWN RISK !!!





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- Channel
- SwampMarsh
- 2014 AERIAL PHOTOS (Image)

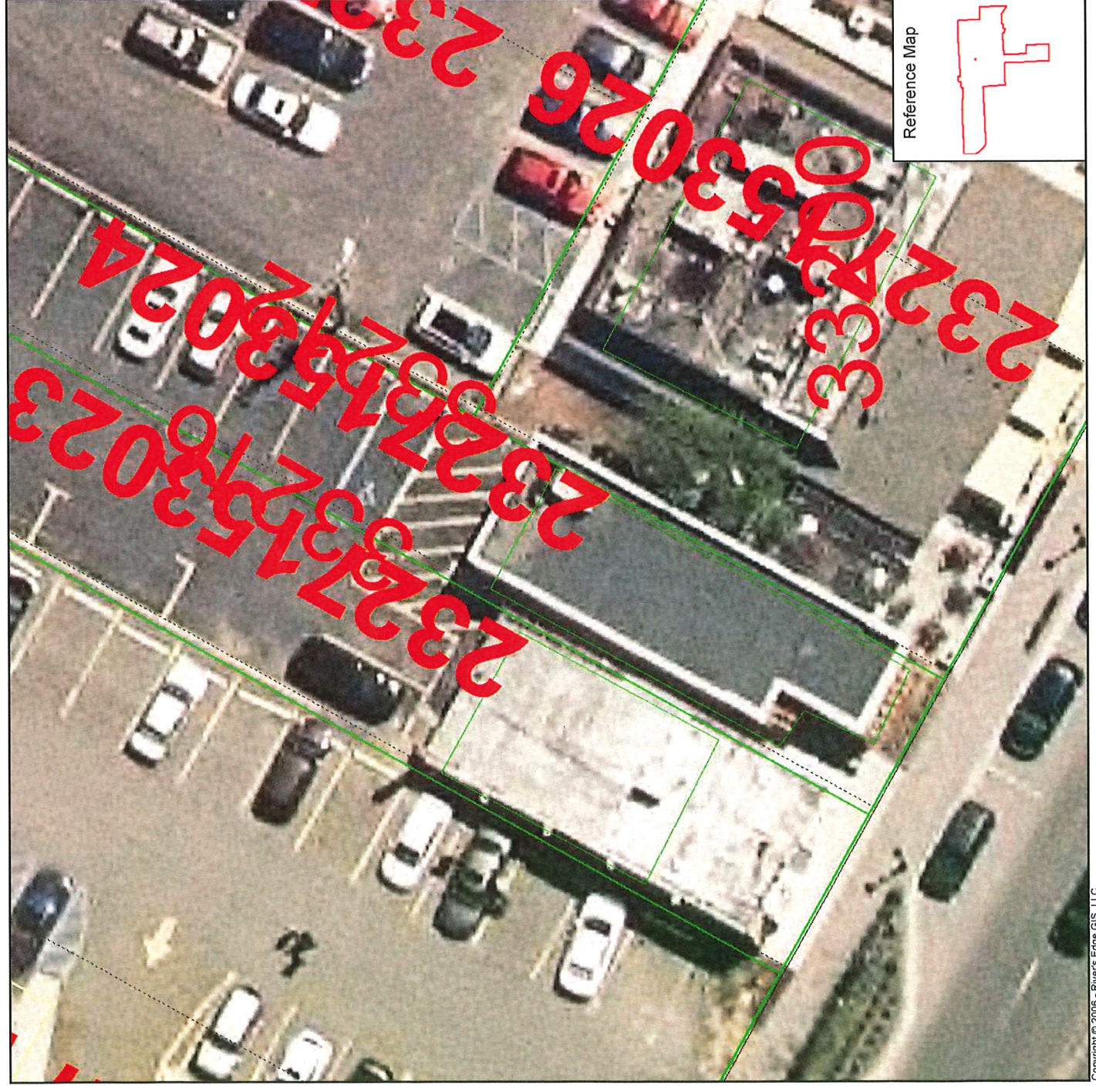
2014

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2015



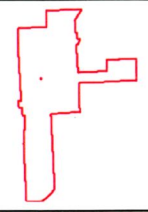
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Reference Map



Sec. 35-52. - Mechanical Equipment.

Ground-mounted and building-mounted mechanical equipment including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing and tanks are subject to the following regulations:

- A. Mechanical equipment and utilities located on or around any nonresidential or multiple-family building shall be screened from public view. Such screening shall be of a height sufficient to screen the equipment.
- B. Screening materials for ground-mounted mechanical equipment and utilities shall include a solid wall, fence, plantings, berms and/or other decorative features compatible with the materials used on the principal building. In a nonresidential district, ground-mounted mechanical equipment shall not be located within twenty (20) feet of any residential district.
- C. Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen (15) percent of the total roof area.
- D. All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment and the screening shall be integrated into the architectural design of the building meeting the standards noted in section 35-53, nonresidential design requirements. Screening is not required where such equipment is not visible from a distance of not less than two hundred (200) feet at grade level from the front entrance of the building. Where adjacent to any residential district, all roof-mounted mechanical units must be set back a minimum of twenty (20) feet from the side of the building facing the residential district and screened using solid architectural materials that meet the standards noted in section 35-53, nonresidential design requirements, and that provide sound attenuation.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-53. - Nonresidential Design Requirements.

For the review and approval of all nonresidential developments, except in the CBD, including new construction, expansions, renovations and facade changes in accordance with section [35-] 162, uses subject to site plan approval [review], the planning commission, city council and building official shall consider the following standards. These exterior building design standards

shall apply to all walls intended for public view from any of the following: the street, alleys used for public access to a business, pedestrian walkways, public parking located to the front side, or rear of the building and adjacent residential areas. Design requirements applicable to development in the CBD are outlined in Article 7, Commercial Districts.

- A. *Building Location and Orientation.* New buildings shall have at least one (1) principal building entrance oriented toward the front lot line.
- B. *Exterior Building Design.*
 - 1. Exterior building walls which can be viewed from public streets or residential uses shall be designed using architectural features with a variety of materials and landscaping (near the building) for at least thirty (30) percent of the wall length, as determined by the planning commission, city council or building official.
 - 2. Windows shall make up at least twenty (20) percent of the exterior wall area facing the principal street(s) from which access is gained.
- C. *Architectural Features.*
 - 1. Architectural features shall include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure as determined by the planning commission, city council or building official.
 - 2. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this chapter must also be satisfied.
- D. *Building Materials.*
 - 1. The predominant building materials should be materials that are characteristic of Michigan such as brick, decorative tilt-up panels, wood, native stone and tinted/textured concrete masonry units and/or glass products. Highly reflective or metallic tinting of windows shall not be permitted.
 - 2. Other materials, such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
 - 3. Metal roofs may be allowed if deemed by the planning commission or city

council to be compatible with the overall architectural design of the building.

- E. *Signs.* Signs shall be in accordance with Chapter 25, Signs, of the City of Farmington Code. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- F. *Building and Sign Colors.* Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved by the planning commission for building trim.
- G. *Roof Design.*
 - 1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building.
 - 2. Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
 - 3. Architectural methods shall be used to conceal flat rooftops and roof-mounted mechanical equipment.
 - 4. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.
- H. *Customer Entrances.* Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls and integral planters are highly encouraged.
- I. *Community Amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged.
- J. *Natural Features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees) and rock outcroppings. These areas are encouraged to be incorporated into the overall site plan and existing vegetation may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-104. - Central Business District—Nonresidential and Mixed-Use Development Requirements.

The following regulations shall apply to all nonresidential buildings and "mixed use" buildings, which are those that contain nonresidential uses on the first floor and residential above the first floor. Any development or modification to a building in the CBD that requires planning commission approval under Article 13, Site Plan Review, shall be first reviewed by the DDA design committee prior to being placed on the agenda for final site plan approval by the planning commission. The DDA design committee shall review the site plan and building architecture for compliance with the requirements of this section and provide a recommendation to the planning commission.

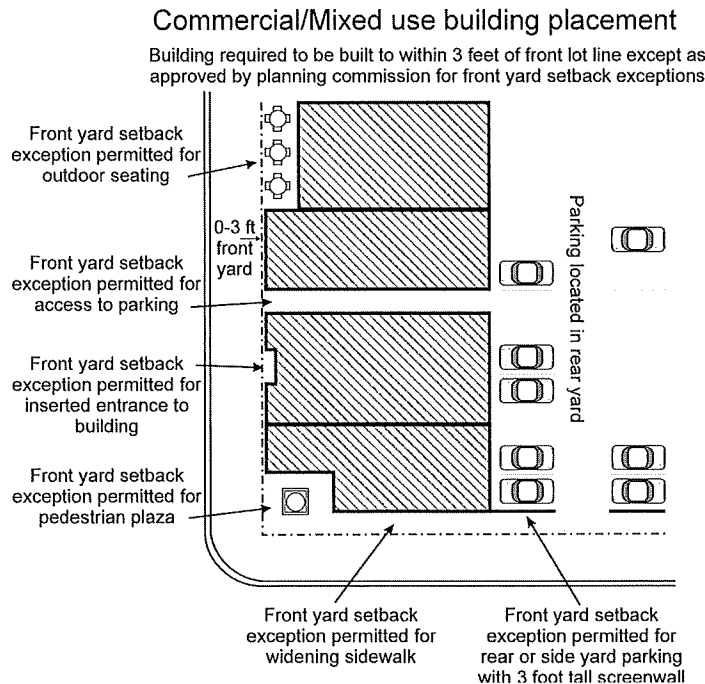
A. *Area and Bulk Requirements.*

1. *Lot Area and Width.* There is no required minimum lot area or width.
2. *Setback Requirements.* The required nonresidential and mixed-use building setbacks are intended to promote streetscapes that are consistent with the desired character of the CBD and reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones are intended to promote development that will maintain light, air, and the potential for privacy for adjacent residential zones.

	Setback
Front (a)	The building shall be built to within 3 feet of the front lot line and cannot be set back a greater distance except as provided for in subsection 3., below.
Side	There shall not be a minimum side yard setback required; provided a side wall of a building that is not a fire rated wall or contains windows shall be set back a minimum of 10 feet from the side lot line.
Rear	There shall be no minimum rear yard setback.

<p>Lot line abutting a residential zone</p>	<p>Where the side or rear lot line adjoins a lot that is zoned single-family residential, two-family residential or multiple-family residential, a minimum 30-foot setback shall be provided.</p>
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- a. Projections into setbacks permitted under section 35-39, projections into yards, including cornices, eaves, sills, balconies, bay windows, awnings, signs and other architectural elements, shall also be permitted to project over the public sidewalk with planning commission approval; provided, there shall be a minimum eight-foot vertical clearance between the sidewalk grade and the architectural element that is overhanging the sidewalk.
3. *Front Yard Building Setback Exceptions.* One hundred (100) percent of the length of the ground level street-facing facade of the building must be built to within three (3) feet of the front lot line. The building height along the frontage shall be a minimum of twenty-four (24) feet. Exceptions may be granted by the planning commission when the front yard area, or forecourt, is used for the following purposes listed below.



- a. Widening the sidewalk along the frontage of the building.
 - b. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
 - c. Accommodating an inset entranceway to the building.
 - d. Providing outdoor seating for the proposed use.
 - e. Where necessary to avoid utilities.
 - f. The building is used for public or quasi-public/institutional purposes with a plaza or open space area provided in the front yard.
 - g. Driveway or pedestrian access to parking at the rear of the building.
 - h. Side yard parking along no more than forty (40) percent of the frontage, with a three-foot tall screenwall between the parking and public sidewalk, set back three (3) feet from the front lot line and subject to the requirements of subsection D., below.
 - i. Where older residential structures have been converted to a nonresidential or mixed-use and are to be retained.
 - j. Sandwich board signs (or A-frame signs), marquee signs and wall signs as permitted in the sign ordinance are the only business signs permitted within the forecourt area.
4. *Building Height.* The height limits are intended to control the overall scale of buildings and to discourage buildings that visually dominate adjacent residential areas.

Building Height Requirement	
Minimum	24 feet and 1 story
Maximum	45 feet and 4 stories

a.

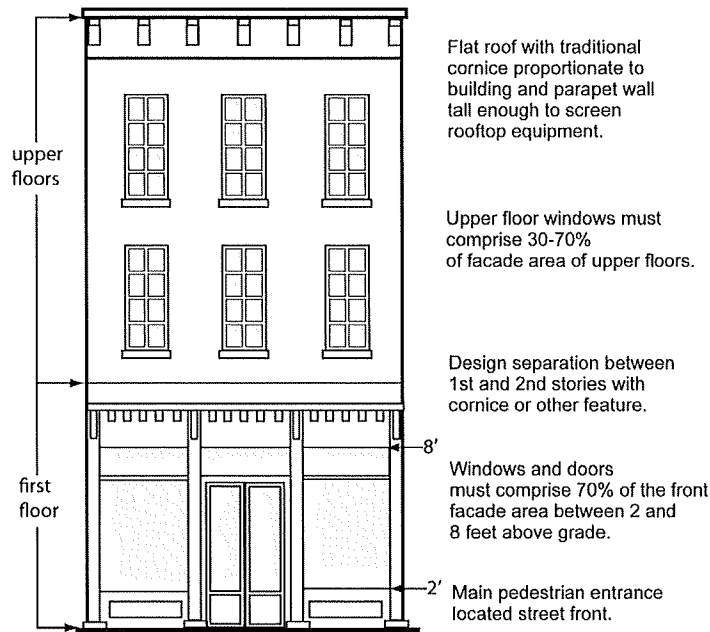
For buildings with more than two (2) stories adjacent to a single-family residential zone, the floors above the second story of the building shall be tiered back such that the highest point of the building is set back a distance at least equal to twice the height of the building from the adjacent single family residential lot.

- b. If a development is proposed as a planned unit development (PUD), the planning commission may approve an increase in the maximum building height and number of stories, if the proposed development is for a mixed-use building with retail, or service business on the first floor and residential, or office on the upper floors. The planning commission may require a greater setback from any adjoining single-family residential district in order to minimize the impact of building mass on views and sunlight in the residential district. In determining the amount of additional required setback, the planning commission shall take into account the area and configuration of the adjoining residential parcel or parcels, the size, height, and location of existing residential structures on the adjoining residential parcel or parcels, and any other relevant characteristics of the adjoining residential parcel or parcels.
 - c. If a parking structure is proposed as part of the building the planning commission may approve additional total building height and stories to achieve additional usable building floor area equal to the area occupied by the parking deck, subject to the regulations of subsection D., below.
 - d. Buildings located at the corner of two (2) intersecting streets may be increased in height to fifty (50) feet.
 - e. Refer to section 35-42, exceptions to height limit, for allowable building height projections.
- B. *Pedestrian-Oriented Design Requirements.* All sites shall be designed to promote safe and effective pedestrian and transit-oriented circulation on-site, between sites, and between parking and streets. Sites shall comply with pedestrian-oriented design requirements of section 35-45, pedestrian walkways, and Chapter 28, Streets, Sidewalks and Other Public Places, of the City of Farmington Code.
- C. *Building Design.*
- 1.

Purpose. The following building design standards ensure that new construction in the CBD reflect a high level of building quality that will endure over time and will incorporate timeless design details. The requirements also ensure that all new construction is consistent because the character of the CBD is not reflected in just one (1) structure, but in all the buildings combined. The regulations herein are intended to ensure proper building form, relationship to the street and compatibility with other buildings. The regulations are not intended to dictate a particular style of architecture, rather to encourage innovative design that is consistent and complementary to the existing built environment.

2. *Main Entrance.* All buildings shall have a main entrance that is located on at least one (1) streetfront. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas. The front entranceway shall be inset a minimum of three (3) feet from the front building wall to minimize encroachment on the sidewalk.
3. *Roofs.* Roofs shall be required to meet the following:
 - a. Unless otherwise approved by the planning commission, buildings should have flat roof appearance from the street with a cornice that is designed proportionate to the size of the building and length of the wall.
 - b. The planning commission may permit a pitched roof if the design of the roof and building are consistent with the character of the CBD and adjacent buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of twenty-four (24) feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
 - c. Flat roofs shall be enclosed by parapets.
 - d. All rooftop-mounted equipment shall be screened from view on all sides of the building.
 - e. Parapets and other screening treatment shall use high-quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.
4. *Awnings.* Awnings in the CBD may project over the public sidewalk; provided they shall be:
 - a. Positioned immediately above the ground floor window area of the facade.

- b. Provide a minimum eight-foot clearance from the sidewalk.
 - c. Constructed of a durable, weather-proof material such as canvas or steel.
 - d. Have a straight shed that projects from the building at a straight angle with open sides.
 - e. Signage is in conformance with the city sign code.
5. *Required Window Area and Exterior Finishes.* While creativity in building design is encouraged, buildings in the CBD must adhere to the following:



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

a. *Windows.*

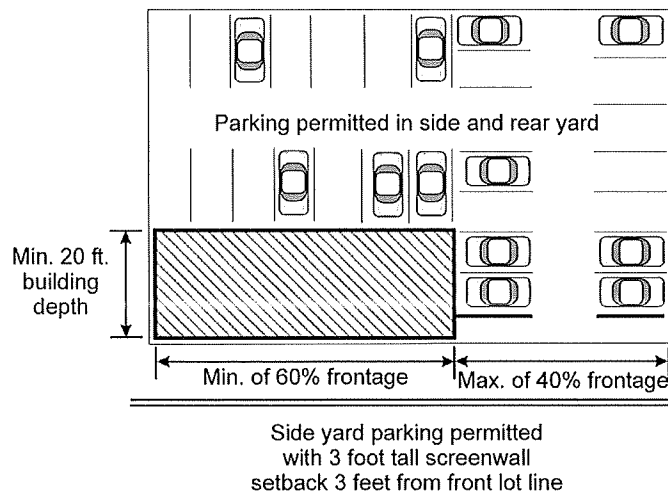
- (1) Facades facing a public street or sidewalk shall include windows that equal seventy (70) percent of the wall area measured between two (2) feet and eight (8) feet above grade. The bottom of any window may not be more than four (4) feet above grade.
- (2) Required window areas shall consist of clear glass windows, clear glass doors and clear glass panels, and may not be covered or blocked with the back of shelving units.
- (3) Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall.
- (4)

Windows and doors above the first floor shall comprise between thirty (30) percent and seventy (70) percent of the total wall area of all upper floors.

- (5) The number, shape, size, and spacing of the windows shall be compatible with the established rhythm of adjoining or nearby buildings in the downtown.
- b. *Exterior Finish Materials.* The building wall (exclusive of any windows or doors) of any facade visible from public view shall consist of the following:
 - (1) The wall shall be constructed of at least seventy-five (75) percent modular brick or stone. Panel brick and tilt-up brick textured paneling shall not be permitted on the front facade.
 - (2) Up to twenty-five (25) percent of the remaining wall area may include wood siding, fiber cement siding, exterior insulation finish systems (EFIS), stucco (cementitious finish), precast masonry, metal or molded polyurethane trim.
 - (3) Exterior walls that may be concealed by future building development on adjacent sites may be constructed of lower-cost materials that are consistent with the building facade, including modular brick or stone, panel brick, tilt-up brick textured paneling, wood siding, fiber cement siding, exterior insulation finish systems (EFIS), stucco (cementitious finish), precast masonry, metal or molded polyurethane trim.
 - (4) The planning commission may permit other high-quality exterior finish materials comparable to those required above. The planning commission shall consider the standards of subsection 35-104.C.10., Modifications, and a recommendation of the DDA design committee that the amount, design, and type of materials proposed are consistent with the intended character of the CBD.
 - (5) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accents such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.
6. *Corner Buildings.* Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections

incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within twenty-five (25) feet of the corner.

7. *Overhead Doors.* Overhead doors are not encouraged in the CBD. When necessary for loading, unloading, and other service needs they shall be located where it will receive the least visibility to the public or neighboring residential uses, and have the least impact on traffic operations. Overhead doors for loading areas shall be closed when not in use for loading operations.
8. *Converted Dwellings.* Where buildings that were originally constructed for single-family residential purposes have been converted to nonresidential uses, the building design requirements of this subsection may be modified by the city where consistent with the historic character of the building. Such modifications may include allowing the use of siding in lieu of masonry materials and residential fenestration (windows) in lieu of the requirement for storefront windows on the first floor.
9. *Modifications.* The planning commission may approve deviations to the building design standards of this subsection 35-104.C., following the recommendation of the DDA design review committee, in order to achieve the objectives of this subsection through the use of creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:
 - a. Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the CBD, as articulated in the city Master Plan and the Downtown Plan, and the proposed building fits within the context of adjacent buildings along the block.



- b. The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian oriented environment.
- c. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- d. The exterior finish materials shall be of equal or better quality and durability as those permitted above, with the intent to allow for new technologies in building material while maintaining the desired character of the CBD.
- e. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

D. *Parking.* Parking lots shall meet the following requirements:

- 1. Parking is permitted only in side and rear yards. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than forty (40) percent of the total site's frontage shall be occupied by parking. Parking in the side yard shall be screened by a three-foot tall brick screening wall between the sidewalk and the parking lot. The screening wall shall be set back a minimum of three (3) feet and designed and located to ensure a safe, clear vision zone is provided for vehicles and pedestrians.

2.

Where off-street parking is proposed, at least sixty (60) percent of the site's frontage shall be occupied by usable building space to a depth of at least twenty (20) feet. Where a parking structure is provided, usable building space shall occupy at least sixty (60) percent of the site's frontage on the first level to a depth of at least twenty (20) feet.

3. Parking lot design shall conform to the requirements of Article 14, Off-Street Parking and Loading Standards and Access Design. Because the regulations of this section are intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, on-site parking required under Article 14 may be waived under the following conditions:
 - a. The site is located within five hundred (500) feet of other parking facilities intended for public use, such as a municipal parking lot, parking structure or on-street parking that provides adequate parking spaces to serve the proposed use.
 - b. Failure to provide on-site parking shall be deemed to constitute and acknowledgement and acceptance of a benefit (i.e., the relaxation of on-site parking standards) such that, if the city establishes a special assessment district to fund the construction operation and maintenance of public parking that will serve the property, the property owner agrees to become part of such district and further agrees to payment of the assessment in lieu of providing on-site parking. The city may require a written acknowledgement with respect to the benefit provided.
- E. *Landscaping.* For buildings that comply with the front build-to requirements of this section, street trees located within the public sidewalk may be used to satisfy the frontage landscaping requirements of Article 15, Landscaping Standards. Where existing street trees along the frontage are in poor condition, the planning commission may require replacement of the trees. Where there are no street trees along the site frontage, or there is a gap of sixty (60) feet or more between existing trees, the planning commission may require the installation of a new tree, with a tree grate that matches the other tree grates used in the downtown.
- F. *Access Management.* Refer to Article 14, Off-Street Parking and Loading Standards and Access Design, for access management requirements. In addition to current access management standards, a strong emphasis shall be placed in the CBD to

limit driveways on Grand River Avenue and Farmington Road. Whenever possible, existing driveways shall be removed and access provided to the site from rear access or from an intersecting side street.

G. *Lighting*. Refer to section 35-48, exterior lighting, for lighting requirements.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-206. - Nonconforming Buildings and Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter, a nonconforming building or structure may be continued so long as it remains otherwise lawful, subject to the following conditions:

- A. *Increased Nonconformance.* No such building or structure may be enlarged or altered in a way that increases its nonconformity, unless approved by the board of zoning appeals.
- B. *Permitted Building Improvements.* A residential building, which is nonconforming, may be altered or rehabilitated if such activity will make it more conforming to the regulations of this chapter and meets building codes.
- C. *Expansion of a Nonconforming Residential Building on a Conforming Lot.* A residential nonconforming building may be expanded provided the expansion will be within required setbacks and other dimensional and building code requirements are met (spacing between structures, height, maximum lot coverage, etc.). (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded).
- D. *Expansion of Nonresidential Nonconforming Buildings.* Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the board of zoning appeals.
- E. *Expansion of a Nonconforming Residential Building.* A nonconforming residential building may be expanded into a required yard in a manner that does not comply with the setback standards with approval from the board of zoning appeals. The board of zoning appeals shall utilize the following standards in making such a determination:
 - 1. The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.
 - 2. The addition does not extend into the front yard beyond the predominant existing building line along the same block.
 - 3. The addition retains compliance with all other setback, lot coverage, minimum parking and height requirements.
 - 4. The addition will meet all building code and agency requirements.

5. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
 6. The design of the addition would be compatible with the existing structure and not detract from the appearance of the site.
 7. The expansion of a residential building with a nonconforming yard, not meeting the requirements above, shall be prohibited unless a variance meeting the criteria of section 35-215, granting of variances, is granted by the board of zoning appeals.
- F. *Damaged Nonconforming Buildings and Structures.* Should a nonconforming building or structure be destroyed or damaged by flood, fire vandalism or other means to an extent that it is determined to be a dangerous building under Chapter 19, Nuisances, of the City of Farmington Code, it shall not be reconstructed or reoccupied except in compliance with Chapter 19, Nuisances, of the City of Farmington Code and if demolition occurs pursuant to that chapter, it shall not be reconstructed or reoccupied except in compliance with the provisions of this zoning ordinance and for a use permitted in the zoning district.
- G. *Safety Related Repairs, Improvements and Modernization.* Repairs, improvements or modernization of nonconforming buildings or structures deemed necessary by the building official to keep a nonconforming building structurally safe and sound shall be permitted for any part of the building or structure that is in compliance with this chapter. Repairs, improvements or modernization involving part of the building or structure that does not comply with this chapter will not be permitted unless a variance has been obtained from the board of zoning appeals.
- Any such repairs, improvements, and modernization shall not result in an increased degree of noncompliance with the zoning regulations. However, if a nonconforming building or structure becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the building official, it shall not thereafter be restored, repaired or rebuilt except in full compliance with the regulations in the district in which it is located.
- H. *Nonsafety Improvements and Modernization.* Improvements, or modernization of nonconforming buildings or structures which are not deemed necessary by the building official to keep a nonconforming building structurally safe and sound shall be permitted for any part of the building or structure that is in compliance with this

chapter. Repairs, improvements or modernization involving part of the building or structure that does not comply with this chapter will not be permitted unless a variance has been obtained from the board of zoning appeals.

- I. *Relocation.* Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and building code requirements for the district in which it is located after it is moved.
- J. *Elimination or Reduction in Nonconformity.* Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

(Ord. No. C-746-2010, § 1, 4-19-10)