

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, OCTOBER 3, 2022, 7:00 P.M.**

- 1) Call to Order**
- 2) Invocation** – Pastor Zachary Marklevitz, Grace Lutheran Church  
*If you wish and are able, please stand for the invocation. The Pledge of Allegiance will immediately follow the invocation.*
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**  
From the September 19, 2022 Regular Meeting
- 7) Approval of Agenda**
- 8) Public Hearings**  
*If you wish to speak to an item during a public hearing you are welcome to do so. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Comments made during a public hearing may become part of the meeting’s permanent record. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.*
- 9) Public Comment on Agenda Items**  
*This public comment period is reserved for comment on agenda items only. If you wish to speak about an item that is not on the agenda, please hold your comments until the acknowledgement of visitors at the end of the meeting. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Upon approaching the podium, please begin by providing your name and address. There is a 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**
  - a) Budget Amendment No. 41 – To Appropriate \$3,789,150 of Budgetary Authority to Provide the Necessary Funds for the Anticipated Expenses Related to the City Center Project
- 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 Councilmember, that member may request removal from the Consent Agenda.*
  - a) To Approve Retirement Agreement

**15) Resolutions**

- b) To Adopt a Language Incentive Pay Program
- c) Granting Preliminary Plat Tentative Approval for Courtney Lynn Court Plat

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

- d) To Accept Deed from Kent County for and to Convey to the Kent Industrial Center Association of Property Owners the Median Island in Roger B. Chaffee Blvd
- e) To Accept a Quote from Tyler Technologies for Training and Project Management of the New World ERP Software System
- f) For the Purchase and Refurbishment of a Mobile Command Center Vehicle (Budget Amendment No. 42)
- g) To Concur with the Purchase of a Replacement Truck (Budget Amendment No. 43)
- h) To Accept the Auto Theft Prevention Authority (ATPA) Grant and Concur with the City manager Signing the Memorandum of Agreement to Accept Grant Funds and Continue to Participate in the Combined Auto Theft Team
- i) To Approve Change Order Number Three for the Water Treatment Plant Discharge Piping Improvement Project
- j) For Award of Bids for Gate Valves, Waterworks Fittings, Winter Mix Asphalt, and Gravel and Slag
- k) To Accept an Agreement with the Kent County Road Commission to Pay the City of Wyoming to Perform Winter Maintenance Activities

**17) Ordinances**

- 16-22 To Amend Chapter 90 of the Code of Ordinances by Adopting Section 90-332 in Article 3; Amending Sections 90-402B, 90-408B, and 90-413B in Article 4B; and Amending Section 90-508 in Article 5 (Final Reading)
- 17-22 To Amend Chapter 90 of the Code of Ordinances by Amending Section 90-203 in Article 4B (Final Reading)
- 18-22 To Amend Chapter 90 of the Code of Ordinances by Amending Section 90-1203 in Article 11, Division 2 and Section 90-2100 in Article 11, Division 11 (Final Reading)
- 19-22 To Amend Chapter 90 of the Code of Ordinances by Amending Sections 90-202 and 90-204 In Article 2, Definitions “B” and “D” (First Reading)
- 20-22 To Amend Section 90-32 of the Code of Ordinances by Adding Subsection 135 to Rezone Burlingame Avenue (First Reading)

**18) Informational Material**

**19) Acknowledgment of Visitors**

*This public comment period is an opportunity to share concerns or present topics to the City Council that were not part of this meeting’s agenda. This is not an opportunity for dialog with Council, but Council may make referrals or request staff to follow up. Please provide your name and address when approaching the podium. There is a 3 minute limit per person.*

**20) Closed Session (as necessary)**

**21) Adjournment**

**CITY OF WYOMING BUDGET AMENDMENT**

**Date: October 3, 2022**

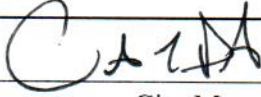
**Budget Amendment No. 041**

To the Wyoming City Council:

A budget amendment is requested to appropriate \$3,789,150 of budgetary authority to provide the necessary funds for the anticipated expenses related to the City Center Project.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<b><u>City Center Fund</u></b>				
Fixed Assets - Planning-Ph1 - Capital Outlay CIP 496-901-90111-973.002	-	784,150.00		784,150.00
Fixed Assets - Property-Ph1 - Property Land 496-901-90121-971.000	-	600,000.00		600,000.00
Fixed Assets - Property-Ph1 - Capital Outlay Rights of Way 496-901-90121-972.000	-	100,000.00		100,000.00
Fixed Assets - Utilities-Ph1 - Capital Outlay CIP 496-901-90141-973.002	-	2,300,000.00		2,300,000.00
Fixed Assets - Maintenance-Ph1 - Repairs and Maintenance 496-901-90151-930.000	-	5,000.00		5,000.00
Fund Balance/Working Capital (Fund 496)		-	3,789,150.00	

Recommended: \_\_\_\_\_  
Senior Accountant

  
 \_\_\_\_\_  
 City Manager

Motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_  
that the General Appropriations Act for Fiscal Year 2022-2023 be amended by adoption of the  
foregoing budget amendment.

Motion carried: Yes \_\_\_\_\_, No \_\_\_\_\_

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

\_\_\_\_\_  
City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING RETIREMENT AGREEMENT

WHEREAS:

1. After years of public service with the City of Wyoming Rebecca Rynbrandt wishes to retire pursuant to a Retirement Agreement proposed by the City Manager.
2. The City Council thanks Ms. Rynbrandt for her service, wishes her well in her retirement, and therefore wishes to approve the proposed agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Retirement Agreement in the form and substance on file in the Human Resources office is approved and the City Manager is authorized and directed to sign it on behalf of the city.
2. The Human Resources Director is authorized and directed to obtain any required action of the City Retirement System Board.
3. All resolutions and parts of resolutions that conflict with this resolution are rescinded.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes:

No:

CERTIFICATION

I certify that this Resolution was adopted by the City Council of the City of Wyoming, Michigan at a regular meeting held on October 3, 2022.

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Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO ADOPT A LANGUAGE INCENTIVE PAY  
PROGRAM AND APPROVE MEMORANDUMS OF UNDERSTANDING WITH  
COLLECTIVE BARGAINING UNITS

WHEREAS:

1. The City of Wyoming has comprehensive Civil Rights Policy and LEP Plan that emphasizes a strong commitment to and continuing practice of equity, equal access, and nondiscrimination.
2. City staff recommend the City implement a Language Incentive Pay Program in order to support the City's commitment to individual's rights under Title VI and provide language assistance to LEP individuals.
3. The Wyoming City Council has approved employment contracts between the City of Wyoming and the respective collective bargaining units.
4. The collective bargaining units have agreed to the provisions of the attached Memoranda of Understanding in the event the City implements a language incentive pay program.

NOW, THEREFORE, BE IT RESOLVED:

1. The attached Memoranda of Understanding are approved, and the City Manager is authorized and directed to sign them on the City's behalf.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes

                              No

I certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on October 3, 2022.

\_\_\_\_\_  
Kelli, A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Language Incentive Pay Program

Memoranda of Understanding

Resolution No. \_\_\_\_\_

## STAFF REPORT

Date: September 26, 2022

Subject: Language Incentive Pay

From: Submitted by Kristen Bosker on behalf of the Diversity, Equity, and Inclusion (DEI) Task Force and Human Resources

Meeting Date: October 3, 2022

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### RECOMMENDATION:

It is recommended City Council adopt a Language Incentive Pay Program and Approve Memorandums of Understanding with Collective Bargaining Units.

### COMMUNITY, SAFETY, STEWARDSHIP:

Our community is served when all persons are treated with dignity, respect and courtesy, and with equal and fair treatment regardless of race, ethnicity, religion, origin, age, sex, gender, height, weight, marital status, genetic information, familial status, mental or physical disability. To safely and effectively serve the community employees need to communicate and bridge the language gap with people who work, live, and visit Wyoming. Additionally, as a recipient of federal and state funds, the City is required to comply laws related to Civil Rights, Equal Employment Opportunity (EEO), Title VI, and Limited English Proficiency (LEP).

### DISCUSSION:

The Civil Rights Policy represents the City of Wyoming's existing commitment to equity, equal access, and nondiscrimination. This policy incorporates required plans including the LEP and EEO Plans, that enable the City of Wyoming to receive federal and state funding.

With the development of the Civil Rights Policy, we began tracking interactions with LEP individuals through the LEP reporting tool. Considering approximately 20% of Wyoming residents speak other languages, we have seen significant use of the LEP reporting tool in all departments across the city. The LEP report captures all service types (interpretation, translation, and public meetings) provided to the community by department, language, and service provider.

The top service we provide to LEP individuals is interpretation; 585 total interpretations over the last year. We continue to translate documents and offer assistance upon request at public meetings. While Language Line and the Hispanic Center of West Michigan provide interpretation and translation services in over 240 languages, Spanish and Vietnamese are consistently the most requested. Additionally, many of our departments have bilingual employees, many of whom took part in providing 54% of language assistance over the last year.

The DEI taskforce and the Human Resources Department have had many conversations about language incentive programs, reached out to our municipal partners, and have researched language incentive pay. The result is the attached program. The DEI taskforce and Human Resources is continuing to take deliberate steps forward toward a culture that recognizes and values members of community by examining the City's demographics and census information and evaluating data. The recommendation of the Language Incentive

Pay Program is one example of a step we can take as an organization to continue our commitment to DEI in the City of Wyoming.

**BUDGET IMPACT:**

Assuming all employees who currently provide interpretation and translation services reach the required minimum proficiency level, the budgetary impact would be approximately \$26,000. There may be additional employees who do not currently provide language assistance who may wish to participate with this program which would increase the budgetary impact.

Attachment: Language Incentive Pay Program

# City of Wyoming

## Language Incentive Pay Program

CITY MISSION: Community – Safety – Stewardship

### INTRODUCTION

The City of Wyoming has a strong commitment to and continuing practice of equity, equal access, and nondiscrimination. Community is served when all persons are treated with dignity, respect and courtesy, and with equal and fair treatment.

The City of Wyoming has a comprehensive Civil Rights Policy that includes a Limited English Proficiency (LEP) Plan. The LEP plan is a part of Title VI of the Civil Rights Act that **states individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English, are entitled to language assistance** under Title VI of the Civil Rights Act of 1964. The City of Wyoming contracts with Language Line Services and the Hispanic Center of West Michigan to provide interpretation and translation services. The City also has many multilingual employees who provide language assistance.

The Diversity, Equity, and Inclusion (DEI) Taskforce in partnership with Human Resources recommended the implementation of a language incentive pay program. Which was approved by City Council on **INSERT DATE**. This program supports the City's commitment to equity, equal access, and nondiscrimination.

The City reserves the right to accept or reject for any reason, any, or all employee applications to enter or continue in the Language Incentive Program and to determine which employees shall be eligible to participate and to implement, manage, change, or discontinue the program at any time and in any manner deemed to be in the best interests of the City.

### PURPOSE

- To provide equity, equal access, and nondiscrimination to all.
- To enhance the efficiency and effectiveness of communication.
- To compensate eligible employees who use their valuable multilingual skills.
- To aid in the recruitment and retention of multilingual employees.

### ELIGIBILITY REQUIREMENTS

To be eligible for the Language Incentive Pay Program, employees are required to:

- Complete a program application.
- Be employed full time.
- Annually test and successfully pass a required proficiency level exam for the language(s) designated by the City.
- Perform language interpretation and/or translation throughout City departments.
- Employees receiving language incentive pay will be expected to maintain their language skills and apply them during their daily work as appropriate and upon request of the City.

### LANGUAGE PROFICIENCY TESTS

- The City will identify the required proficiency level, in cooperation with language trainers and specialists selected by the City.

- The City will pay for the language proficiency test.
- Employees will be tested annually for language proficiency.
- Any employee who does not pass the language proficiency test may be allowed to reapply to the Language Incentive Pay Program after a 30-day waiting period.

#### PAYMENTS

- The lump sum payment amount and eligible languages will be designated by the City Manager annually as of July 1 of each year. These languages may change at the discretion of the City.
- Employees achieving the required proficiency level will receive a lump sum payment annually.
- Payments will be prorated based on active months per program year for employees as of June 30 each year.
- Payments will be made after the end of each fiscal year.
- Employees must be actively employed at the time of annual payment.
- Employees who speak more than one language are eligible for one language incentive payment per year.

#### EMPLOYEE RESPONSIBILITIES

- Review and adhere to Language Incentive Pay Program requirements.
- Responsible for completing application.
- Coordinate testing time with department supervisor and Human Resources.
- Provide test results to the Human Resources Department in a timely manner.
- Maintain language skills and proficiency.
- Apply language skills during daily work and upon request of other departments.

*Approval to participate in for the Language Incentive Pay Program is at the discretion of the City Manager.*

# LANGUAGE INCENTIVE PAY PROGRAM

## Designation of Languages and Compensation for: Fiscal Year 2022-2023

The DEI Task Force and the Human Resources Department provided the City Manager with recommendation of the languages and compensation to be considered for FY 2022-2023.

The City Manager has reviewed the recommendation and has designated the following languages and annual lump-sum payment amounts for FY 2022-2023:

Spanish (all dialects)	\$2,500
Vietnamese	\$500
American Sign Language	\$500
All Other Languages (subject to additional review by the City Manager)	\$250

Refer to the Language Incentive Pay Program [Language Incentive Pay Program.docx](#) for details about the Program and to apply [Language Incentive Pay Program Application.docx](#) to participate in the Program.

City Manager: \_\_\_\_\_

Date: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**

**LANGUAGE INCENTIVE PAY PROGRAM**

The City of Wyoming ("City") and the Wyoming City Employees Union ("Union") agree to the following provisions in the event the City implements a Language Incentive Program as follows:

1. The Employer shall have the right to implement a voluntary Language Incentive Pay Program ("Program").
2. The Employer will provide a lump sum payment to eligible employees in accordance with the Program.
3. Language Incentive Pay shall be determined and administered in accordance with the Program.
4. The employee, in cooperation with their supervisor, may take the language proficiency test during regular scheduled hours.
5. The employee will be removed from the program if the employee no longer meets the requirements, employee voluntarily withdraws from the program, employee's usage of bilingual skills no longer satisfies guidelines or is no longer recommended by the Department Director or authorized by the City Manager.
6. The Program shall be effective upon approval by City Council.
7. The City reserves the right to accept or reject for any reason, any, or all employee applications to enter or continue in the Language Incentive Program and to determine which employees shall be eligible to participate and to implement, manage, change, or discontinue the program at any time and in any manner deemed to be in the best interests of the City.
8. This Memorandum of Understanding is subject to approval by the City Council.

CITY OF WYOMING

By: \_\_\_\_\_

Its: City Manager

Date: \_\_\_\_\_

WYOMING CITY EMPLOYEES UNION

By: Aaron Crow

Its: President

Date: 9-13-22

# MEMORANDUM OF UNDERSTANDING

## LANGUAGE INCENTIVE PAY PROGRAM

The City of Wyoming ("Employer") and the Wyoming Administrative and Supervisory Employees Association ("Union") agree as follows:

1. The Employer shall have the right to implement a voluntary Language Incentive Pay Program ("Program").
2. The Employer will provide a lump sum payment to eligible employees in accordance with the Program.
3. Language Incentive Pay shall be determined and administered in accordance with the Program.
4. The employee, in cooperation with their supervisor, may take the language proficiency test during regular scheduled hours.
5. The employee will be removed from the Program if the employee no longer meets the requirements, employee voluntarily withdraws from the Program, employee's usage of bilingual skills no longer satisfies guidelines, is no longer recommended by the Department Director or authorized by the City Manager.
6. The Program shall be effective upon approval by City Council.
7. The City reserves the right to accept or reject for any reason, any, or all employee applications to enter or continue in the Language Incentive Program and to determine which employees shall be eligible to participate and to implement, manage, change, or discontinue the program at any time and in any manner deemed to be in the best interests of the City.
8. This Memorandum of Understanding is subject to approval by the City Council.

CITY OF WYOMING

By: \_\_\_\_\_  
Its: City Manager

Date: \_\_\_\_\_

WYOMING ADMINISTRATIVE AND SUPERVISORY  
EMPLOYEES ASSOCIATION

By: Jeanne Heis  
Its: President

Date: 9/15/22

## MEMORANDUM OF UNDERSTANDING

### LANGUAGE INCENTIVE PAY PROGRAM

The City of Wyoming ("City") and the Wyoming Fire Fighters Association ("Union") agree to the following provisions in the event the City implements a Language Incentive Program as follows:

1. The Employer shall have the right to implement a voluntary Language Incentive Pay Program ("Program").
2. The Employer will provide a lump sum payment to eligible employees in accordance with the Program.
3. Language Incentive Pay shall be determined and administered in accordance with the Program.
4. The employee, in cooperation with their supervisor, may take the language proficiency test during regular scheduled hours.
5. The employee will be removed from the program if the employee no longer meets the requirements, employee voluntarily withdraws from the program, employee's usage of bilingual skills no longer satisfies guidelines or is no longer recommended by the Department Director or authorized by the City Manager.
6. The Program shall be effective upon approval by City Council.
7. The City reserves the right to accept or reject for any reason, any, or all employee applications to enter or continue in the Language Incentive Program and to determine which employees shall be eligible to participate and to implement, manage, change, or discontinue the program at any time and in any manner deemed to be in the best interests of the City.
8. This Memorandum of Understanding is subject to approval by the City Council.

CITY OF WYOMING

By: \_\_\_\_\_  
Its: City Manager

Date: \_\_\_\_\_

WYOMING FIRE FIGHTERS ASSOCIATION

By:  \_\_\_\_\_  
Its: President

Date: 9/13/22 \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**

**LANGUAGE INCENTIVE PAY PROGRAM**

The City of Wyoming ("City") and the Police Officers Labor Wyoming Division ("Union") agree to the following provisions in the event the City implements a Language Incentive Program as follows:

1. The Employer shall have the right to implement a voluntary Language Incentive Pay Program ("Program").
2. The Employer will provide a lump sum payment to eligible employees in accordance with the Program.
3. Language Incentive Pay shall be determined and administered in accordance with the Program.
4. The employee, in cooperation with their supervisor, may take the language proficiency test during regular scheduled hours.
5. The employee will be removed from the program if the employee no longer meets the requirements, employee voluntarily withdraws from the program, employee's usage of bilingual skills no longer satisfies guidelines or is no longer recommended by the Department Director or authorized by the City Manager.
6. The Program shall be effective upon approval by City Council.
7. The City reserves the right to accept or reject for any reason, any, or all employee applications to enter or continue in the Language Incentive Program and to determine which employees shall be eligible to participate and to implement, manage, change, or discontinue the program at any time and in any manner deemed to be in the best interests of the City.
8. This Memorandum of Understanding is subject to approval by the City Council.

CITY OF WYOMING

By: \_\_\_\_\_

Its: City Manager

Date: \_\_\_\_\_

POLICE OFFICERS LABOR COUNCIL WYOMING  
DIVISION

By:  \_\_\_\_\_

Its: President

Date: 9/22/2022

**MEMORANDUM OF UNDERSTANDING**

**LANGUAGE INCENTIVE PAY PROGRAM**

The City of Wyoming ("City") and the Police Officers Labor Council Wyoming Command Division ("Union") agree to the following provisions in the event the City implements a Language Incentive Program as follows:

1. The Employer shall have the right to implement a voluntary Language Incentive Pay Program ("Program").
2. The Employer will provide a lump sum payment to eligible employees in accordance with the Program.
3. Language Incentive Pay shall be determined and administered in accordance with the Program.
4. The employee, in cooperation with their supervisor, may take the language proficiency test during regular scheduled hours.
5. The employee will be removed from the program if the employee no longer meets the requirements, employee voluntarily withdraws from the program, employee's usage of bilingual skills no longer satisfies guidelines or is no longer recommended by the Department Director or authorized by the City Manager.
6. The Program shall be effective upon approval by City Council.
7. The City reserves the right to accept or reject for any reason, any, or all employee applications to enter or continue in the Language Incentive Program and to determine which employees shall be eligible to participate and to implement, manage, change, or discontinue the program at any time and in any manner deemed to be in the best interests of the City.
8. This Memorandum of Understanding is subject to approval by the City Council.

CITY OF WYOMING

By: \_\_\_\_\_

Its: City Manager

Date: \_\_\_\_\_

POLICE OFFICERS LABOR COUNCIL WYOMING  
COMMAND DIVISION

By:  \_\_\_\_\_

Its: President

Date: 9/16/22

RESOLUTION NO. \_\_\_\_\_

RESOLUTION GRANTING PRELIMINARY PLAT TENTATIVE APPROVAL FOR  
COURTNEY LYNN COURT PLAT

WHEREAS:

1. The City of Wyoming strives to provide quality housing throughout the community. The proposed Courtney Lynn Court subdivision will provide 8 residential lots to complement this endeavor.
2. The proposed subdivision complies with the City's Master Plan, Zoning Ordinance and Subdivision Ordinance.
3. The Planning Commission recommended preliminary plat tentative approval of the proposed subdivision at its September 20, 2022 meeting subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Preliminary Plat Tentative Approval for Courtney Lynn Court is granted subject to the following 7 conditions to be met before final approval of this preliminary plat:
  - 1) Developer shall provide storm water calculations prepared by a licensed Civil Engineer for review and approval of the Engineering Department. Storm calculations shall use the current standards set forth by the Stormwater Standards Manual and meet requirements for water quality, channel protection and flood control.  
[https://www.wyomingmi.gov/Portals/0/StmwtrStdsManual\\_Wyoming\\_2022\\_0201\\_1.pdf](https://www.wyomingmi.gov/Portals/0/StmwtrStdsManual_Wyoming_2022_0201_1.pdf)
  - a) Storm system design shall capture all impervious runoff.
  - b) Plans shall be submitted for review by the Kent County Drain Commissioners office.
  - c) Participation in the City of Wyoming regional detention stormwater fee will be required.
- 2) The Engineer shall place utilities per the City of Wyoming Standard Detail I-22.
  - a) Water in west parkway area. 8-inch minimum.
  - b) Sanitary 5 feet west of centerline.
  - c) Storm 5 feet east of centerline.
  - d) Use 4-foot catch basins and 4-foot manholes in the street.
  - e) Utilize the existing sanitary laterals to service lots 1 & 8.
- 3) The Engineer shall certify the construction of the plat grading after completion of construction. The certification shall verify with as-built survey, the plat grading meets all relevant grades and elevations per the approved grading plan. The survey information and certification shall be sent to the Engineering Department and is required prior to receiving building occupancy permit.

4.) Developer shall provide a 10-foot private utility easement adjacent to the right-of-way for the location of private utilities outside of the right-of-way.

5.) Show lot widths on the plan. Ensure that minimum lot widths are met.

6.) Show plat name on the plan.

7.) Developer must meet all fire codes through full plan review

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried    Yes

                          No

I certify that this Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular meeting held on October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Letter

Resolution No. \_\_\_\_\_

September 28, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Request for Preliminary Plat- Tentative Approval for Courtney Lynn Court located at 3322 56th Street SW (Section 32) (Josh Sanders)

Recommendation: To approve the subject plat request.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on September 20, 2022. A motion was made by DeLange, supported by Arnoys, to approve the request for Preliminary Plat Tentative Approval for Courtney Lynn Court subject to conditions 1-7 and recommend the same to City Council. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

The petitioner proposes 8 lots developed to R-1 Residential standards (10,000 sq. ft. minimum lot size). The lot is currently zoned Estate Residential and contains one single family home.

The platting of property is a three step review by both the Planning Commission and City Council. The first step is Preliminary Plat – Tentative Approval which authorizes the basic lot sizes, orientation and street layout, with preliminary engineering.

The second step is Preliminary Plat – Final Approval which provides full engineering detail for the construction of the plat.

The third step is Final Plat Approval, which generally occurs after the plat is completed with the City accepting the development.

During public comment at the Planning Commission meeting a few neighbors commented on the project. Comments included concerns about tree preservation and fencing. Please refer to the Planning Commission minutes for a detailed summary of the comments received.

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

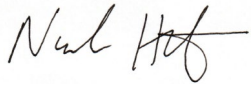
Marissa Postler

Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Nicole Hofert, Director  
Department of Planning and Economic Development

Cc: Curtis Holt, City Manager

proposed to be rezoned.

A vote on the motion passed unanimously.

**AGENDA ITEM NO. 2**

**Request for Preliminary Plat- Tentative Approval at 3322 56th Street SW (Section 32)  
(Josh Sanders)**

Smith explained that the site is currently zoned ER Estate Residential, and is currently utilized as a single-family lot. Smith outlined the various uses of the surrounding land.

Smith said that the applicant is requesting to develop an existing single-family lot into a new residential subdivision. The site will include 8 new single-family lots that will be served by a public cul-de-sac road and public utilities.

Smith stated that the platting of property is a three-step review by both the Planning Commission and City Council. The first step is Preliminary Plat – Tentative Approval which authorizes the basic lot sizes, orientation, and street layout with preliminary engineering.

The second step is Preliminary Plat – Final Approval, which provides full engineering detail for the construction of the plat.

The third step is Final Plat Approval, which generally occurs after the plat is completed with the City accepting the development.

The proposed lots have been developed to R-1 zoning standards. Minimum dimensional requirements for the R-1 District are:

	<b>Required</b>	<b>Provided</b>
Lot Area	10,000 sf	10,000 sf – 13,670 sf
Lot Width	75 ft.	75 ft.
Front Setback	35 ft.	35 ft.
Rear Setback	35 ft.	35 ft.
Side Setback (each)	8 ft.	10 ft.
Side Setback (total)	20 ft.	20 ft.

Smith explained that the Development Review Team recommends the Planning Commission

grant Preliminary Plat-Tentative Approval for Courtney Lynn Ct and recommends the same to the City Council subject to conditions 1-7 below:

1.) Developer shall provide storm water calculations prepared by a licensed Civil Engineer for review and approval of the Engineering Department. Storm calculations shall use the current standards set forth by the Stormwater Standards Manual and meet requirements for water quality, channel protection and flood control.

[https://www.wyomingmi.gov/Portals/0/StmwtrStdsManual\\_Wyoming\\_2022\\_0201\\_1.pdf](https://www.wyomingmi.gov/Portals/0/StmwtrStdsManual_Wyoming_2022_0201_1.pdf)

- a) Storm system design shall capture all impervious runoff.
- b) Plans shall be submitted for review by the Kent County Drain Commissioners office.
- c) Participation in the City of Wyoming regional detention stormwater fee will be required.

2.) The Engineer shall place utilities per the City of Wyoming Standard Detail I-22.

- a) Water in west parkway area. 8-inch minimum.
- b) Sanitary 5 feet west of centerline.
- c) Storm 5 feet east of centerline.
- d) Use 4-foot catch basins and 4-foot manholes in the street.
- e) Utilize the existing sanitary laterals to service lots 1 & 8.

3.) The Engineer shall certify the construction of the plat grading after completion of construction. The certification shall verify with as-built survey, the plat grading meets all relevant grades and elevations per the approved grading plan. The survey information and certification shall be sent to the Engineering Department and is required prior to receiving building occupancy permit.

4.) Developer shall provide a 10-foot private utility easement adjacent to the right-of-way for the location of private utilities outside of the right-of-way.

5.) Show lot widths on the plan. Ensure that minimum lot widths are met.

6.) Show plat name on the plan.

7.) Developer must meet all fire codes through full plan review

Micele opened the public hearing at 7:07 PM.

Richard Dyk, 3335 Hickory Ridge Ct. SW, Wyoming, MI, 49418, said that he thinks the development makes total sense when comparing the lots next to this parcel. Dyk stated that his property backs up to the South side of this parcel along with his neighbor's property. Dyk said that the parcel's are pretty wet in the backyard. He said that the grading plan makes sense but he is asking the developer to dig the swale that is proposed early in the construction process so it contains the excess water. Dyk asked the developer to plant some screening evergreens at the end of the culdesac to prevent headlights from shining onto neighboring properties and also asked that the developer address the broken fence located on the property.

Jared Joppie, 3272 56<sup>th</sup> St SW, Wyoming, MI, 49418, said that he lives across from Maple Hill Golf Course. He said that his parcel is just under 2 acres and is unique because it is L shaped. He is not concerned about how the development will look but he is concerned about the future property owner's opinion of his property because his property borders this parcel. Joppie wants to be proactive and have good relations with his neighbors. He spoke about some very large trees and poison ivy located on his property and said that the view the new neighbors will have probably doesn't look that nice. Joppie talked about working with the developer to remove the large trees.

Dave Vandermolen, 3296 56<sup>th</sup> St SW, Wyoming, MI, said that his property borders this parcel. Vandermolen explained that two of the proposed backyard lots will face his driveway and side yard. He said that from what he understands the previous owners' sons came to the Planning Commission because they wanted to develop a plat on the property and they were told it wasn't possible. Vandermolen then said that his son in law who is a builder then went to the Planning Commission or the people in charge and asked if the parcel could be subdivided and made into multiple parcels and he was also told no and now this one has been presented and there are eight houses proposed. He said that he is surprised about this and is concerned about the privacy since two backyards are going to be on his side yard. Vandermolen said that he has trees that he doesn't want cut down and on the plan it looks like they are going to cut them down. He said that he agrees with Mr. Joppie that he would like a fence to keep his house private and their houses private.

Micele closed the public hearing at 7:23 PM.

A motion was made by DeLange, supported by Arnoys, to recommend the Planning Commission grant Preliminary Plat-Tentative Approval for Courtney Lynn Ct subject to conditions 1-7 and recommends the same to the City Council.

Josh Sanders, 3552 Earle Ave SW, Grandville, MI, 49418, introduced himself co-owner of

the property along with Jarod Stuyvesant. Sanders said that he plans to build a nice development and is available for any comments.

Zapata asked if we can address the concerns about privacy and water run off.

Hofert explained that the City cannot require the developer to erect fencing but the developer is here and since they want to be good neighbors and produce a good product they should consider the fencing recommendation. Hofert said the City Engineer was in attendance and has heard the comments about water concerns so staff will be in contact with him.

A vote on the motion passed unanimously.

### AGENDA ITEM NO. 3

Request to approve a Special Use Drive-Through Service Station at 740 36th Street SE (Section 19) (Hideaway Real Estate LLC).

Meagher said that the site is currently zoned I-1 Light Industrial, and zoning surrounding the property is also I-1.

Meagher explained that the applicant, Propane Lane, is proposing to operate a drive-through establishment that will provide propane filling services. Customers can enter one of two drive through lanes to fill personal tanks or tanks attached to trailers or RV's. Meagher said that a dedicated staff member performs the servicing with the process generally taking 5 minutes per customer. The business will operate from 8:00am-7:00pm each day.

Meagher said that the site is currently vacant with a 2,092 square foot building. No changes are proposed to the exterior of the building, but a new 2,080 canopy structure is being proposed adjacent to the west side of the building to provide shelter for those being serviced in the drive-through. Meagher explained that customers may enter the site off of 36<sup>th</sup> Street on the north side of the property, or along Linden Avenue at the west end of the property. The drive-through lanes are located on the west side of the building with traffic flowing from south to north. Meagher said that adequate parking has been provided, and at least 5 cars can be stacked in both drive-through lanes. The existing building is planned to be used for Propane Lane office space with some additional retail space for selling propane accessories.

Meagher explained that two separate actions are required. The first is regarding the special approval request and the second relates to review of the site plan. Two sets of standards are, therefore, applicable and are addressed as follows:

Section 90-507(3) establishes general review standards for special approval uses:

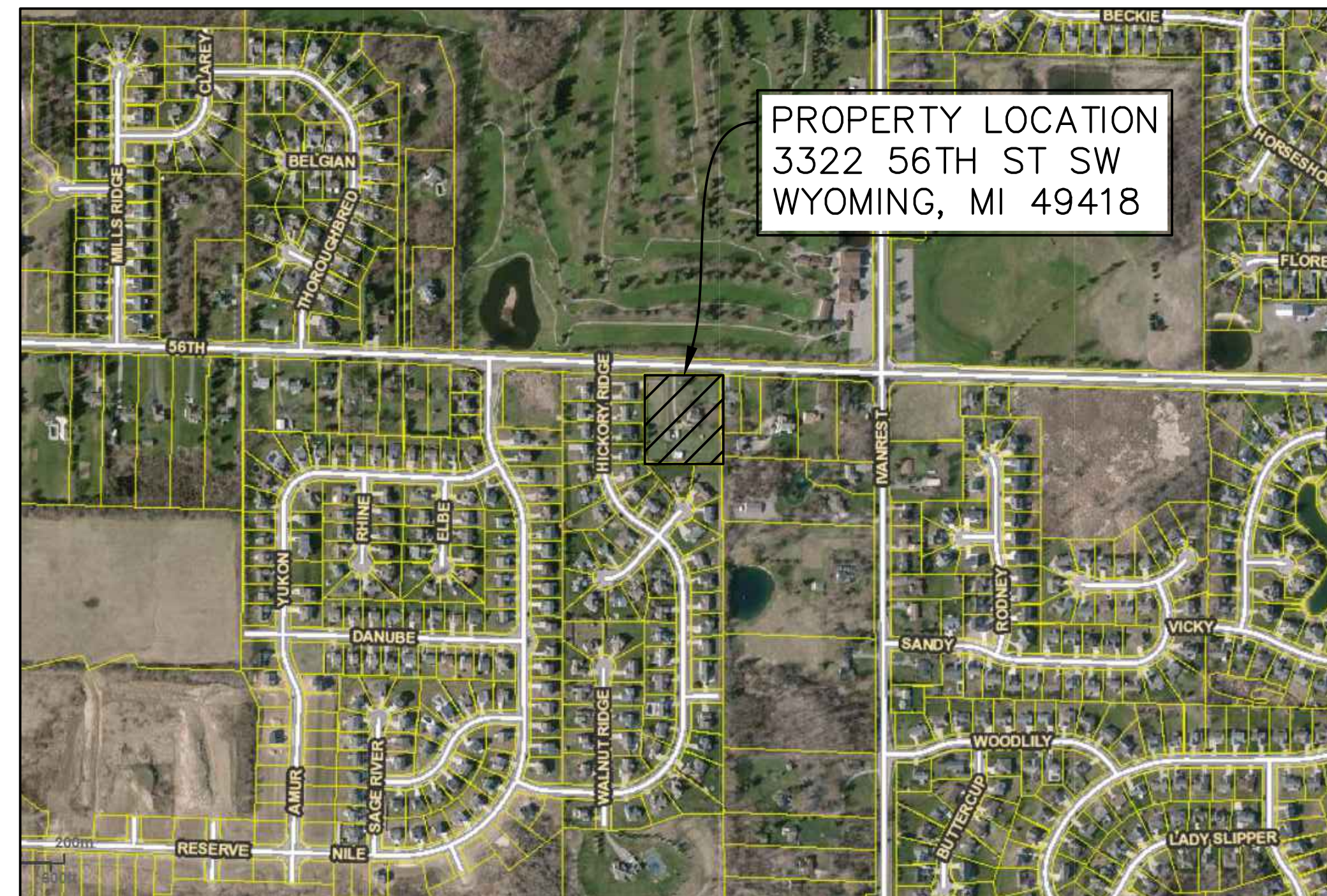
# COURTNEY LYNN CT

3322 56TH ST  
WYOMING, MI 49418  
IN  
CITY OF WYOMING, MI

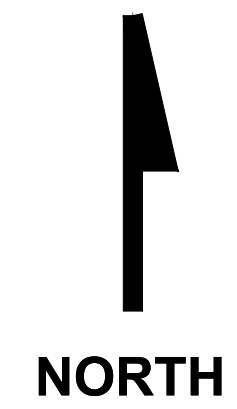
**SHEET INDEX**

**SHEET NO. NAME**

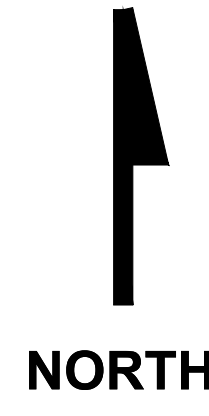
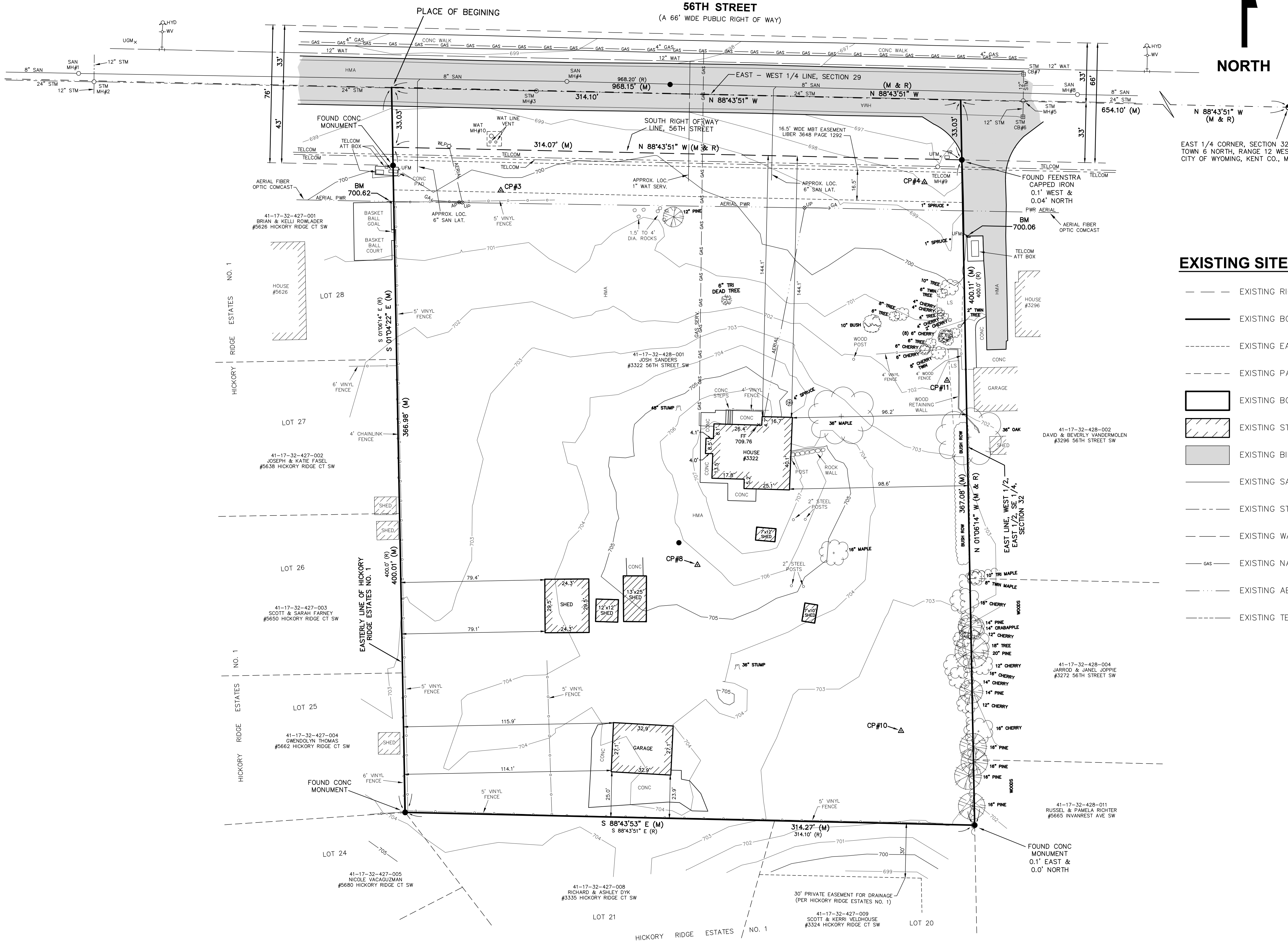
- 1 - COVER SHEET
- 2 - EXISTING SITE
- 3 - ZONING MAP
- 4 - REMOVALS
- 5 - PLAT LAYOUT
- 6 - GRADING PLAN
- 7 - UTILITIES
- 8 - SITE DETAILS
- 9 - UTILITY DETAILS



LOCATION MAP SCALE: 1" = 500'



General Notes		
1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date
<small>Firm Name and Address</small> INDEPENDENT ENGINEER: JAROD STUYVESANT 2552 WINDVIEW ST SW WYOMING, MI 49519 616-318-5453 JARODSTUYVESANT@GMAIL.COM		
<small>Project Name and Address</small> COURTNEY LYNN CT 3322 56TH ST SW WYOMING, MI 49418 JOSH SANDERS 616-717-2568 GREG STUYVESANT 616-299-5396		
<small>Project</small> COURTNEY LYNN CT	<small>Sheet</small>	01
<small>Date</small> 09/01/2022		
<small>Scale</small> N/A		



**EXISTING SITE KEY**

- EXISTING RIGHT OF WAY
- EXISTING BOUNDARY
- - - - EXISTING EASEMENT
- - - - EXISTING PARCELS
- ▭ EXISTING BOUNDARY
- ▨ EXISTING STRUCTURE
- ▩ EXISTING BITUMINOUS
- EXISTING SANITARY
- EXISTING STORM
- EXISTING WATERMAIN
- GAS EXISTING NATURAL GAS
- EXISTING AERIAL
- EXISTING TELCOM

**General Notes**

1. EXISTING ZONING CLASSIFICATION: ER = ESTATE RESIDENTIAL. RESIDENTIAL PLAT WILL BE APPLIED FOR UNDER THE R1 DESIGNATION AND DESIGN CRITERIA.
2. PARCEL INFORMATION
  - 2.1. PPN: 41-17-32-428-001
  - 2.2. AREA: 2.6005 ACRES

1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date

**INDEPENDENT ENGINEER:**  
 JAROD STUYVESANT  
 2552 WINDVIEW ST SW  
 WYOMING, MI 49519  
 616-318-5453  
 JARODSTUYVESANT@GMAIL.COM

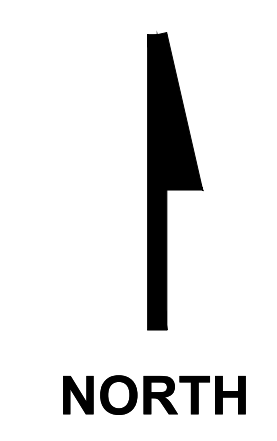
**Project Name and Address**  
 COURTNEY LYNN CT  
 3322 56TH ST SW  
 WYOMING, MI 49418  
 JOSH SANDERS  
 616-717-2568  
 GREG STUYVESANT  
 616-299-5396

Project	COURTNEY LYNN CT	Sheet	02
Date	09/01/2022		
Scale	1" = 30'		

**PRELIMINARY PLAT DEVELOPMENT  
 EXISTING SITE - PLAN VIEW  
 SCALE: 1" = 30'**

**MAP LEGEND**

	Municipal Boundary		ER		FBC-CG
	Mask Layer		R-1		FBC-CN
	Railroads		R-2		FBC-CS
<b>Street Centerlines</b>			R-3		FBC-CU
	Freeway		R-4		RO-1
	Freeway Ramp		R-5		PUD-1
	State Highway		R-6		PUD-2
	Primary		R-7		PUD-3
	Secondary		B-1		PUD-4
	Proposed/Under Const.		B-2		I-1
	Private		B-3		I-2
	Alley		FBC-CC		I-3
	Section Lines		FBC-CE		P-1
	Parcels				
	Lakes & Ponds				
	Rivers & Streams				



**PRELIMINARY PLAT DEVELOPMENT  
EXISTING LAND USE MAP**  
SCALE: 1" = 500'

General Notes

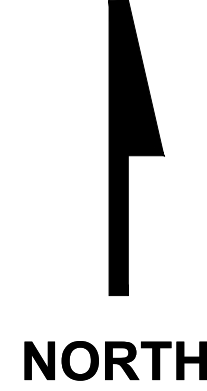
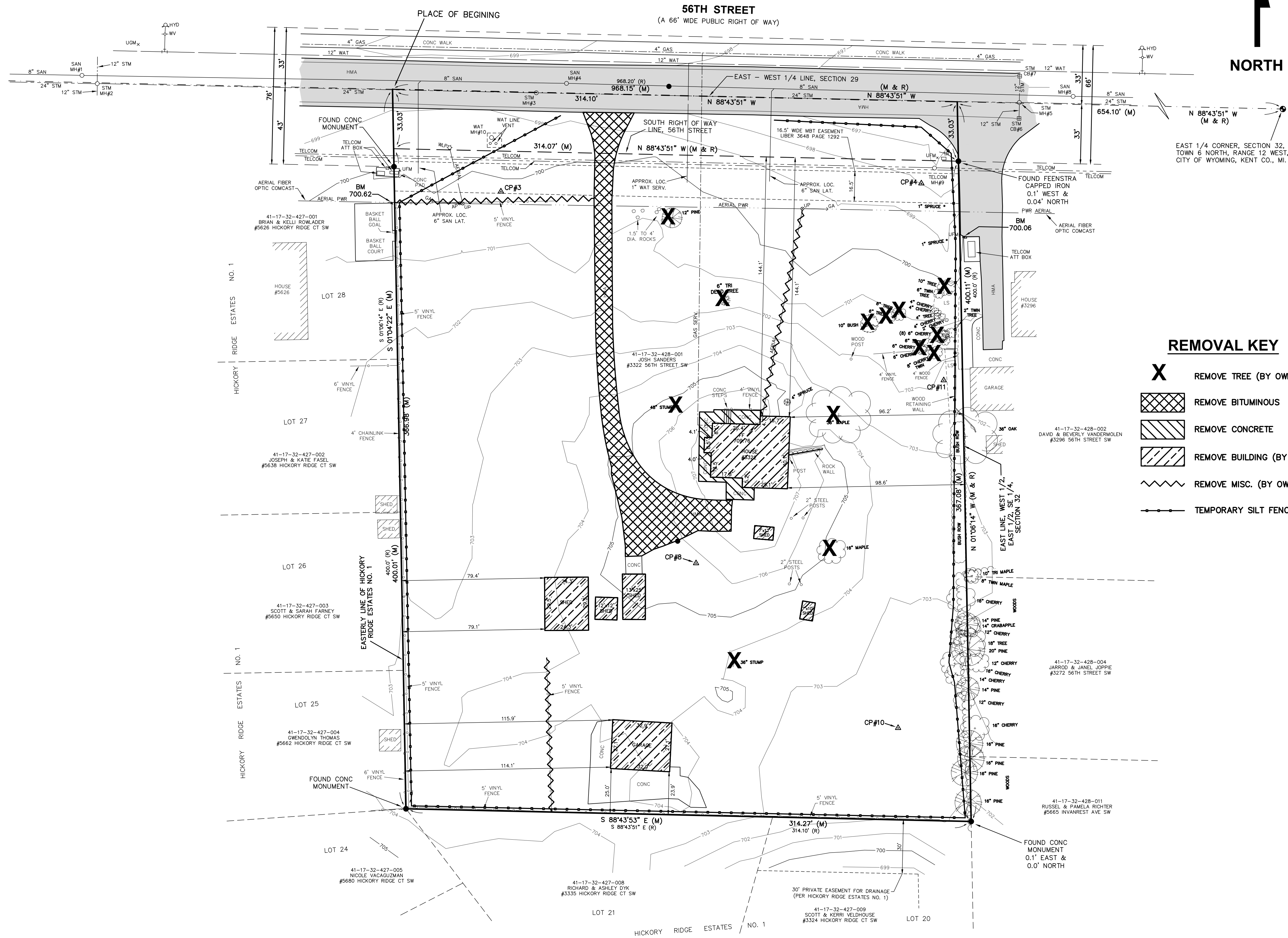
- EXISTING ZONING CLASSIFICATION:  
ER = ESTATE RESIDENTIAL.  
RESIDENTIAL PLAT WILL BE APPLIED FOR UNDER THE R1 DESIGNATION AND DESIGN CRITERIA.
- PARCEL INFORMATION  
2.1. PPN: 41-17-32-428-001  
2.2. AREA: 2.6005 ACRES

1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date

INDEPENDENT ENGINEER:  
JAROD STUYVESANT  
2552 WINDVIEW ST SW  
WYOMING, MI 49519  
616-318-5453  
JARODSTUYVESANT@GMAIL.COM

Project Name and Address  
3322 56TH ST SW  
WYOMING, MI 49418  
JOSH SANDERS  
616-717-2568  
GREG STUYVESANT  
616-299-5396

Project COURTNEY LYNN CT	Sheet <b>03</b>
Date 09/01/2022	
Scale 1" = 30'	



**REMOVAL KEY**

- X** REMOVE TREE (BY OWNER)
- REMOVE BITUMINOUS
- REMOVE CONCRETE
- REMOVE BUILDING (BY OWNER)
- REMOVE MISC. (BY OWNER/OTHERS)
- TEMPORARY SILT FENCE

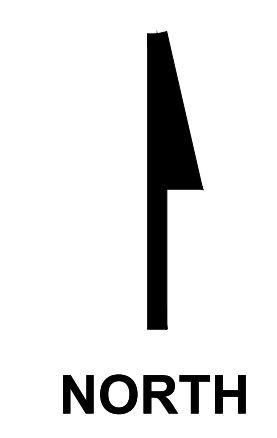
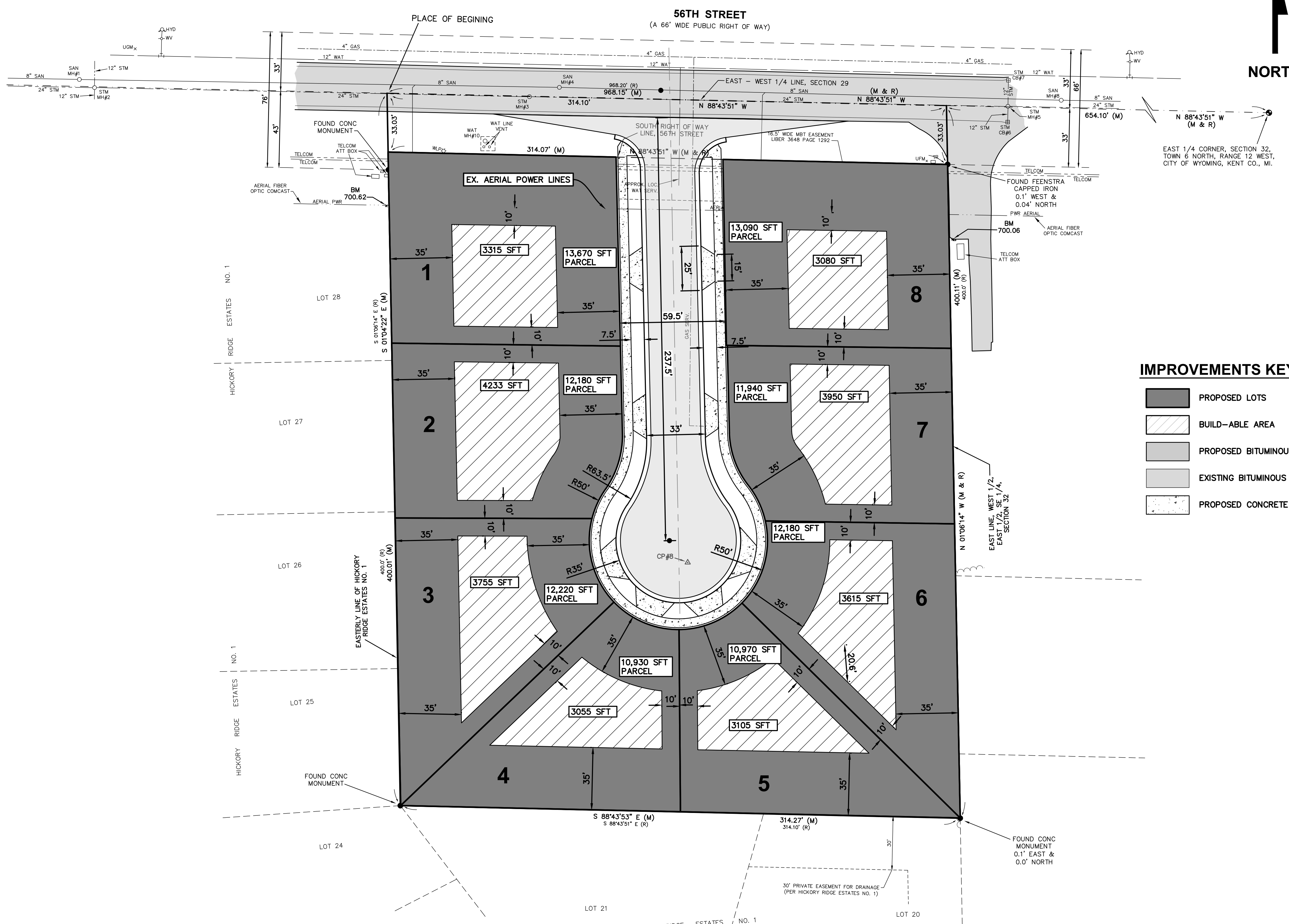
**PRELIMINARY PLAT DEVELOPMENT  
REMOVALS - PLAN VIEW  
SCALE: 1" = 30'**

1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date

INDEPENDENT ENGINEER:  
 JAROD STUYVESANT  
 2552 WINDVIEW ST SW  
 WYOMING, MI 49519  
 616-318-5453  
 JARODSTUYVESANT@GMAIL.COM

Project Name and Address  
 COURTNEY LYNN CT  
 3322 56TH ST  
 WYOMING, MI 49418  
 JOSH SANDERS  
 616-717-2568  
 GREG STUYVESANT  
 616-299-5396

Project 3322 56TH ST	Sheet 04
Date 09/01/2022	
Scale 1" = 30'	



**IMPROVEMENTS KEY**

- PROPOSED LOTS
- BUILD-ABLE AREA
- PROPOSED BITUMINOUS
- EXISTING BITUMINOUS
- PROPOSED CONCRETE

**PROPOSED PLAT LAYOUT**  
SCALE: 1" = 30'

**General Notes**

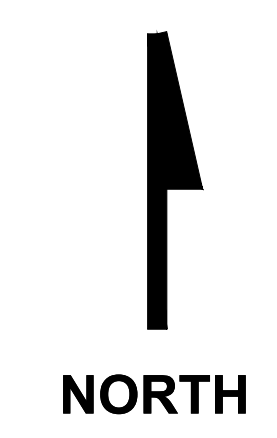
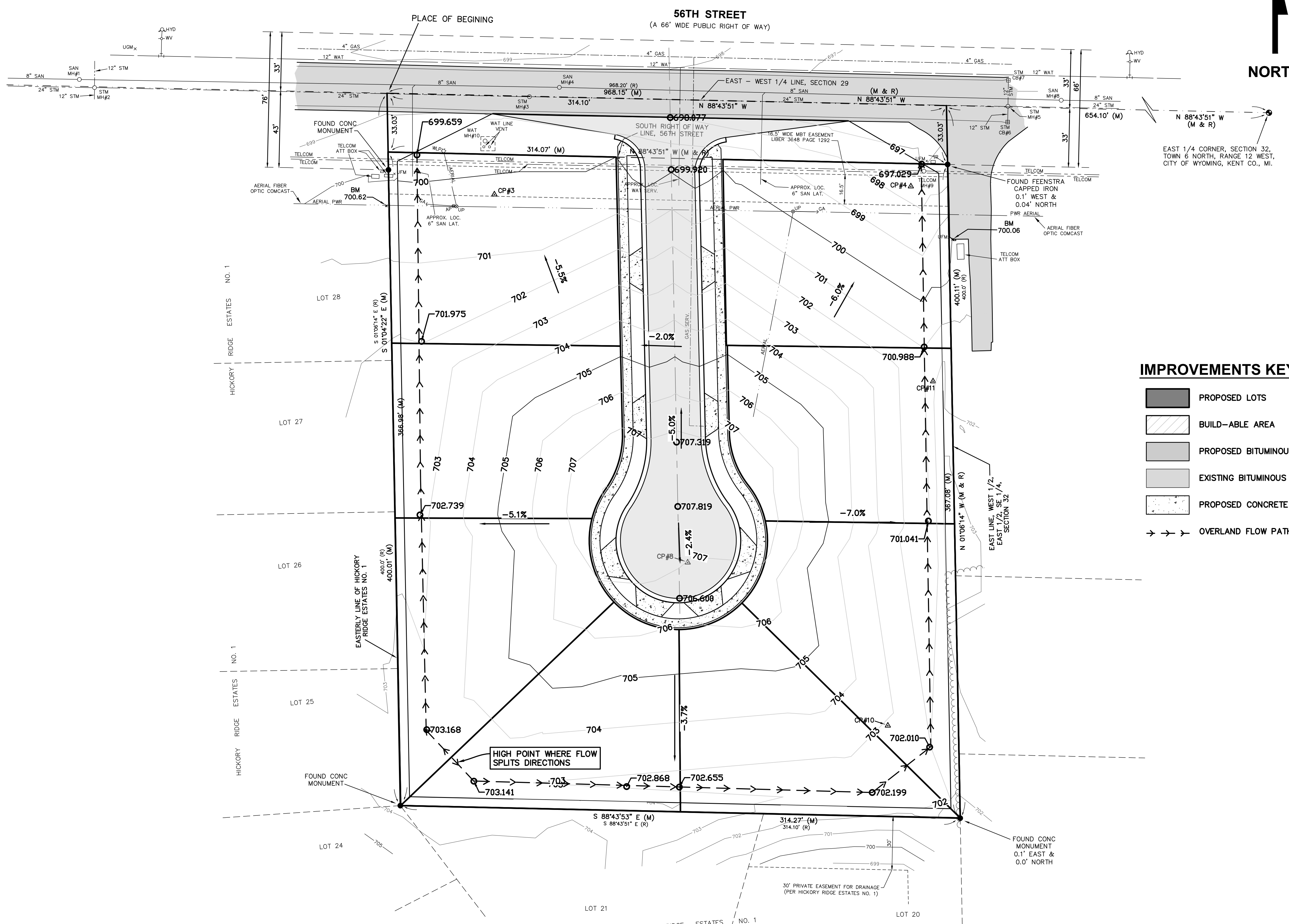
1. PARCEL INFORMATION
  - 1.1. PPN: 41-17-32-428-001
  - 1.2. AREA: 2.6005 ACRES
2. PROPOSED ACREAGES
  - 2.1. PRIVATE LOTS: 2.23 ACRES
  - 2.2. PUBLIC RIGHT-OF-WAY: 0.37 ACRES

No.	Revision/Issue	Date
1	PRELIMINARY PLAT REVIEW	08/11

**Firm Name and Address**  
 INDEPENDENT ENGINEER:  
 JAROD STUYVESANT  
 2552 WINDVIEW ST SW  
 WYOMING, MI 49519  
 616-318-5453  
 JARODSTUYVESANT@GMAIL.COM

**Project Name and Address**  
 COURTNEY LYNN CT  
 3322 56TH ST SW  
 WYOMING, MI 49418  
 JOSH SANDERS  
 616-717-2568  
 GREG STUYVESANT  
 616-299-5396

Project COURTNEY LYNN CT	Sheet 05
Date 09/01/2022	
Scale 1" = 30'	



- IMPROVEMENTS KEY**
- PROPOSED LOTS
  - BUILD-ABLE AREA
  - PROPOSED BITUMINOUS
  - EXISTING BITUMINOUS
  - PROPOSED CONCRETE
  - OVERLAND FLOW PATH

**PROPOSED GRADING PLAN**  
SCALE: 1" = 30'

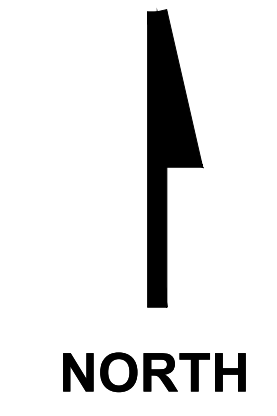
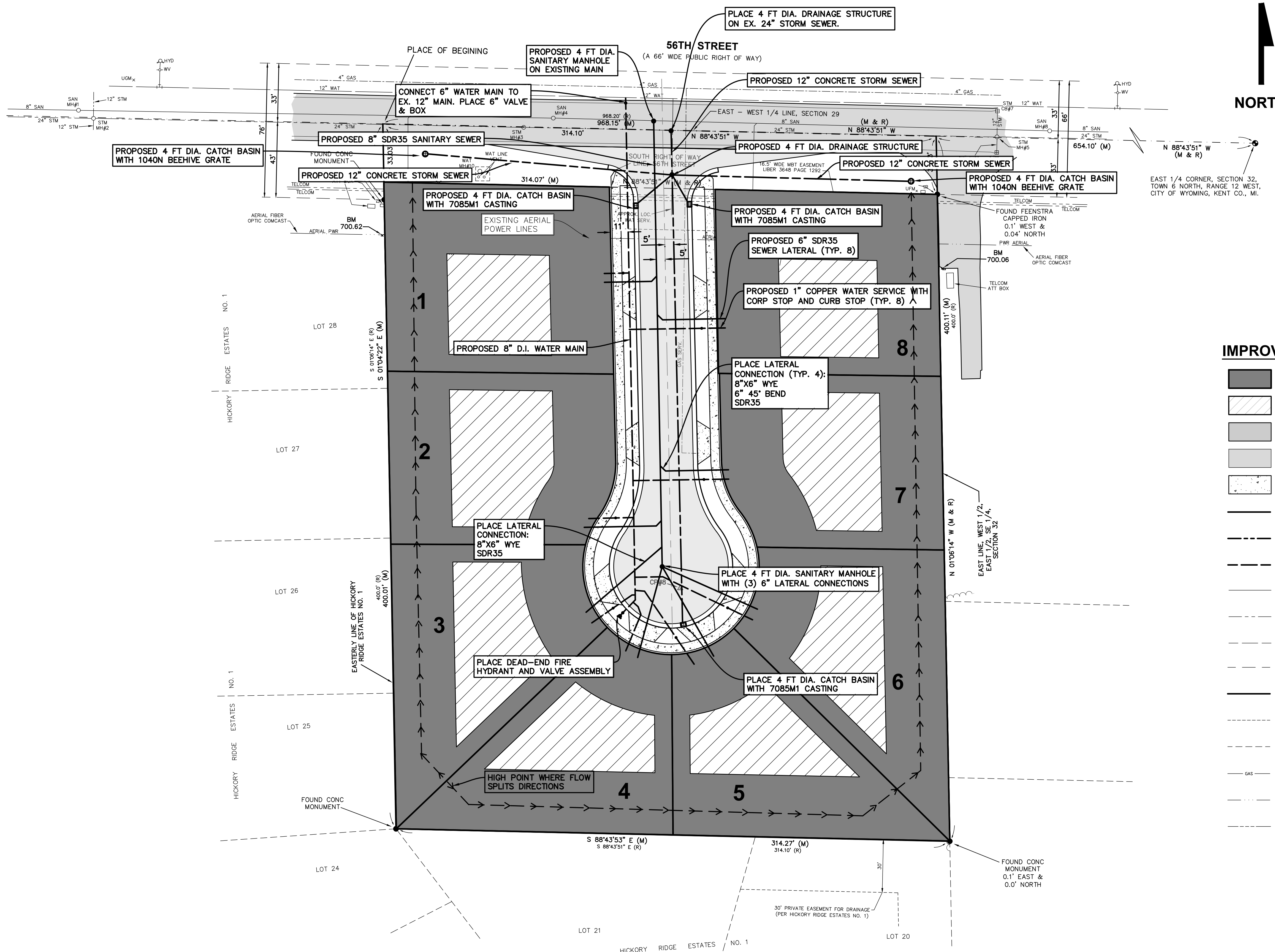
General Notes

1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date

Firm Name and Address  
**INDEPENDENT ENGINEER:**  
 JAROD STUYVESANT  
 2552 WINDVIEW ST SW  
 WYOMING, MI 49519  
 616-318-5453  
 JARODSTUYVESANT@GMAIL.COM

Project Name and Address  
**COURTNEY LYNN CT**  
 3322 56TH ST SW  
 WYOMING, MI 49418  
 JOSH SANDERS  
 616-717-2568  
 GREG STUYVESANT  
 616-299-5396

Project	COURTNEY LYNN CT	Sheet	06
Date	09/01/22		
Scale	1" = 30'		



**IMPROVEMENTS KEY**

- PROPOSED LOTS
- BUILD-ABLE AREA
- PROPOSED BITUMINOUS
- EXISTING BITUMINOUS
- PROPOSED CONCRETE
- PROPOSED SANITARY
- PROPOSED STORM
- PROPOSED WATERMAIN
- EXISTING SANITARY
- EXISTING STORM
- EXISTING WATERMAIN
- EXISTING RIGHT OF WAY
- EXISTING BOUNDARY
- EXISTING EASEMENT
- EXISTING PARCELS
- EXISTING NATURAL GAS
- EXISTING AERIAL
- EXISTING TELCOM

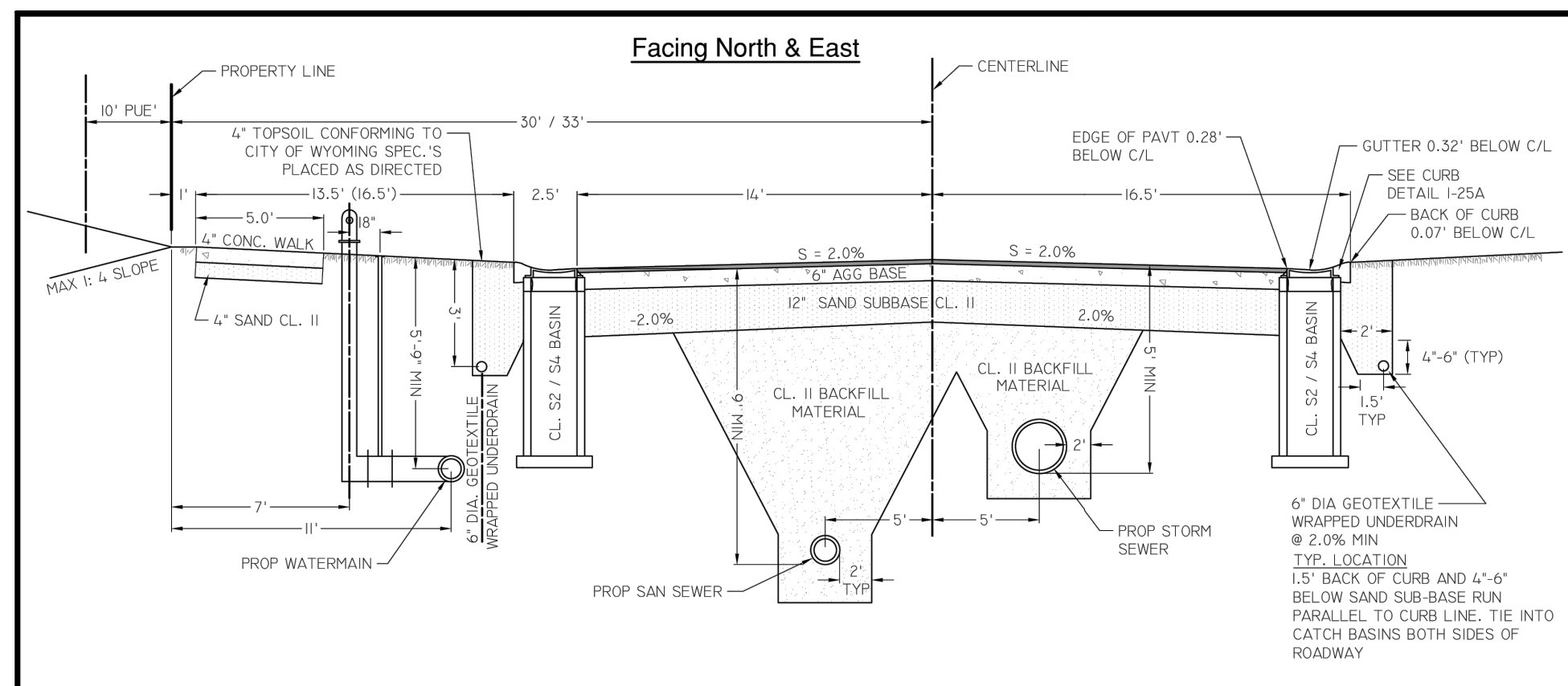
General Notes

1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date

Firm Name and Address  
 INDEPENDENT ENGINEER:  
 JAROD STUYVESANT  
 2552 WINDVIEW ST SW  
 WYOMING, MI 49519  
 616-318-5453  
 JARODSTUYVESANT@GMAIL.COM

Project Name and Address  
 COURTNEY LYNN CT  
 3322 56TH ST SW  
 WYOMING, MI 49418  
 JOSH SANDERS  
 616-717-2568  
 GREG STUYVESANT  
 616-299-5396

Project COURTNEY LYNN CT	Sheet
Date 09/01/2022	07
Scale 1" = 30'	

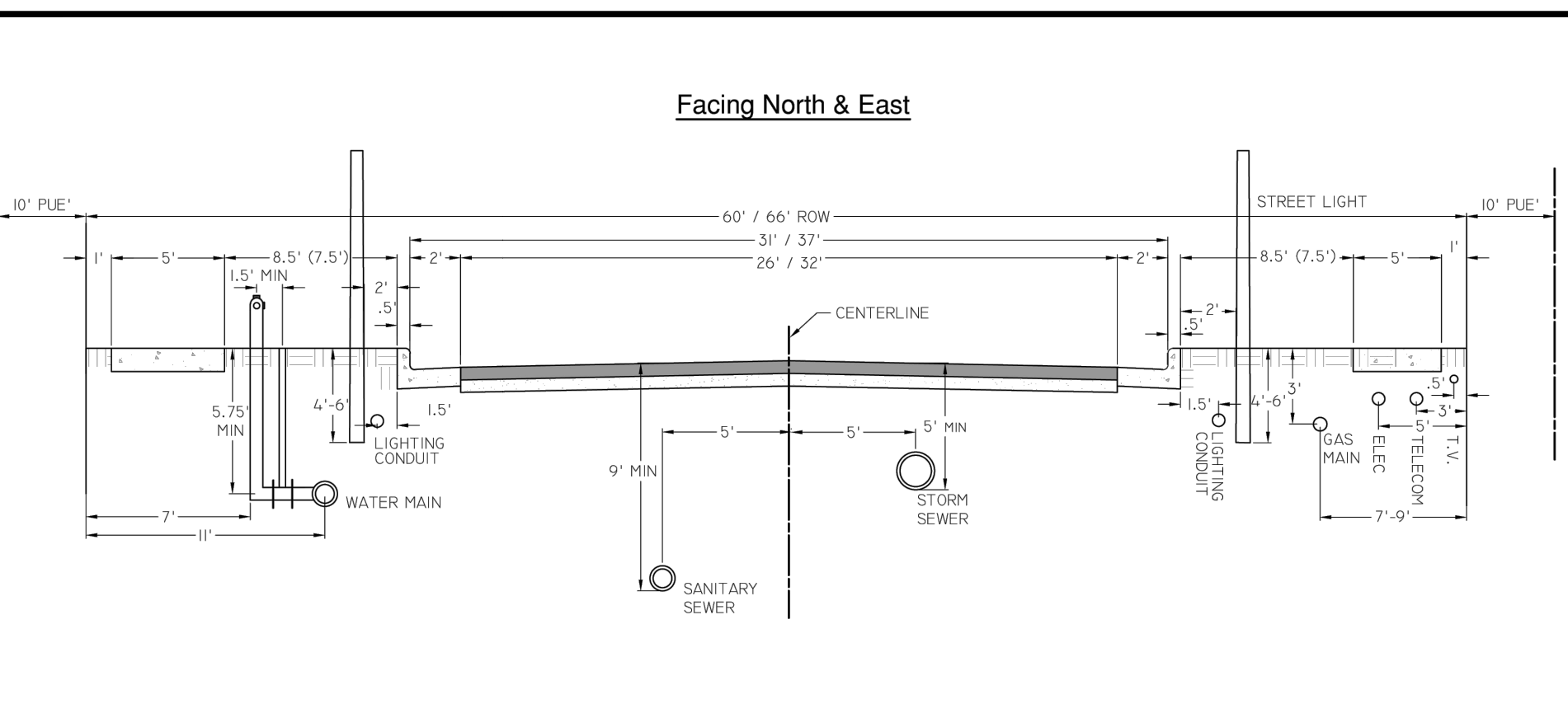


CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**33' STREET CROSS SECTION RESIDENTIAL PLAT**  
DRAWN BY - KM  
CHECKED BY - JD  
DATE DRAWN - 3-2021  
DATE REVISED - 3-2021  
**I-23C**

**33' CROSS SECTION RESIDENTIAL PLAT**

HMA APPLICATION TABLE		
DESCRIPTION	RATE LESS 2% O	INCHES
TOP COURSE (AWI-260)	165	1 1/2
LEVELING COURSE	165	1 1/2
Z1AA MODIFIED LIMESTONE	6	6
CLASS II SAND	12	12

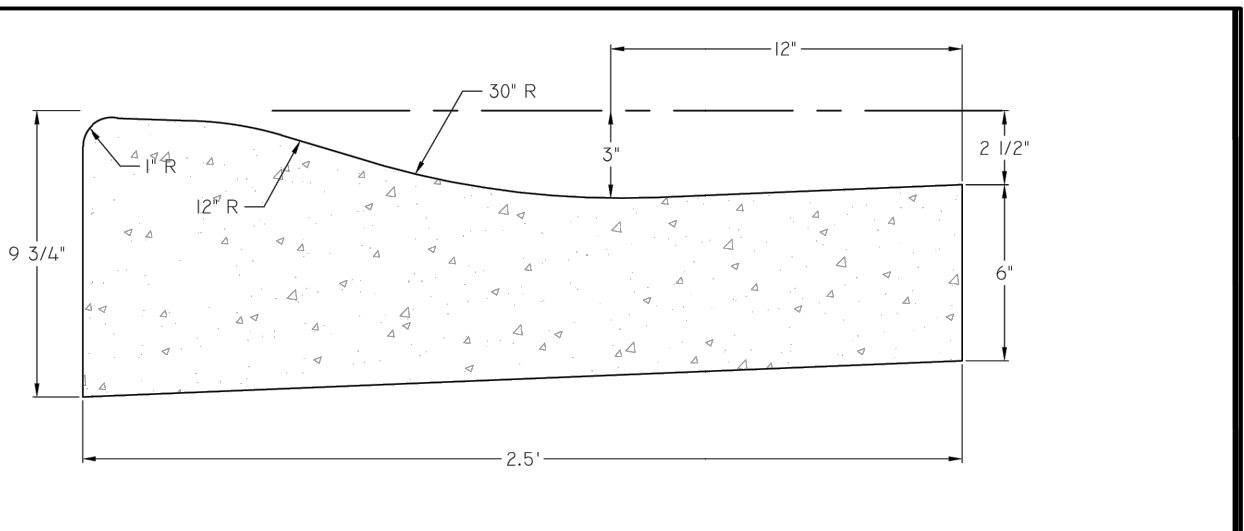
\* ITEM NUMBER/MIX AS DIRECTED BY ENGINEER  
 \* BITUMINOUS BOND COAT SHALL BE APPLIED AT A RATE OF 0.10 GAL./SQY. AS DIRECTED BY THE ENGINEER.  
 \* BITUMINOUS BOND COAT NOT TO BE PAID FOR SEPARATELY. PAYMENT SHALL BE INCLUDED WITH THE PAY ITEMS FOR HOT MIXED ASPHALT PAVEMENTS.  
 \* BINDER GRADE SHALL BE PG 64-28.



CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**UTILITY CROSS SECTION**  
DRAWN BY - KM  
CHECKED BY - JD  
DATE DRAWN - 4-2021  
DATE REVISED - 4-2021  
**I-22**

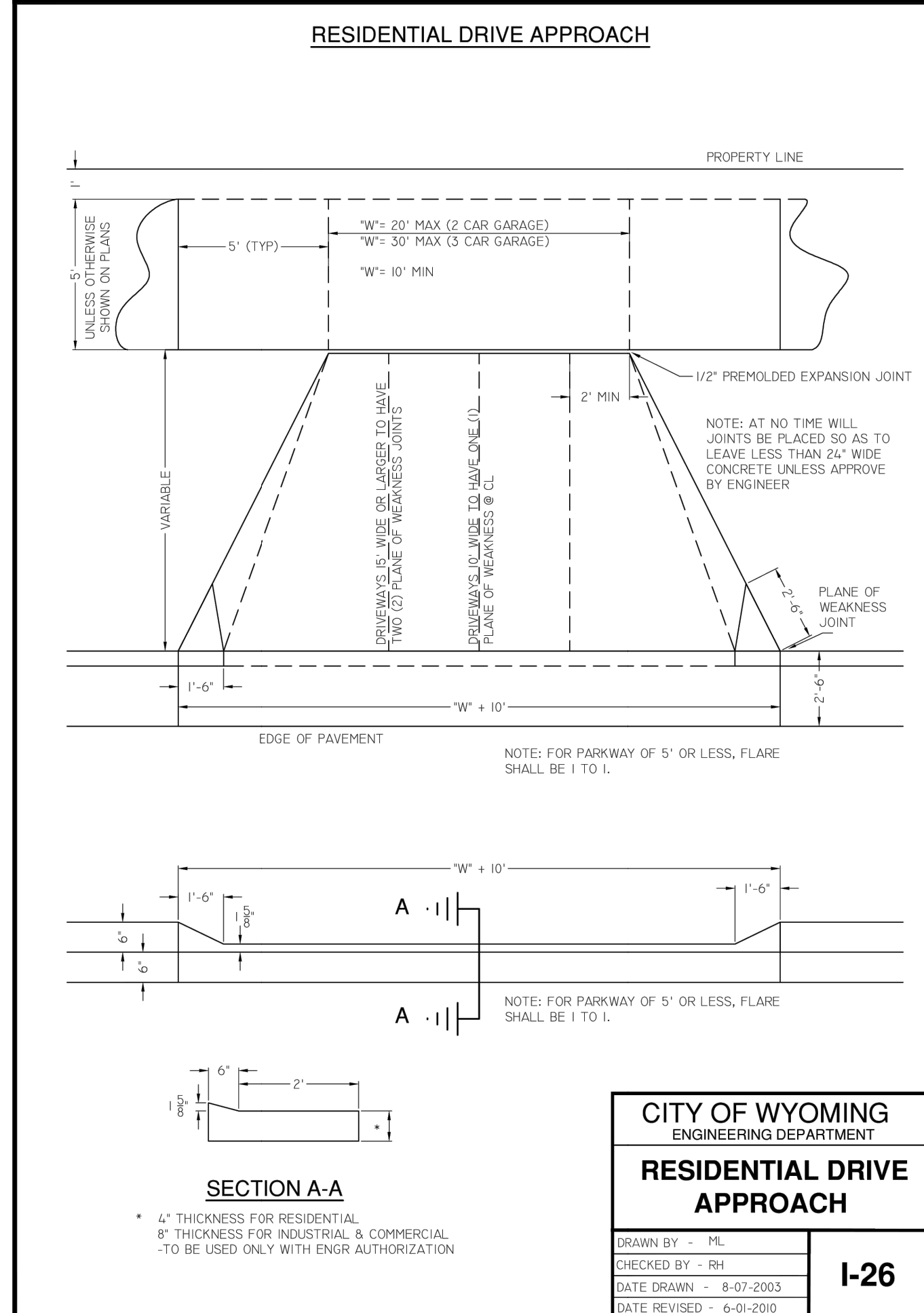
**TYPICAL UTILITY CROSS SECTION**

NOTE:  
ALL PRIVATE POWER & COMMUNICATION LINES SHALL BE PLACED IN P.U.E., IF AVAILABLE



**ROLLED (MOUNTABLE) COMBINED CONCRETE CURB & GUTTER**

CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**ROLLED (MOUNTABLE) COMBINED CURB AND GUTTER**  
DRAWN BY - KM  
CHECKED BY - JD  
DATE DRAWN - 3-2021  
DATE REVISED - 3-2021  
**I-25A**



CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**RESIDENTIAL DRIVE APPROACH**  
DRAWN BY - ML  
CHECKED BY - RH  
DATE DRAWN - 8-07-2003  
DATE REVISED - 8-09-2010  
**I-26**

**SECTION A-A**  
 \* 4\"/>

**General Notes**

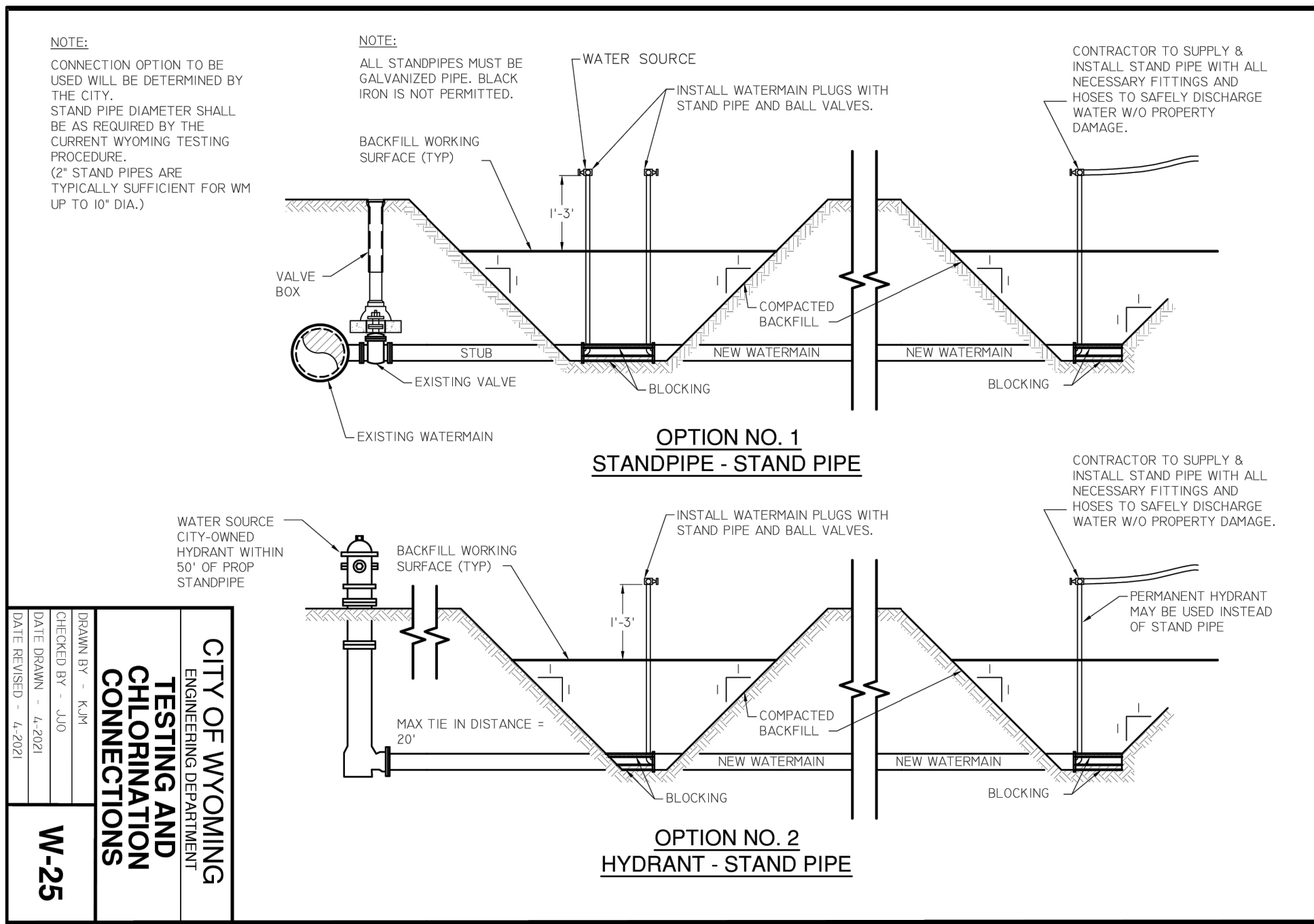
No.	Revision/Issue	Date
1	PRELIMINARY PLAT REVIEW	08/11

**Firm Name and Address**  
 INDEPENDENT ENGINEER:  
 JAROD STUYVESANT  
 2552 WINDVIEW ST SW  
 WYOMING, MI 49519  
 616-318-5453  
 JARODSTUYVESANT@GMAIL.COM

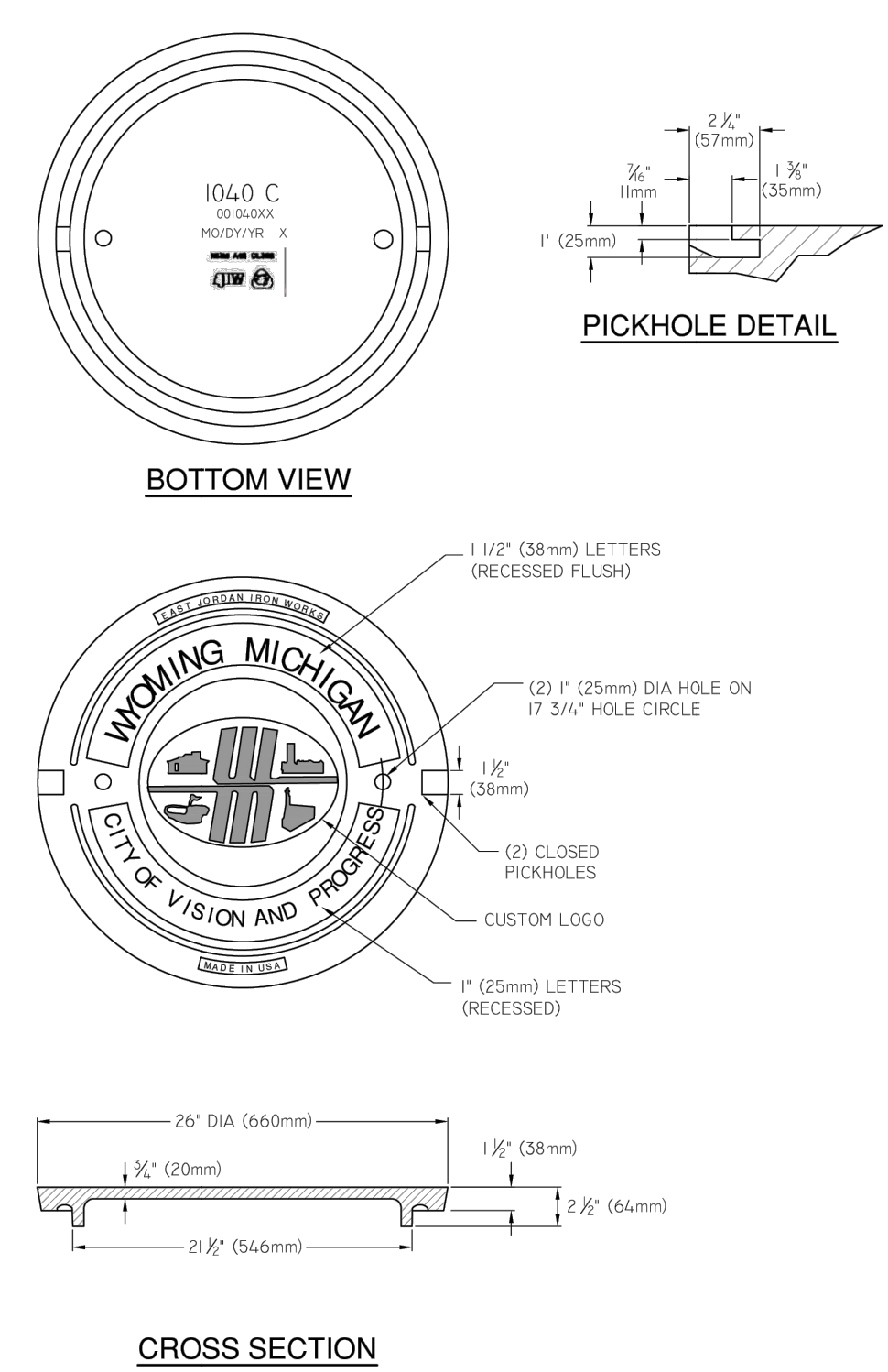
**Project Name and Address**  
 COURTNEY LYNN CT  
 3322 56TH ST SW  
 WYOMING, MI 49418  
 JOSH SANDERS  
 616-717-2568  
 GREG STUYVESANT  
 616-299-5396

Project COURTNEY LYNN CT	Sheet <b>08</b>
Date 09/01/2022	
Scale AS NOTED	

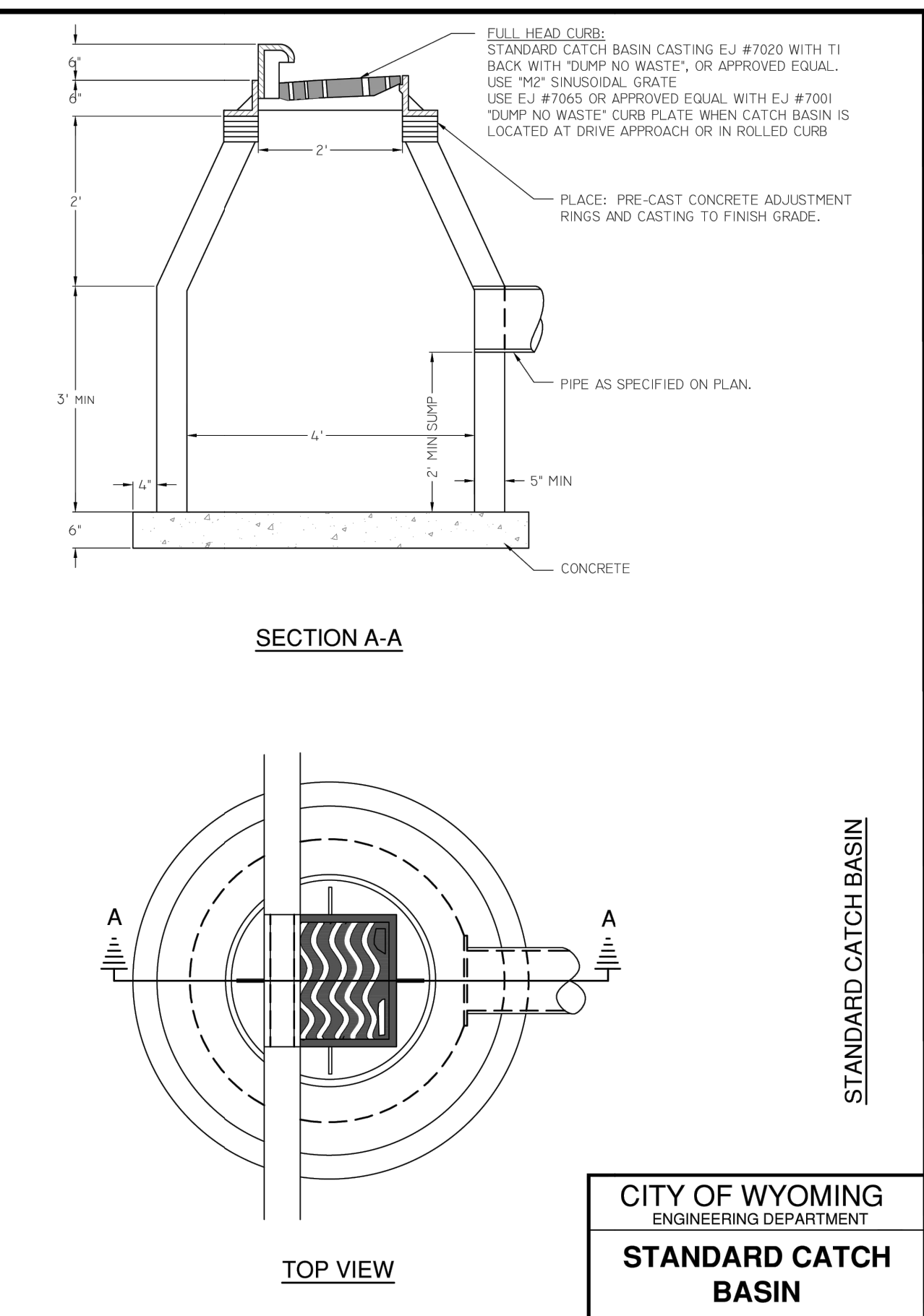
**SITE DETAILS**  
ALL N.T.S.



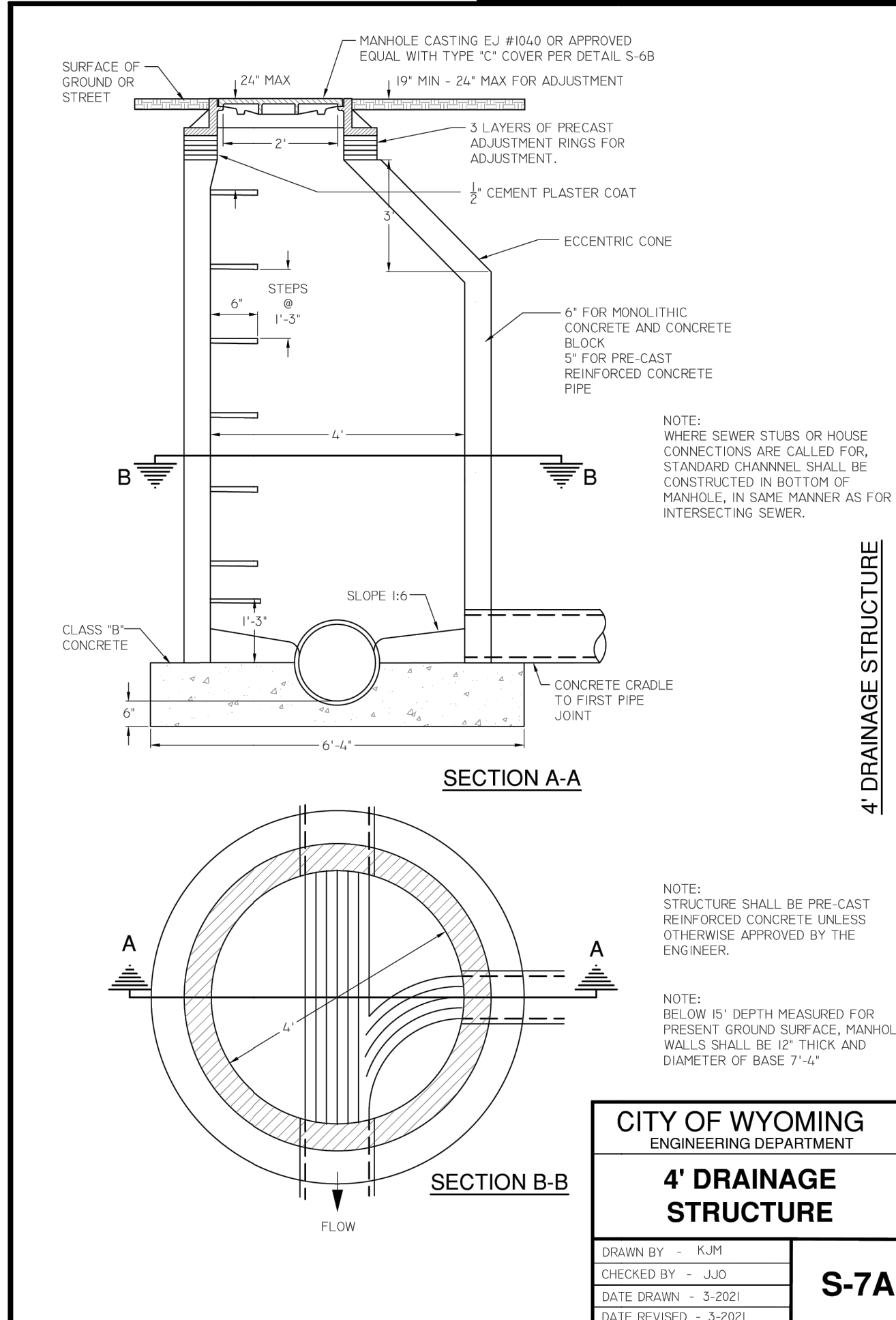
CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**TESTING AND  
CHLORINATION  
CONNECTIONS**  
W-25  
DRAWN BY - KJM  
CHECKED BY - JJO  
DATE DRAWN - 2/2021  
DATE REVISED - 3/2021



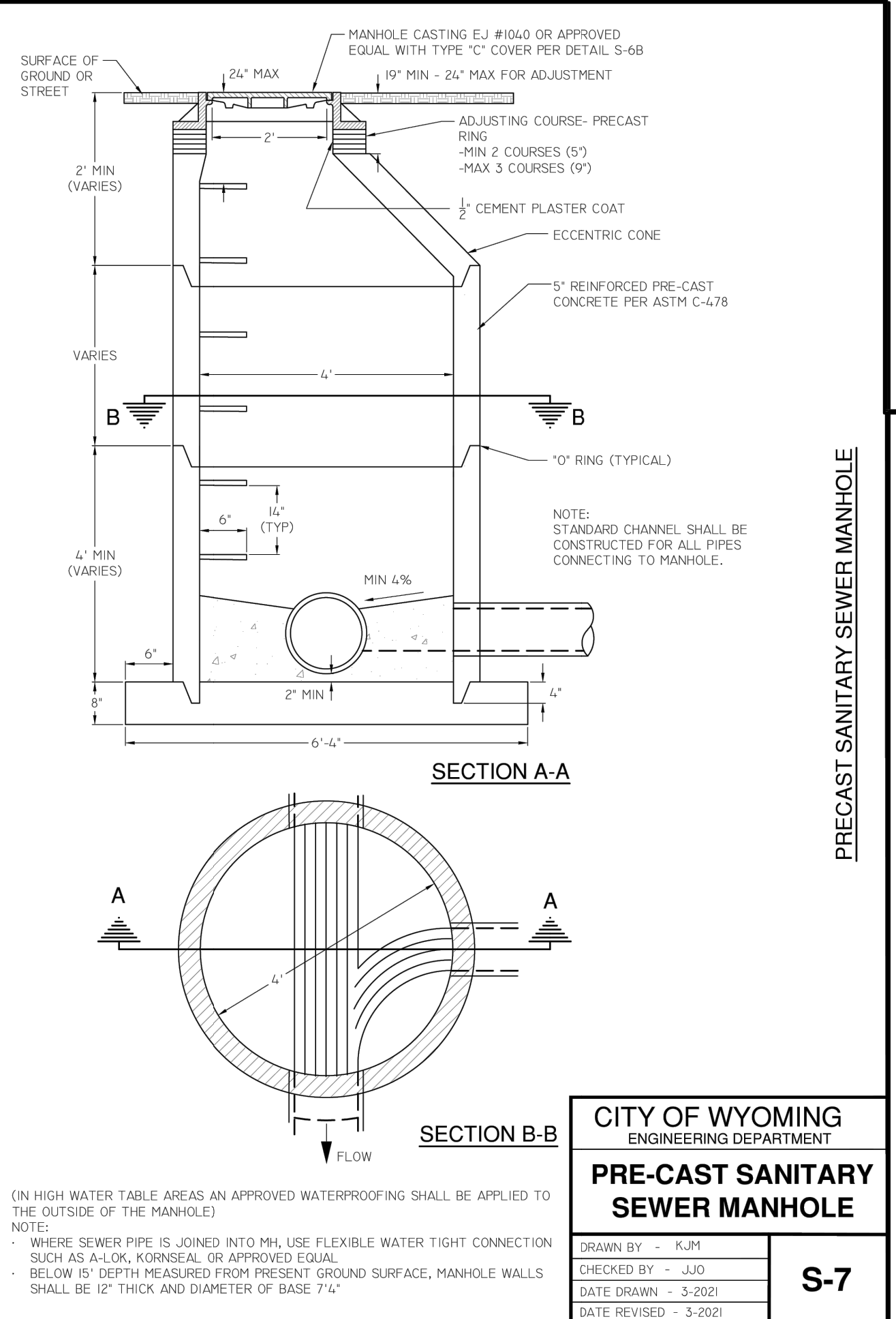
CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**WYOMING STD.  
MANHOLE COVER AND  
FLANGE**  
S-6B  
DRAWN BY - KJM  
CHECKED BY - JJO  
DATE DRAWN - 3/2021  
DATE REVISED - 3/2021



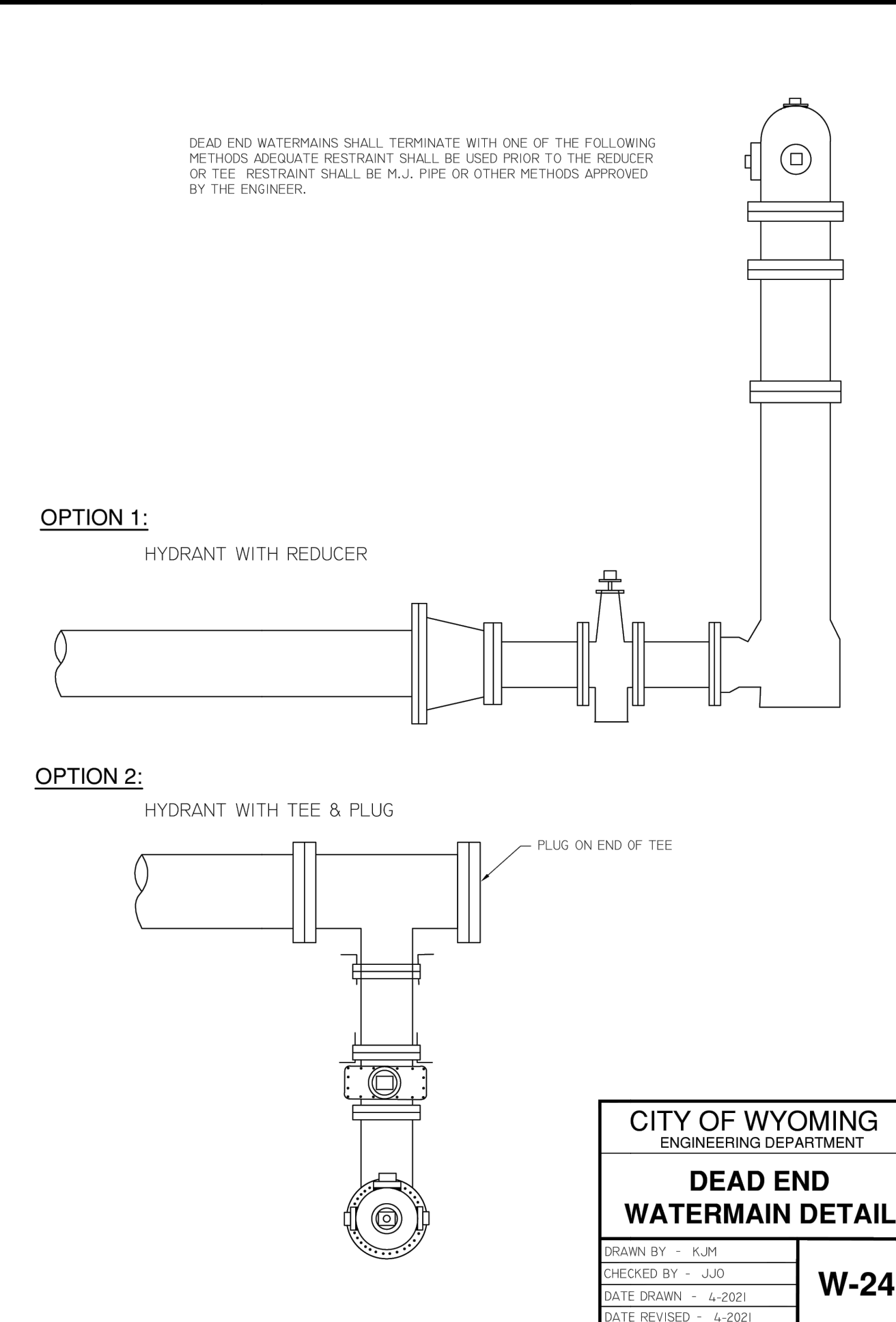
CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**STANDARD CATCH  
BASIN**  
S-2  
DRAWN BY - KJM  
CHECKED BY - JJO  
DATE DRAWN - 3/2021  
DATE REVISED - 3/2021



CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**4' DRAINAGE  
STRUCTURE**  
S-7A  
DRAWN BY - KJM  
CHECKED BY - JJO  
DATE DRAWN - 3/2021  
DATE REVISED - 3/2021



CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**PRE-CAST SANITARY  
SEWER MANHOLE**  
S-7  
DRAWN BY - KJM  
CHECKED BY - JJO  
DATE DRAWN - 3/2021  
DATE REVISED - 3/2021



CITY OF WYOMING  
ENGINEERING DEPARTMENT  
**DEAD END  
WATERMAIN DETAIL**  
W-24  
DRAWN BY - KJM  
CHECKED BY - JJO  
DATE DRAWN - 4/2021  
DATE REVISED - 4/2021

**General Notes**

1	PRELIMINARY PLAT REVIEW	08/11
No.	Revision/Issue	Date

**Firm Name and Address**  
INDEPENDENT ENGINEER:  
JAROD STUYVESANT  
2552 WINDVIEW ST SW  
WYOMING, MI 49519  
616-318-5453  
JARODSTUYVESANT@GMAIL.COM

**Project Name and Address**  
COURTNEY LYNN CT  
3322 56TH ST SW  
WYOMING, MI 49418  
JOSH SANDERS  
616-717-2568  
GREG STUYVESANT  
616-299-5396

**Project**  
COURTNEY LYNN CT

**Date**  
09/01/2022

**Scale**  
AS NOTED

**Sheet**  
09

RESOLUTION NO. \_\_\_\_

RESOLUTION TO ACCEPT DEED FROM KENT COUNTY FOR AND TO CONVEY TO  
THE KENT INDUSTRIAL CENTER ASSOCIATION OF PROPERTY OWNERS THE  
MEDIAN ISLANDS IN ROGER B. CHAFFEE BLVD

WHEREAS:

1. Since the development of the Kent Industrial Center plats on the former Kent County airport property Kent County has owned and contributed toward the maintenance of the medians in Roger B. Chaffee Blvd (the “medians”).
2. The Kent Industrial Center Association of Property Owners has, since its inception at the development of those plats, been responsible for the maintenance of the medians and has attempted to collect the required contributions from owners of parcels in those plats their respective shares of the median maintenance costs, only to have some of those property owners fail to pay their respective shares.
3. The plat documents contemplated specially assessing those maintenance costs to ensure their collection from the owners of the benefitting parcels in those plats.
4. In order to assist in the city’s special assessment for those costs, Kent County has conveyed the medians to the city, along with approximately 2 years of the county’s contribution of the maintenance costs (\$10,000).
5. The city wishes to convey both the medians and the \$10,000 payment to the Association.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council accepts the attached quitclaim deed from the county.
2. The conveyance of the medians to the Association, along with the \$10,000 of funds from the county, is approved. The Mayor Pro Tem and City Clerk are authorized and directed to sign a quitclaim deed in the form and substance approved by the city attorney.
3. All city officers and employees are authorized and directed to take all actions needed to complete this conveyance and to initiate the special assessment proceedings for the costs of maintaining the medians.
4. All resolutions and parts of resolutions that conflict with this resolution are rescinded.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried     Yes

                          No

I certify that this resolution was adopted by the City Council of the City of Wyoming, Michigan at a regular meeting held on October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Quit Claim Deed

Resolution No. \_\_\_\_\_

**QUITCLAIM DEED**

The COUNTY OF KENT, a Michigan municipal corporation of 300 Monroe Ave NW, Grand Rapids, MI 49503, as the grantor, for the consideration of \$1.00 the receipt and sufficiency of which is acknowledged, quitclaims to the CITY OF WYOMING, a Michigan municipal corporation of 1 155 28<sup>th</sup> St SW Wyoming, MI 49509, as the grantee, all of its right, title and interests in the following described median "islands" in Roger B. Chaffee Drive in the Kent Industrial Center:

Lots 50, 51 and 52 in the Kent Industrial Center Plat, recorded at Liber 66 of Plats, Pages 23 and following in the office of the Kent County Register of Deeds.

Lots 85, 86, 87, 88, 89, 90, 91 and 92 in the Kent Industrial Center No. 2 Plat, recorded at Liber 67 of Plat, Pages 39 and following in the office of the Kent County Register of Deeds.

This conveyance is subject to any easements and building and use restrictions of record.

**COUNTY OF KENT**

By:   
Stan Stek, Chairperson  
Board of Commissioners


By:   
Lisa Posthumus Lyons  
County Clerk/Register of Deeds

  
Linda Howell, Corporate Counsel

**STATE OF MICHIGAN**

**COUNTY OF KENT**

Acknowledged before me in Kent County Michigan, on Sept. 22, 2022 by Stan Stek and Lisa Posthumus Lyons, Known to me as Chairperson of the Board of Commissioners and the County Clerk and Register of Deeds, respectively for the County of Kent, Michigan.

  
Robert J. Macomber, Notary Public  
Kent County, Michigan  
Acting in Kent County, Michigan  
My commission expires: 3-19-27

**State transfer tax exempt under MCL 207.526(a) and (h); county transfer tax exempt under MCL 207.505(a) and (h).**

Drafted by:  
Linda Howell, Corporate Counsel  
Kent County Administration Building  
300 Monroe Ave., NW  
Grand Rapids, MI 49503

When recorded, return to  
Kelli A. VandenBerg, City Clerk  
Wyoming City Hall  
1155 28<sup>th</sup> Street SW  
Wyoming, MI 49509

## Staff Report

Date: September 26, 2022  
Subjects: Roger B. Chaffee Blvd Medians  
From: Scott Smith, City Attorney  
Curtis Holt, City Manager  
Meeting Date: October 3, 2022

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### **RECOMMENDATION:**

Adopt the Resolution to Accept Deed from Kent County for and to Convey to the Kent Industrial Center Association of Property Owners the Median Islands in Roger B. Chaffee Blvd.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Community – Appropriate maintenance of amenities in plats enhances their appearance making them attractive places for property owners and others.

Safety – Well maintained public street amenities increase safety, particularly with removal of tree limbs and trees.

Stewardship – This will ensure accountability for those responsible for paying for street median maintenance.

### **DISCUSSION:**

In 1966, Kent County began developing the Kent Industrial Center and Kent Industrial Center No 2 plats on property that, as beginning in 1919, served as the county's airport. The county owns the plats' landscaped street medians, entrance signs, and buffer strips and under the plats' covenants owners of property within the plats are to pay costs determined by the Kent Industrial Center Association of Property Owners board of directors to be necessary for their maintenance, to be apportioned by the number of units assigned each parcel based on its size and proximity to Roger B. Chaffee.

The Kent Industrial Center Association of Property Owners is a nonprofit corporation formed in 1969, a principal corporate purpose of which is to provide for maintenance of the buffer strips, medians, and entrances. It may also take title to them. All property owners have a vote at an annual meeting. The numbers of votes they have is based on the acreage they own. The elected Board of Directors is empowered to make decisions for the association. Allocation of costs, billing and collection as provided in the articles of incorporation is like a municipal special assessment – owners of median parcels are allocated 5 units per acre, owners of parcels fronting on Roger B. Chaffee are allocate 3 units per acre, and owners of other parcels in the plat are allocated 1 unit per acre. Foreseeing that some property owners would fail to pay the billed costs and that a collection lawsuit might be an ineffective remedy, the articles provide for possible municipal special assessments of the costs.

A Property Maintenance Agreement dated May 6, 2002, between the city and the association allows for sprinkling of the medians and requires allocation of the sprinkling costs. However, that agreement was “contingent upon an agreement to accept jurisdiction of the outlots of Roger B. Chaffee Drive and execution of appropriate agreements between the County of Kent and the City.” It seems that did not occur. The agreement also provides that if the association dissolves or fails to collect and pay the maintenance costs incurred by the City, the City can add those costs as a lien on the property and add the amounts to the tax bills for parcels within the plats. Because a third party (the association) is authorizing a lien against a parcel it does not own, we might wonder if the lien is enforceable, or would be dischargeable in bankruptcy or in a property tax foreclosure sale.

Association officers, weary of non-payments, have asked the city to specially assess the maintenance fees. They have also asked the city if there are ways to collect past unpaid amounts from property owners. City staff committed to outlining steps and seeking the City Council's direction.

Kent County has now conveyed the medians to the city by a quitclaim deed. A check for \$10,000 representing about 2 years' of county contributions toward the maintenance will follow.

The Council is asked to take the following actions in a single resolution: (i) accept the deed from the county, (ii) approve conveying the medians and the \$10,000 payment to the Association, and (iii) initiate the special assessment process for the median maintenance costs.

**QUITCLAIM DEED**

The City of Wyoming, a Michigan municipal corporation of 1155 28<sup>th</sup> St SW, Wyoming, MI 49509, as the grantor, for the consideration of \$1.00 the receipt and sufficiency of which is acknowledged, quitclaims to the Kent Industrial Center Association of Property Owners, a Michigan nonprofit corporation of 4101 Roger B Chaffee Blvd SE, Wyoming, MI 49548, as the grantee, all of its right, title and interests in the following described media "islands" in Roger B. Chaffee Drive in the Kent Industrial Center:

Lots 50, 51 and 52 in the Kent Industrial Center Plat, recorded at Liber 66 of Plats, Pages 23 and following in the office of the Kent County Register of Deeds.

Lots 85, 86, 87, 88, 89, 90, 91 and 92 in the Kent Industrial Center No. 2 Plat, recorded at Liber 67 of Plat, Pages 39 and following in the office of the Kent County Register of Deeds.

This conveyance is subject to any easements and building and use restrictions of record.

**COUNTY OF KENT**

STATE OF MICHIGAN  
COUNTY OF KENT

By: \_\_\_\_\_  
Sam Bolt, Mayor Pro Tem

Acknowledged before me in Kent County, Michigan, on \_\_\_\_\_, 2022, by Sam Bolt and Kelli A. Vandenberg, known to me as the Mayor Pro Tem and the City Clerk and Register of Deeds, respectively, for the City of Wyoming, Michigan.

By: \_\_\_\_\_  
Kelli A. Vandenberg, City Clerk

Approved as to form:



\_\_\_\_\_  
Scott G. Smith, City Attorney

\_\_\_\_\_, Notary Public  
Kent County, Michigan  
Acting in Kent County, Michigan  
My commission expires: \_\_\_\_\_

**State transfer tax exempt under MCL 207.526(a) and (h); county transfer tax exempt under MCL 207.505(a) and (h).**

Drafted by:  
Scott G. Smith, City Attorney  
Wyoming City Hall  
1155 28<sup>th</sup> Street SW  
Wyoming, MI 49509

When recorded, return to:  
Kelli A. Vandenberg, City Clerk  
Wyoming City Hall  
1155 28<sup>th</sup> Street SW  
Wyoming, MI 49509

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO ACCEPT A QUOTE FROM TYLER TECHNOLOGIES FOR TRAINING AND PROJECT MANAGEMENT OF THE NEW WORLD ERP SOFTWARE SYSTEM AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT

WHEREAS:

- 1. As detailed in the attached staff report, it is recommended that the City Council accept a quote from Tyler Technologies for training and project management of the New World ERP software system in the total estimated amount of \$11,275.00.
- 2. Funds are budgeted in the Finance Department account number 101-201-20100-860.000.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The City Council does hereby accept a quote from Tyler Technologies for training and project management of the New World ERP software system.
- 2. The City Council does hereby authorize the Mayor and City Clerk to execute the contract.

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 October 3, 2022

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:  
Staff Report  
Quote/Contract

## STAFF REPORT

Date: September 20, 2022  
Subject: Tyler Technologies Training Contract  
From: Jodi Yenchar, Finance Director  
Date of Meeting: October 3, 2022

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### **RECOMMENDATION:**

It is recommended the City Council accept a quote from Tyler Technologies for up to 40 hours of on-site training on New World ERP software system and related travel expenses for the estimated amount of \$11,275.00.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The New World ERP software system is used by the City in day to day operations concerning payroll, accounts payable, budgeting, accounting and financial reporting. Training in software advancements and improvements, along with a greater understanding of the capabilities of the software will allow the Finance Department to refine and create efficiencies in processes which support all departments of the City, along with the greater Wyoming community.

### **DISCUSSION:**

In the time since the New World software was implemented in 2008, the Finance Department has hired new staff in addition to changes in the roles of existing staff. Changes in staff and/or job duties have led to gaps in knowledge regarding the functionalities of the New World ERP software system. There have also been several software enhancements since the implementation which will be explored providing the team the ability to utilize all features of the software.

A proposal was requested from Tyler Technologies to provide on-site training at the Finance Department office. Included in the scope of work is up to 40 hours of training, a fixed fee for project management, which includes best practice recommendations and custom desktop procedures as well as estimated travel expenses.

### **BUDGET IMPACT:**

Adequate funds have been budgeted in account #101-201-20100-860.000.



Quoted By:  
Quote Expiration:  
Quote Name:

Christopher Vargo  
2/11/23  
City of Wyoming, MI - FM and  
HR/PR Training

**Sales Quotation For:**

City of Wyoming  
1155 28th St SW  
Wyoming MI 49509-2825

**Hourly Services**

Description	Hours	Price
New World ERP		
Other Services		
Professional Services	40	\$ 7,800
<b>TOTAL</b>	<b>40</b>	<b>\$ 7,800</b>

**Fixed Fee Services**

Description	Units	Price	Maintenance
New World ERP			
Other Services			
Project Management	1	\$ 975	\$ 0
<b>TOTAL</b>		<b>\$ 975</b>	<b>\$ 0</b>

<b>Summary</b>	<b>One Time Fees</b>	<b>Recurring Fees</b>
Total Tyler Software	\$ 0	\$ 0
Total SaaS	\$ 0	\$ 0
Total Tyler Services	\$ 8,775	\$ 0
Total Third-Party Hardware, Software, Services	\$ 0	\$ 0
<b>Summary Total</b>	<b>\$ 8,775</b>	<b>\$ 0</b>
<b>Contract Total</b>	<b>\$ 8,775</b>	
Estimated Travel Expenses (excluded from Total)	\$ 2,500	

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms, subject to payment terms in an agreement, amendment, or similar document in which this sales quotation is included:

- License fees for Tyler and third-party software are invoiced upon the earlier of (i) delivery of the license key or (ii) when Tyler makes such software available accessible.
- Fees for hardware are invoiced upon delivery.
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware.
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software accessible to the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
  - o Implementation and other professional services fees shall be invoiced as delivered.
  - o Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
  - o Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and material basis. "

o Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where Project Planning Services are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.

o If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.

o Notwithstanding anything to the contrary stated above, the following payment terms shall apply to fees specifically for migrations: Tyler will invoice Client 50% of any Migration Services Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Annual SaaS Fees will be invoiced upon availability of the hosted environment.

• Expenses associated with onsite services are invoiced as incurred.

Any SaaS or hosted solutions added to an agreement containing Client-hosted Tyler solutions are subject to Tyler's SaaS Services terms found here: <https://www.tylertech.com/terms/tyler-saas-services>.

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

P.O.#: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Scott G. Smith, City Attorney

RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR THE PURCHASE AND REFURBISHMENT OF A MOBILE COMMAND CENTER VEHICLE AND APPROVE THE ATTACHED BUDGET AMENDMENT

WHEREAS:

1. As detailed in the attached staff report, it is recommended the City Council accept a proposal from LDV Custom Specialty Vehicles for the purchase of a mobile command center vehicle in the total estimated amount of \$65,000.00.
2. It is also recommended the City Council authorize the refurbishment of the mobile command center vehicle in the total estimated amount of \$14,000.00.
3. Funds for the purchase and refurbishment require the attached budget amendment.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase and refurbishment of a mobile command center vehicle from LDV Custom Specialty Vehicles.
2. The City Council does hereby authorize the refurbishment of the mobile command vehicle.
3. The City Council does hereby approve the attached budget amendment.
4. The Wyoming City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

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 October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

- Budget Amendment
- Staff Report
- Proposal

**CITY OF WYOMING BUDGET AMENDMENT**

**Date: October 3, 2022**

**Budget Amendment No. 042**

To the Wyoming City Council:

A budget amendment is requested to appropriate an additional \$65,000 of budgetary authority to provide the necessary funds to purchase a mobile command vehicle.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<b><u>MotorPool Depreciation Fund</u></b>				
Public Works - Capital Outlay Depr and Resrve - Capital Outlay Vehicles				
662-441-58500-985.000	\$ 1,813,857.00	\$ 65,000.00		\$ 1,878,857.00
Fund Balance/Working Capital (Fund 662)		\$ -	\$ 65,000.00	

Recommended: \_\_\_\_\_  
Senior Accountant



\_\_\_\_\_  
City Manager

Motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ that the General Appropriations Act for Fiscal Year 2022-2023 be amended by adoption of the foregoing budget amendment.

Motion carried: Yes \_\_\_\_\_, No \_\_\_\_\_

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: September 21, 2022  
Subject: Mobile Command Center Vehicle  
From: Captain Eric Wiler  
Meeting Date: October 3, 2022

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### **RECOMMENDATION:**

It is recommended the City Council approve the purchase and refurbishment of a previously owned mobile command center vehicle to replace the aging vehicle currently being used by the Public Safety Department. The purchase and refurbishment of the mobile command center vehicle will not exceed \$79,000.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Purchasing this mobile command center will provide the Public Safety Department with the ability to rapidly respond to and manage operational outcomes during natural disasters, large events (such as Metro Cruise), and active critical incidents. By utilizing the mobile command center for frontline communications, the Public Safety Department will increase the probability of positive outcomes during these incidents, thereby increasing the safety of our community. Additionally, the mobile command center will be utilized during community events such as National Night Out and Touch-A-Truck. Purchasing this previously owned vehicle as opposed to purchasing a brand-new custom command vehicle will save over \$500,000.

### **DISCUSSION:**

The current mobile command vehicle was purchased in 1998 and is nearing the end of its serviceable life. Lately, the mobile command vehicle has been experiencing power issues whereby the vehicle battery dies, not allowing the vehicle to start. The proposed mobile command center will allow crisis negotiators to be in the same vehicle as the incident commander and will allow multiple City departments to operate cooperatively in the event of natural or man-made disasters. The external mast camera will allow the incident commander to monitor large events or assess clean-up and recovery efforts during disasters. Purchasing the proposed mobile command center will have an estimated 15-year life cycle.

### **BUDGET IMPACT:**

The total purchase price of the mobile command center is \$65,000. The remainder of the requested purchase and refurbishment amount will be used to upgrade electronics such as monitors, camera equipment, and police radios. Funds for the purchase and refurbishment will require approval of the attached budget amendment. Upon approval funds will be available in the Public Works-Capital Outlay Vehicle account number 662-441-58500-985.000 and Police-Capital Outlay Vehicles account number 101-305-31500-985.049.

Attachments:  
LDV Quote  
Budget Amendment



180 Industrial Drive  
Burlington, WI 53105 USA  
Phone: 800-558-5986  
Fax: (262) 767-2529  
Direct: +1 (262) 763-0147  
[www.ldvusa.com](http://www.ldvusa.com)

**SPECIFICATIONS FOR:**

**Wyoming DPS (MI)**  
**Used Mobile Command Center**

**LDV PROPOSAL # S40MCC-35405-22**

**DATE**  
**September 21, 2022**



180 Industrial Drive  
Burlington, WI 53105 USA

Phone: 800-558-5986  
Fax: (262) 767-2529  
Direct: +1 (262) 763-0147  
www.ldvusa.com

**PRICING PAGE:**

Total price per unit sold as is \$65,000.00

Delivery charge: Not included, vehicle to be picked up by buyer at LDV. \$0.00

<b>Total price per unit</b>	<b>\$65,000.00</b>
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Delivery terms: Ask your Sales Representative

Payment Terms: Net 30.

Quote is firm for 30 days from specification date.

Quoted price does not include any applicable FET, federal, state or local tax unless specified.



**CUSTOM SPECIALTY VEHICLES**

180 Industrial Drive  
Burlington, WI 53105 USA

Phone: 800-558-5986  
Fax: (262) 767-2529  
Direct: +1 (262) 763-0147  
[www.ldvusa.com](http://www.ldvusa.com)

Used mobile command center taken in on trade from Tempe PD, AZ. Unit being sold as is:

2000 Freightliner MT55, 29,000 GVWR

Cummins 5.9L Diesel

VIN 4UZA5FBA0YCG43682

Mileage: 17,298 (approximate)

\*See attached document with information from Tempe PD.



**LDV, Inc.**  
**Used Vehicle Appraisal Form**

Name	Andrew McCormick	Location (City, State)	Tempe, AZ
Phone	480-858-6112	Year	2000
Email	<a href="mailto:andrew_mccormick@tempe.gov">andrew_mccormick@tempe.gov</a>	Make / Model	Freightliner MT55

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**Chassis Information**

VIN	4UZA5FBA0YCG43682	Pwr Steer -Condition	Operational good condition
Actual Odometer	15,131	Brake Condition	good
Engine Make/Model	Cummins 5.9L Diesel KB260	King Pin condition	Unk
H.P.	UNK	Pwr Window/Lock	none
Engine Leaks or Problems	no	Windshield / Glass Condition	good no cracks or chips
Turbo	Yes	Bumper Condition	good
Transmission	Auto unknown brand	Fuel Tank(s)	1 fuel tank working condition
Chassis Damage	no	Alternator condition	good
Clean Title (provide copy)	yes	Frame Rall Condition	
Stereo Type	AM/FM	All lights working?	yes
GVW (from door plate)	29,000	Last Brake Service:	10/30/2019
Leaks?	none	Date & Mileage of last service	10-30-2019 15057 miles
Seat Type & Condition	Single driver good condition	Tire Size & Depth	10R22.5 12PR
Gauges & Warning devices working	yes	Tire Condition - How OLD?	Good unknown retreaded approximately 3 years ago
Cruise Control	yes	Simulator or Wheel Type	Unk
How does truck run? Drive?	Good no mechanical issues	2nd Axle condition	N/A
Chassis Repair Needed:	no		

**Body Information**

Manufacturer	Lynch Divers	Doors properly sealing / operating	yes
Body Length	39	Body Condition	good
Current Graphics?	yes City of Tempe Police and Fire	Body Repairs Needed	one dent in rear drivers side at rear bumper

**Interior Information**

# Workstations (specify front or rear)	5 work stations in front	Countertop condition	good
# Conference Rm (specify front or rear)	conference room in rear	Drawer & cabinet condition	good
Galley Area (fridge, sink, toliet, etc.)	yes toilet, fridge, sink, storage closets	# Awnings (driver/passenger side)	2 awnings both sides
# Slideouts (Driver/Passenger Side)	none	Mast & Cameras # & Type(s)	Mast camera unknown type or camera has not been used
A/C - type and condition	4 overhead mounted A/C units	Leveling System (Type & Condition)	good serviced in 2017
Heat - type and condition	4 overhead units	Emergency Lighting?	yes
Battery condition	good recently replaced	All outlets operational	yes
Inverter size and condition	Unknown	Generator operational	yes
Battery box condition	good	Date of last gen service	10/30/2019
Flooring condition	good no marks or damage	Generator hours	95
Back up camera condition	working	Light bulb and lens condition	good
Hindsight operational?	N/A	Alarm - Type & Function	N/A

**\*\* Along with this form, please include a minimum of 10 pictures, showing: Exterior - right, left, front, back And battery compartment (if applicable); Interior - right side, left side, driver area, workstation area, full shot front-to-back, full shot back-to-front\*\*** **If possible please include original manufacturer's specifications and drawings**



RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO CONCUR WITH THE PURCHASE OF A REPLACEMENT TRUCK  
AND TO APPROVE THE ATTACHED BUDGET AMENDMENT

WHEREAS:

1. As detailed in the attached staff report, the City is in need of a replacement vehicle.
2. It is recommended the City Council concur with the purchase of a replacement truck from Signature Ford, using the Macomb County bid pricing in the total estimated amount of \$32,448.00.
3. The purchase will require approval of the attached budget amendment.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby concur with the purchase of a replacement truck from Signature Ford using the Macomb County contract in the total estimated amount of \$32,448.00.
2. The City Council does hereby approve the attached budget amendment.
3. The Wyoming City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

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 October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:  
Budget Amendment  
Staff Report

Resolution No. \_\_\_\_\_

**CITY OF WYOMING BUDGET AMENDMENT**

**Date: October 3, 2022**

**Budget Amendment No. 043**

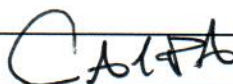
To the Wyoming City Council:

A budget amendment is requested to appropriate an additional \$32,448 of budgetary authority to provide the necessary funds to replace a totaled Parks truck and recognize the coinciding claim reimbursement.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<b><u>MotorPool Depreciation Fund</u></b>				
Public Works - Capital Outlay Depr and Resrve - Capital Outlay Vehicles				
662-441-58500-985.000	\$ 1,878,857.00	\$ 32,448.00		\$ 1,911,305.00
Miscellaneous Income				
662-688.000	\$ -	\$ 17,500.00		\$ 17,500.00
<u>Fund Balance/Working Capital (Fund 662)</u>		\$ -	\$ 14,948.00	

Recommended: \_\_\_\_\_

Senior Accountant



City Manager

Motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ that the General Appropriations Act for Fiscal Year 2022-2023 be amended by adoption of the foregoing budget amendment.

Motion carried: Yes \_\_\_\_\_, No \_\_\_\_\_

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: September 24, 2022

SUBJECT: Truck Replacement - Parks Department

FROM: Donald J Roest, Fleet Services Supervisor

Date of Meeting: October 3, 2022

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### **RECOMMENDATION:**

It is recommended that the City Council approve the replacement of a totaled 2014 F150 Parks Department truck using the Macomb County Contract #21-18 for \$32,448.00. It is also recommended to approve the associated budget amendment recognizing the revenue received from the insurance company and capital needed to fund this replacement.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

On July 5, 2022, this truck was involved in an accident and was determined to be a total loss. Replacement of this vehicle is necessary for the Parks Department to maintain a proper level of service to the Gezon Park area. As with most vehicle and equipment purchases, utilizing cooperative purchasing agreements or other community bids saves staff time and expense.

### **DISCUSSION:**

Subsequent to the accident, the City's insurance provider (MMRMA) determined the truck was a total loss. This truck was scheduled for replacement in 2021. However, due to low miles and good condition it was not budgeted for replacement.

The City is able to purchase a replacement truck from Signature Ford, using the Macomb County Bid #21-18, in the amount of \$32,448. MMRMA has provided an insurance payout of \$17,500. This amount, combined with what has been collected over the life of the truck, is sufficient to fund its replacement.

However, because the truck was not budgeted for replacement, a budget amendment is needed both to account for the revenue received from MMRMA (\$17,500) and expense for the purchase (\$32,448).

### **BUDGET IMPACT:**

Pending approval of a budget amendment, sufficient funds will be available in the Motor Pool Capital Outlay Vehicles Account #662-441-58500-985.00.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO ACCEPT THE AUTO THEFT PREVENTION AUTHORITY (ATPA)  
GRANT AND CONCURS WITH THE CITY MANAGER SIGNING THE  
MEMORANDUM OF AGREEMENT TO ACCEPT GRANT FUNDS AND CONTINUE  
TO PARTICIPATE IN THE COMBINED AUTO THEFT TEAM

WHEREAS:

1. The Department of Public Safety participates on a multi-jurisdictional law enforcement task force known as the Combined Auto Theft Team (CATT) that combats auto theft and related crime in our community.
2. That team, supervised by the Grand Rapids Police Department, has been approved for grant funding by the ATPA that will fund 50% of a Wyoming police detective's salary, benefits, and vehicle costs.
3. It is recommended the City Council accept the grant.
4. It is recommended that City Council apply \$77,762 in grant funds toward the cost of a police detective assigned to these duties and an associated vehicle.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept the Auto Theft Prevention Authority (ATPA) grant.
2. The City Council does hereby concur with the City Manager to sign the memorandum of agreement to accept grant funds and continue to participate in the Combined Auto Theft Team.

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 October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

Attachments:  
Staff Report  
Agreement  
Letter  
Grant  
Budget Chart

Resolution No. \_\_\_\_\_

## STAFF REPORT

Date: September 23, 2022

Subject: Auto Theft Prevention Authority Grant Award Acceptance

From: Captain Timothy Pols

Meeting Date: October 3, 2022

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### **RECOMMENDATION:**

It is recommended the City Council concur with the City's acceptance of the FY 2022 Auto Theft Prevention Authority (ATPA) grant award, and City Manager Curtis Holt's signing of the memorandum of understanding in order to acknowledge this acceptance. Included in the grant is funding for personnel and vehicle cost for an auto theft detective. It is further requested that City Council approve accepting appropriation of ATPA grant funds to deploy 12 additional FLOCK cameras and 2 portable FLOCK cameras within the City of Wyoming for one year.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Acceptance of this award allows the City to recoup 50% of the salary, benefits, and vehicle costs associated with one police detective position. The total grant award for personnel and vehicle costs is expected to be \$77,762. Additionally, the grant includes approximately \$36,000 to cover the cost to deploy 10 additional FLOCK cameras and 2 portable FLOCK cameras for one year. The agencies participating in CATT as well as the granting entity are in agreement with utilizing grant funds for deploying the FLOCK cameras within the City of Wyoming.

Auto theft and associated crimes continue to be relevant public safety and order issues that draw on police resources. Accepting this award and participating in the associated task force with Grand Rapids and Kentwood police departments has proven to be the most efficient and effective deployment of those resources, while leveraging available grant funding.

### **DISCUSSION:**

The Combined Auto Theft Team (CATT) is a multi-jurisdictional law enforcement team supervised by a GRPD sergeant and made up of detectives from GRPD, Kentwood, and Wyoming Police. These crimes, even more than others, cross jurisdictional boundaries in such a way that to investigate them separately and independently makes little sense. We have been a part of this task force for more than two decades. Communication with the team is seamless and we have great trust in the Grand Rapids supervisor leading it. Wyoming's interests and needs are always met, and we feel continued participation is important.

This year, CATT requested grant funds to cover personnel and vehicle costs for an auto theft detective as well as the addition of 10 FLOCK cameras and 2 portable FLOCK cameras to be dispersed at locations within the City of Wyoming where stolen vehicles are likely to traverse. This would allow us to double the number of locations in the City from 6 to 10 where FLOCK cameras

are deployed, and provides 2 portable cameras which can be deployed based on crime trends. The existing FLOCK cameras have been a very useful tool for police efforts to identify vehicles which have been stolen or involved in other criminal activity. These cameras have also played a critical role in helping police locate missing persons during the relatively short time they have been deployed. Doubling the number of cameras deployed in the City will only assist in these efforts. These additional cameras were approved by the granting agency and will cover one year of installation and service. Ongoing funding for these cameras, after the first year, has not been established or promised.

Finally, the ATPA grant allows us to receive the benefits of the latest training, intelligence sharing, technology access, and best practices that would be difficult to replicate if we went it alone.

**BUDGET IMPACT:**

As described above, participation will allow us to recoup 50% of a detective position and vehicle costs with grant dollars. The grant is estimated at \$77,762 for personnel and vehicle expenses plus \$36,000 for the additional flock cameras.

**AGREEMENT**  
**for**  
**PARTICIPATION IN CATT AND RECEIPT OF ATPA GRANT FUNDS**  
**between**  
**City of Grand Rapids (Grand Rapids Police Department);**  
**City of Kentwood (Kentwood Police Department); and**  
**City of Wyoming (Wyoming Police Department)**

**I. PARTIES**

This Agreement is made between City of Grand Rapids (Grand Rapids Police Department), City of Kentwood (Kentwood Police Department), and City of Wyoming (Wyoming Police Department).

This Agreement will be performed by the party's law enforcement agencies. Each party may be referred to in this Agreement by its respective law enforcement agency.

City of Grand Rapids may also be referred to in this Agreement as the "Grant Administrator." The parties are collectively referred to in this Agreement as the City of Grand Rapids Automobile Theft prevention team CATT.

**II. PURPOSE**

The purpose of this Agreement is to set forth the relationship and responsibilities of the members of CATT.

**III. EXHIBITS**

The following exhibits are part of this Agreement:

**Exhibit A:** FY 2023 Automobile Theft Prevention Authority (ATPA) Grant Application.

**Exhibit B:** FY 2023 ATPA Grant Contract.

#### **IV. RESPONSIBILITIES**

CATT agrees to accomplish the following objectives, which are more fully outlined in Exhibit A and Exhibit B:

**City of Grand Rapids (Grand Rapids Police Department) will:**

- a. Work to reduce the number of automobile thefts in the grant coverage area, as defined in the ATPA Grant Application (Exhibit A), by investigating cases that have the highest potential for reducing the demand for stolen vehicles, arresting individuals who are involved in auto theft-related activities and reducing false auto theft reports.
- b. Comply with ATPA guidelines, policies, and Uniform Crime Reporting (UCR) requirements for submission of data.
- c. Maintain clear and reliable documentation of performance activity and financial expenditures.
- d. Attend regular meetings for area detectives and insurance investigators, including participation in the monthly anti-car theft meetings.
- e. Following forfeited property auctions, report to the ATPA the dollar amount deposited into the designated forfeiture account on progress reports.
- f. Receive quarterly progress reports and reimbursement requests from CATT participating law enforcement agencies, compile received reports, and submit compiled data with supporting documentation to the ATPA by the due dates designated in the ATPA Grant Contract (Exhibit B).

**City of Kentwood (Kentwood Police Department) will:**

- a. Work to reduce the number of automobile thefts in the grant coverage area, as defined in the ATPA Grant Application (Exhibit A), by investigating cases that have the highest potential for reducing the demand for stolen vehicles, arresting individuals who are involved in auto theft-related activities and reducing false auto theft reports.
- b. Comply with ATPA guidelines, policies, and Uniform Crime Reporting (UCR) requirements for submission of data.
- c. Maintain clear and reliable documentation of performance activity and financial expenditures.
- d. Attend regular meetings for area detectives and insurance investigators, including participation in the monthly anti-car theft meetings.
- e. Following forfeited property auctions, report to the Grant Administrator the dollar amount deposited into the designated forfeiture account on progress reports.
- f. Submit quarterly progress reports and reimbursement requests to the Grant Administrator by the due dates set by the Grant Administrator.

**City of Wyoming (Wyoming Police Department) will:**

- a. Work to reduce the number of automobile thefts in the grant coverage area, as defined in the ATPA Grant Application (Exhibit A), by investigating cases that have the highest potential for reducing the demand for stolen vehicles, arresting individuals who are involved in auto theft-related activities and reducing false auto theft reports.
- b. Comply with ATPA guidelines, policies, and Uniform Crime Reporting (UCR) requirements for submission of data.
- c. Maintain clear and reliable documentation of performance activity and financial expenditures.
- d. Attend regular meetings for area detectives and insurance investigators, including participation in the monthly anti-car theft meetings.
- e. Following forfeited property auctions, report to the Grant Administrator the dollar amount deposited into the designated forfeiture account on progress reports.

- f. Submit quarterly progress reports and reimbursement requests to the Grant Administrator by the due dates set by the Grant Administrator.

**The Parties mutually agree:**

- a. To make all reasonable efforts to ensure that all reports are submitted to the Grant Administrator, compiled, and forwarded to the ATPA by the due dates designated in the ATPA Grant Contract (Exhibit B).
- b. To work cooperatively to fulfill all grant requirements as stated in the ATPA Grant Contract (Exhibit B).
- c. To use the Michigan High Intensity Drug Trafficking Areas' Deconfliction Center on all cases, when applicable.

**V. LIABILITY**

Each Party shall be responsible for its own acts and the acts of its employees and agents, the costs associated with those acts, and the defense of those acts.

**VI. ASSURANCES**

- Each party certifies that it and its principals:
- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency.
- Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them and are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) for commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, on making false statements, or receiving stolen property;
- Have not within a two-year period preceding this Agreement been convicted of a felony criminal violation under any federal law; and
- Have not within a three-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.

**VII. CORRESPONDENCE**

All notices or other written communications shall be addressed as indicated in this section, or as specified, by a subsequent written notice delivered by the party whose address or authorized representative has changed.

Notices or other communications required by, or related to, this Agreement shall be in writing and shall be delivered in one of the following manners:

- a. In person.
- b. By certified registered mail, return receipt requested, with all postage or charges prepaid; or,
- c. By email to the email address identified for the authorized representative.

**City of Grand Rapids:**

Contact:  
Address:  
City, State, Zip:  
Telephone:  
Email:

**City of Kentwood:**

Contact:  
Address:  
City, State, Zip:  
Telephone:  
Email:

**City of Wyoming:**

Contact:  
Address:  
City, State, Zip:  
Telephone:  
Email:

**VIII. TERM**

This Agreement is contingent upon funds being awarded by the ATPA for auto-theft prevention activities. This Agreement is effective when signed by the Parties, by and through their duly authorized representatives, for a period beginning October 1, 2022 through September 30, 2023, unless terminated early, as hereinafter set forth.

**IX. TERMINATION**

Any party may terminate this Agreement for any reason, provided that at least 30 days advance written notice of termination is given to the non-terminating parties by the terminating party.

**X. ENTIRE AGREEMENT AND AMENDMENT**

This Agreement is the complete and exclusive Agreement between the Parties with respect to the subject matter thereof, and supersedes all prior negotiations, representations, proposals, and other communications between the Parties either oral or written. This Agreement may only be amended by a written document signed by the Parties after receiving approval from their governing bodies. However, a Party may change its Correspondence information without amending the Agreement in accordance with Section VII; it is not necessary to amend this Agreement for the sole purpose of changing the Correspondence information.

**XI. COUNTERPARTS**

This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

**XII. SIGNATURES**

Each Party certifies that it has received approval from its governing body via resolution to enter into this Agreement. The person signing this Agreement on behalf of each Party certifies that he or she has the necessary approval and authority to sign this Agreement on behalf of the Party and bind the Party to the terms and conditions contained herein.

**City of Grand Rapids (Grand Rapids Police Department)**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:**

**Title:**

**City of Kentwood (Kentwood Police Department)**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:**

**Title:**

**City of Wyoming (Wyoming Police Department)**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:**

**Title:**



STATE OF MICHIGAN

DEPARTMENT OF STATE POLICE  
AUTOMOBILE THEFT PREVENTION AUTHORITY

LANSING

GRETCHEN WHITMER  
GOVERNOR

COL. JOSEPH M. GASPER  
DIRECTOR

September 9, 2022

Lt. Scott Vogrig  
City of Grand Rapids Police Department  
1 Monroe Center, NW  
Grand Rapids, Michigan 49503

RE: 22-23 CATT

Dear Lt. Vogrig:

I am pleased to inform you that your application to the Michigan State Police, Grants and Community Services Division, Auto Theft Prevention Authority (ATPA), has been selected to receive grant funding. With a focus on innovative programs that address auto theft and fraud, your efforts are valued and appreciated. The award for your team/project, pending the finalization of the Grant Agreement (contract), is \$789,371. The ATPA portion of your award is \$415,611, and the match requirement is \$373,760. **Please note that the ATPA Board of Directors has approved your request for equipment at 100 percent, and that amount is reflected in your ATPA award.** Further details regarding allowable expenditures is contained in the enclosed grant contract.

It is crucial that you read through the entire contract to be sure you and your financial officer are aware of and able to abide by the grant requirements. Contract requirements will be enforced. Non-compliance of contract requirements may result in grant suspension and financial penalties. The deadline for returning your signed contract is September 30, 2022.

If you have any questions or concerns regarding your award, please contact Mr. Tim Bailor, ATPA Executive Director (acting), at [Bailort@michigan.gov](mailto:Bailort@michigan.gov) or 517-256-5207. We look forward to working with you.

Sincerely,

*Tim Bailor*

Mr. Tim Bailor, Executive Director (acting)  
Automobile Theft Prevention Authority

Enclosure

Mr. Daniel Pfannes – Chair  
Director Steve Cooper, Lt. Col. Chris Kelenske – Representing Law Enforcement  
Ms. Lori Davis, Mr. William Patterson – Representing Automobile Insurers  
Mr. Michael Thompson, Mr. Gene Adamczyk – Representing Purchasers of Automobile Insurance

MICHIGAN STATE POLICE HEADQUARTERS • 7150 HARRIS DRIVE • DIMONDALE, MICHIGAN 48821  
MAILING ADDRESS • P.O. BOX 30634 • LANSING, MICHIGAN 48909  
[www.michigan.gov/msp](http://www.michigan.gov/msp) • 517-284-3193

## AUTO THEFT PREVENTION AUTHORITY (ATPA) GRANT CONTRACT

**AUTHORITY:** MCL 500.6105; **COMPLIANCE:** Voluntary, however, failure to complete will result in cancellation of grant/loss of funds.

Scan and email one complete copy with original signatures to the ATPA by September 30, 2022, at [MSPATPA@michigan.gov](mailto:MSPATPA@michigan.gov). **Do not** send a paper copy.

I. Award Information			
Name of Grantee/Fiduciary City of Grand Rapids Police Department		Project Title/Acronym CATT	
Address 1 Monroe Center, NW	City Grand Rapids	State MI	ZIP Code 49503
Total Grant Award \$789,371	ATPA Award \$415,611	Match Requirement \$373,760	
Grant Period Start Date October 1, 2022	Grant Period End Date September 30, 2023	Project Number 22-23	
Authorized Official Lt. Scott Vogrig	Project Director Sgt. James Wojczynski	Financial Contact Ms. Ranae Rodgers	

### II. Contract Conditions and Requirements

#### Grant Award

The ATPA grant award is to be utilized solely for the benefit of motor vehicle theft prevention programs and initiatives.

The ATPA will only reimburse expenditures incurred during the grant period of October 1, 2022, to September 30, 2023.

The project number (listed above in Award Information) must be included on all correspondence addressed to the ATPA regarding this grant.

A change in authorized official, project director, financial contact, participating agency, personnel assigned to the team, or budget line item change requires a Project Modification Request (GRANTS-034), which can be downloaded from the ATPA website at [www.michigan.gov/msp/divisions/grantscommunityservices/atpa](http://www.michigan.gov/msp/divisions/grantscommunityservices/atpa).

The authorized official and financial officer will serve without compensation from the ATPA grant award.

Any amount of the grant award received, or forfeiture funds generated as a result of motor vehicle theft prevention activities shall be used to enhance motor vehicle theft prevention programs or initiatives. Forfeiture funds include, but are not limited to, forfeiture of cash and receipts from the sale of property.

Public communications materials, news releases, or training announcements that result from this grant must cite the "Auto Theft Prevention Authority" as the source of funding. Copies of the materials or news releases **must** be sent to the ATPA at least five days prior to publishing, and the ATPA reserves the right to make any necessary edits. The ATPA also has the royalty-free right to copy, publish, and distribute any data or material associated with this grant.

Law enforcement personnel funded by the ATPA grant award shall dedicate 100 percent of their regular work hours conducting ATPA grant-related duties. Prosecuting attorneys who designate a portion of their time for ATPA activities will dedicate 100 percent of their designated time to ATPA grant related duties. This will be reflected in daily logs which will be made available for on-site monitoring by ATPA personnel.

The grantee agrees to return all unexpended grant funds to the ATPA within 60 days after the project is completed. The check shall be made payable to the "State of Michigan."

#### Reporting

Failure to comply with any reporting responsibilities identified in this contract may result in withholding grant payment(s) or the cancellation of the grant award. The grantee's lack of compliance will also be taken into account when considering future grant applications and awards from the ATPA.

All grantees must comply with the requirements of the Uniform Crime Reporting (UCR) System Act, 1968 PA 319, as amended. This act requires county sheriffs' departments, as well as city, village, and township police departments, to submit monthly UCR data.

The Progress Report (GRANTS-037), Financial Report (GRANTS-035), and Expenditure Detail (GRANTS-036), can be downloaded from the ATPA website at [www.michigan.gov/msp/divisions/grantscommunityservices/atpa](http://www.michigan.gov/msp/divisions/grantscommunityservices/atpa). The grantee agrees to submit reports in accordance with the schedule referenced in this contract.

All grant-funded employees, including employees of subgrantees, will complete and submit an Employee Time Certification (GRANTS-038). Grantees will submit GRANTS-038 to the ATPA annually via email to [MSPATPA@michigan.gov](mailto:MSPATPA@michigan.gov).

All projects must maintain adequate supporting documentation for financial and progress reports submitted to the ATPA. Failure to provide adequate supporting documentation may adversely affect current-year reimbursements and future ATPA grant requests.

### **ATPA Teams**

The grantee will serve as the fiduciary for the ATPA grant. The fiduciary will be responsible for receiving grant funds, distributing funds to participating team members, and receiving and compiling reports from team members. The grantee will submit grant reports according to the schedule referenced in this contract, as well as those specially requested by the ATPA.

When an agency withdraws an employee from an ATPA team, the ATPA approved budget for that position will remain with the ATPA team. The project director must inform the ATPA when the withdrawal occurs by completing the Project Modification Request (GRANTS-034). The vacant position must be replaced within 30 days or the position will be unfunded unless an extension request has been approved in writing.

Participating agencies are expected to participate on the ATPA team that received the grant award for the entire grant period. Participating agencies that withdraw personnel from the ATPA team before the end of the grant period will be reimbursed based upon the percentage of the grant period in which they participated. The ATPA Board of Directors reserves the right to deny future grant awards based on agency participation.

All personnel who are funded by an ATPA team must have their activities approved by the team commander.

## **III. Program and Financial Review**

### **On-Site Monitoring and Payments**

ATPA staff will schedule appointments with grantees in order to conduct on-site monitoring and grantees must accept these appointments.

Grantees must maintain separate accounting records to document grant revenues and expenditures.

This grant is reimbursement only (excluding non-profit organizations). Grantees must document that expenditures have been paid by local sources before requesting reimbursement from the ATPA.

Supporting documentation which must be submitted with the financial report is as follows:

- Time and Attendance: Payroll expenditures must be supported by employee's earning history, attendance sheet, time sheet, payroll register, and duty log. These records must be retained and made available to ATPA staff during on-site monitoring.
  - o Law Enforcement and Prosecutors Only - Attach the monthly duty logs to the Financial Report (GRANTS-035) when submitted.
- Fringe Benefits and Overtime: Retain a copy of cost allocations for fringe benefits charged to the ATPA program.
  - o Law Enforcement and Prosecutors Only - Each person's overtime hours must not exceed twenty percent of the person's actual regular hours worked. For grantees only paying overtime, this limit does not apply.
- All payments for expenditures (e.g., utilities, office rent, copier use, vehicle lease/rent, cell phones) must be supported by an actual invoice or the method of determining cost.
- Equipment Procurement Procedures/Consultant/Contractual Service: Grantees must attach a copy of the actual invoice or the method of determining cost.

Payment Procedure: For non-profit organizations only, advance payment, with exception, will be based on prior experience and budget limitations. The ATPA agrees to provide the agency with an advance as needed, up to 90 percent of the total ATPA share. Non-profit organizations must submit the Financial Report (GRANTS-035) to request an advance payment. Non-profit organizations acknowledge that upon receipt of this advance, a liability due to the ATPA will be established. The liability will be reduced as expended and reported to the ATPA. Any unexpended funds shall be promptly returned to the ATPA.

- Advances are conditional upon receipt of financial and progress reports completed in accordance with grant conditions. The final payment will be made on a reimbursement basis.

All grantees must sign up through the online SIGMA Self Service vendor registration process to receive State of Michigan payments as Electronic Funds Transfers (EFT)/Direct Deposits, as mandated by the Management and Budget Act, 1984 PA 431, MCL 18.1283a. Vendor registration information is available on the Michigan Department of Technology, Management and Budget's (DTMB) website located at [www.michigan.gov/SIGMAVSS](http://www.michigan.gov/SIGMAVSS).

Should the grantee discover an error in a previous reimbursement request, the grantee shall immediately notify the ATPA and refund the ATPA any funds not authorized for use under this contract and any payments or funds advanced to the grantee in excess of allowable reimbursable expenses.

Mileage Expense for Non-profit Organizations: Limited to the grantee's established mileage reimbursement allowance for non-federally funded activities, not to exceed the ATPA approved budget amount. Grantees must provide supporting documentation for these expenses.

Vehicle Usage/Rental Expenses for Law Enforcement and Prosecutors: Limited to the grantee's established reimbursement policy for non-federally funded activities, not to exceed the ATPA approved budget amount.

#### **IV. Criminal or Administrative Investigations/Charges**

If any employee of the grantee/subgrantee associated with this grant project becomes aware of a criminal or administrative investigation or charge that directly or indirectly involves grant funds referenced in this contract, the grantee shall immediately notify the ATPA's Executive Director in writing that such an investigation has been initiated or that a charge has been issued.

#### **V. Debarment, Suspension, and Other Responsibility Matters (Direct Recipient)**

Pursuant to Executive Order 12549 (Debarment and Suspension) and implemented at 2 C.F.R. Part 2867 for prospective participants in primary covered transactions as defined at 28 C.F.R. Part 2867, Section 2867.20(a) the grantee certifies that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency.
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them and are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) for commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, on making false statements, or receiving stolen property;
- Have not within a two-year period preceding this application been convicted of a felony criminal violation under any federal law; and
- Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

#### **VI. Suspension/Termination**

The ATPA and/or the grantee may suspend and/or terminate this contract without further liability or penalty to the ATPA for any of the following reasons:

- Failure to comply with any of the terms of this contract. Suspension requires immediate action by the grantee to comply with the terms of this contract; otherwise, termination by the ATPA may occur.
- Failure of the grantee to make satisfactory progress toward the measurable objectives set forth in this contract.
- Filing false certification in this contract or other report or document.

This contract may be terminated by either party by giving 15-days written notice to the other party. Such written notice will provide valid, legal reasons for termination, along with the effective date of termination.

This contract may be terminated immediately if the grantee, an official of the grantee, or an owner is convicted of any activity referenced in Section IV of this contract during the term of this contract or any extension thereof.

Should this contract be terminated by either party, within 30 days after the termination, the grantee shall provide the ATPA with all financial, performance, and other reports required as a condition of this contract. The ATPA will make payments to the grantee for allowable reimbursable costs not covered by previous payments. The grantee shall immediately refund to the ATPA any funds not authorized for use and any payments or funds advanced to the grantee in excess of allowable reimbursable expenditures.

## **VII. Liability**

All liability to third parties; loss or damage as a result of claims; and demands, costs, or judgments arising out of activities such as direct service delivery to be carried out by the grantee in the performance of this contract shall be the responsibility of the grantee and not the responsibility of the ATPA if the liability, loss, or damage is caused by or arises out of the actions or failure to act on the part of the grantee, any subgrantee, or anyone directly or indirectly employed by the grantee, provided that nothing herein shall be construed as a waiver of any governmental immunity that has been provided to the grantee or its employees by statute or court decisions.

All liability to third parties; loss, or damage as a result of claims; demands, costs, or judgments arising out of activities such as the provision of policy and procedural direction to be carried out by the ATPA in the performance of this contract shall be the responsibility of the ATPA and not the responsibility of the grantee if the liability, loss, or damage is caused by or arises out of the action or failure to act on the part of any ATPA employee or agent, provided that nothing herein shall be construed as a waiver of any governmental immunity by the state of Michigan, its agencies (the ATPA), or employees as provided by statute or court decisions.

In the event that liability to third parties, loss, or damage arises as a result of activities conducted jointly by the grantee and ATPA in fulfillment of their responsibilities under this contract, such liability, loss, or damage shall be borne by the grantee and the ATPA in relation to each party's responsibilities under these joint activities, provided that nothing herein shall be construed as a waiver of any governmental immunity by the grantee, the state of Michigan, its agencies (the ATPA), or their employees, respectively, as provided by statute or court decisions.

It is specifically understood and agreed that, if the State of Michigan or any County is party to this contract, nothing in this Section will require such party to indemnify any other party or entity in any litigation that may arise from the performance of this contract. This is not to be construed as a waiver of governmental immunity.

## **VIII. Eligible Expenditures**

All eligible expenditures listed below with identified amounts are the ATPA portion; agencies are responsible for appropriate match as identified in Section I. Any expenditure not detailed below must have approval from the ATPA prior to acquisition/purchase.

- Regular salaries.
- Longevity costs.
- Fringe benefits (FICA, unemployment, workers compensation, retirement, life, medical, dental and vision insurance).
- Overtime hours. Hours must not exceed 20 percent of the total sworn employees' budgeted salary/fringe amount. This amount is cumulative for the team and can be utilized at the teams' discretion. For grantees only paying overtime, this limit does not apply.
- Travel and meals. Travel outside normal territory, not to exceed \$2,500 per employee/per year.
- Vehicle operation cost. Not to exceed:
  - o Law enforcement agency - Calculated at \$10,000 per employee/per year. Costs are cumulative, not limited per employee. Only vehicles engaged in road patrols/investigations are eligible.
  - o Prosecutor's office - \$750 per assistant prosecuting attorney/per year for mileage and parking reimbursement.

- Non-profit organization - \$1,500 per employee/per year for mileage reimbursement.
- Office space or utilities. Requires prior approval.
- Office furniture. Requires prior approval.
- Copier purchase/usage. Not to exceed:
  - Law enforcement agency - \$1,200 per year.
  - Prosecutor's office - \$1,200 per year.
  - Non-profit organization - \$2,400 per year.
- Phone installation. Prior approval is required.
- Landline phone purchase/usage. Not to exceed:
  - Law enforcement agency and prosecutor's office - \$750 per person/per year.
  - Non-profit organization - \$1,500 per year.
- Office supplies. Not to exceed \$200 per year/per person.
- Investigative supplies for law enforcement agency (sworn employees only). Not to exceed \$300 per year/per person.
- Computer purchase. Prior approval is required.
- Cell phone purchase/usage. Prior approval is required.
- Motor vehicle theft-related association dues, including dues to the International Association of Automobile Theft Investigators and Michigan Association of Vehicle Theft Investigators.
- Training or conference for educational purposes relating to vehicle theft/fraud investigations. Prior approval is required.

## **IX. Ineligible Expenditures**

This is not an all-inclusive list. Prior approval is required for any expenditure(s) not listed below.

- Inordinate fringes, including, but not limited to, lump sum payments (e.g., banked sick/vacation time, bonuses, pensions, health benefits, and holiday pay).
- Health care benefit waiver bonuses.
- Indirect costs.
- Expenditure(s) incurred before or after the grant period.
- Any administrative costs not directly related to the administration of this grant.
- In-car terminals and system.
- Law Enforcement Information Network (LEIN) usage fees.
- Vehicle, liability, or professional insurance.
- Non-motor vehicle theft-related membership and agency dues.
- Entertainment.
- Expenditures in excess of approved budget.
- Clothing/cleaning/gun allowance.
- Emergency response compensation.
- Show-up pay.
- Educational incentives (e.g., college courses and trade schools).
- First-class travel.
- Costs incurred applying for this grant (e.g., consultants, grant writers).
- Personnel, including law enforcement officers, not connected to the project to which this grant refers.
- Fundraising and any associated salaries or expenses.
- Legal fees.
- Purchase of promotional items unless prior approval is received in writing.
- Contributions and donations.
- Fines and penalties.
- Losses from uncollectible bad debts.
- Purchases of land.
- Military-type equipment such as armored vehicles, explosive devices, and other items typically associated with military arsenal.
- Construction costs and/or renovation, including remodeling.
- Expert witness fees.
- Weapons, including tasers.
- Conducting law enforcement operations with the intent of generating revenue for personal or agency gain through deceitful, fraudulent, unethical, or illegal methods.

## **X. Law Enforcement Objectives**

- Reduce the number of motor vehicle thefts in your grant area by investigating cases that have the highest potential for reducing the demand for stolen vehicles, arresting individuals who are involved, and reducing false motor vehicle theft reports.
- Reduce the economic gain associated with motor vehicle theft by recovering stolen vehicles/parts/equipment and by identifying fraudulent insurance activity.
- Recover more in stolen vehicles/parts/equipment value than the total approved grant award from the ATPA.
- Comply with ATPA guidelines/policies/conditions and UCR requirements for submission of data.
- Maintain clear and reliable documentation for the project's performance activity and financial expenditures.
- Following auction, report to the ATPA the dollar amount deposited into the forfeiture account on the Progress Report (GRANTS-037).
- A team member shall attend regular meetings for area detectives and insurance investigators, including participation in the Anti Car Theft (ACT) meetings. Please note that email correspondence will be accepted in lieu of physical attendance.

## **XI. Law Enforcement Evaluation Criteria (See Section XVII. Arrest Ranking)**

- Number of 14 point motor vehicle theft (MVT) related arrests.
- Number of 12 point MVT related arrests.
- Number of ten point MVT related arrests.
- Number of eight point MVT related arrests.
- Number of six point MVT related arrests.
- Number of four point MVT related arrests.
- Number of two point MVT related arrests.
- Number of insurance fraud related arrests.
- Number of passenger vehicles recovered.
- Dollar value of passenger vehicles recovered.
- Number of other vehicles recovered.
- Dollar value of other vehicles recovered.
- Number of parts parts/equipment recovered.
- Dollar value of parts/equipment recovered.
- Number of commercial vehicles recovered.
- Dollar value of commercial vehicles recovered.
- Dollar amount deposited into forfeiture account.

## **XII. Prosecutor Objectives**

- Provide full-time access to the judicial system for the ATPA task forces in the grant area and provide opportunities to informally discuss cases and legal issues.
- Vertically prosecute all selected motor vehicle theft related cases.
- Maintain a policy of plea bargaining only when absolutely necessary.
- Achieve an overall conviction rate of 80 percent.
- Achieve a trial conviction rate of 70 percent.
- Strive for maximum sentence lengths for defendants.
- Maintain clear and reliable documentation of project's financial expenditures and performance activity.

## **XIII. Prosecutor Evaluation Criteria**

- Number of cases initiated.
- Number of preliminary exams held.
- Number of preliminary exams waived.
- Number of cases disposed pre-trial.
- Number of defendants who pled guilty to original charge.
- Number of defendants who pled guilty to lesser included offense.
- Number of plea bargain dismissals.
- Number of other dismissals.
- Number of cases disposed by trial (jury/judge).

- Number of defendants convicted on original charge.
- Number of defendants convicted on reduced charge.
- Number of defendants incarcerated.
- Number of defendants fined/placed on probation.
- Dollar amount of restitution ordered.
- Number of defendants convicted of insurance fraud.

**XIV. Non-Profit Organization Objectives**

- Conduct 15 motor vehicle theft awareness education programs/seminars (minimum of 20 attendees each).
- Etch 200 vehicles.
- Distribute 1,500 ATPA approved auto theft preventative fliers/brochures regarding motor vehicle theft prevention.
- Write and publish no less than 5 articles about motor vehicle theft prevention. The articles must cite the ATPA as a source of funding. Forward article copies to the ATPA.
- Contact 200 residences within your community with a door-to-door strategy. Inform them of the most up to date auto theft prevention strategies.
- Maintain clear and reliable documentation of project's financial expenditures and performance activity.

**XV. Non-Profit Organization Evaluation Criteria**

- Number of programs/seminars conducted.
- Number of vehicles etched.
- Number of fliers/brochures distributed.
- Number of theft prevention articles written and published.
- Number of residences contacted.

**XVI. Reporting Schedule**

Organization Type	Quarterly Progress and Financial Reports		Due Date
Law Enforcement Agency Prosecuting Attorney's Office Non-Profit Organization	Progress Report (GRANTS-037)	10-01-22 to 12-31-22	01-31-23
	Financial Report (GRANTS-035)	10-01-22 to 12-31-22	01-31-23
	Progress Report (GRANTS-037)	01-01-23 to 03-31-23	04-30-23
	Financial Report (GRANTS-035)	01-01-23 to 03-31-23	04-30-23
	Progress Report (GRANTS-037)	04-01-23 to 06-30-23	07-31-23
	Financial Report (GRANTS-035)	04-01-23 to 06-30-23	07-31-23
	Financial Report (GRANTS-035)	07-01-23 to 09-30-23	10-15-23
	Progress Report (GRANTS-037)	07-01-23 to 09-30-23	10-31-23

**XVII. Arrest Ranking**

Felony Charges	MCL	Arrest Points
Altering Vehicle Identification Number with Intent to Mislead	750.415	10
Arson - Owner Involved	750.75	14
Car-jacking	750.529a	8
Chop Shop	750.535a	14
Continuing Criminal Enterprise	750.159i	14
Counterfeit Insurance Certificates	257.222	6
Embezzlement	750.174	6
Failure to Return Rental Vehicle	750.362	6
False Certification	257.903	12
False Police Report	750.411a	8

False Pretenses	750.218	12
False Statement in Application for Title	257.254	12
Forged License Documents/License Plates	257.257	6
Insurance Fraud - Owner Staged Arson/Larceny/Theft	500.4511	14
Interstate Transportation of Stolen Motor Vehicle	750.535	14
Larceny by Conversion	750.362	6
Larceny from Motor Vehicle	750.356a	4
Obtain Personal Identification (ID) Without Permission	257.324	6
Odometer Fraud	257.233a	12
Operating License Forged, Altered, or False	257.324	6
Possess or Sell Rosette Rivets	750.415	4
Possess Stolen Vehicle with Intent to Pass Title	257.254	10
Repair - Salvage Facility Violation	257.217	4
Receiving and Concealing Stolen Property	750.535	8
Unlawfully Driving Away Automobile	750.413	6
Unlawful Use	750.414	4
Use Fraudulent ID to Lease or Purchase Vehicle	750.415	12
All Other Charges		2

**Note to Arrest Rankings:**

- Team takes credit for most serious charge against subject and ignores others.
- Team takes credit for original arrest charge, even if reduced later by prosecutor.
- If subject is arrested on three separate warrants, team may count three arrests.
- Attempted crimes or conspiracy to commit crime earns same points as listed.

**XVIII. Special Conditions**

This contract is valid upon approval and execution by the ATPA.

This contract is conditionally approved, subject to and contingent upon the availability of funds.

The grantees will not assume any responsibility or liability for costs incurred by the ATPA prior to the full execution of this contract.

**XIX. Contract Signatures**

Grant funding will not be released until all requirements of the signed grant contract have been agreed upon. The undersigned has the authority to accept the terms of this grant contract.

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Printed Name of Authorized Official	Signature of Authorized Official	Date
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Printed Name of Project Director	Signature of Project Director	Date
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Printed Name of Financial Contact

Signature of Financial Contact

Date

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Printed Name of ATPA Executive Director

Signature of ATPA Executive Director

Date

**GRAND RAPIDS POLICE DEPARTMENT  
COMBINED AUTO THEFT TEAM (CATT)  
COMBINED BUDGET DETAIL  
G-22-23**

	2022	2023		Percent
	BUDGET	APPLICATION	BUDGET	50%
		BUDGET	ATPA STAFF MODIFICATION	ATPA SHARE
			RECOMM	
<b>SWORN EMPLOYEES</b>				
Salaries & Wages:				
(2)GRPD-Detectives	162,288	167,388	167,388	83,694
Fringe Benefits	88,482	96,840	96,840	48,420
Overtime	7,524	7,926	7,926	3,963
(1)GRPD-Sergeant	91,200	94,062	94,062	47,031
Fringe Benefits	47,933	52,284	52,284	26,142
Overtime	4,174	4,390	4,390	2,195
(1)Wyoming PD-Detective	81,813	83,658	83,658	41,829
Fringe Benefits	60,350	51,314	51,314	25,657
Overtime	6,239	6,380	6,380	3,190
(1)Kentwood PD-Detective	74,040	85,213	85,213	42,607
Fringe Benefits	39,337	41,013	41,013	20,507
Overtime	5,338	-	-	-
<b>TOTAL SWORN EMPLOYEES</b>	<b>668,718</b>	<b>690,468</b>	<b>690,468</b>	<b>345,234</b>
<b>VEHICLES</b>				
(3) Grand Rapids PD	30,000	30,000	30,000	15,000
(1) Wyoming PD	3,561	3,512	3,512	1,756
(1) Kentwood PD	10,000	10,000	10,000	5,000
<b>TOTAL VEHICLES</b>	<b>43,561</b>	<b>43,512</b>	<b>43,512</b>	<b>21,756</b>
<b>FIELD OPERATIONS</b>				
Investigative. Supplies	1,500	1,500	1,500	750
MAVTI & IAATI Dues/Training fees	300	300	300	150
IAATI travel/training	6,650	9,900	9,900	4,950
Dell Latitude Tablet and accessories	-	-	-	-
Data Collection/Storage for Pole Cam	-	-	-	-
<b>TOTAL FIELD OPERATIONS</b>	<b>8,450</b>	<b>11,700</b>	<b>11,700</b>	<b>5,850</b>
<b>OFFICE OPERATON</b>				
Office Supplies - copier/paper	1,000	1,000	1,000	500
Cell phones	840	840	840	420
New printer/copier	-	-	-	-
<b>TOTAL OFFICE OPERATIONS</b>	<b>1,840</b>	<b>1,840</b>	<b>1,840</b>	<b>920</b>
<b>GRAND TOTAL</b>	<b>722,569</b>	<b>747,520</b>	<b>747,520</b>	<b>373,760</b>
<b>REIMBURSEMENT PERCENT</b>	<b>50%</b>			<b>50%</b>
		<b>SEE BELOW FOR GRAND TOTAL</b>		
<b>EQUIPMENT AT 100%</b>				
Scanners; Flashlights; Flock LPR		41,851	41,851	41,851
<b>GRAND TOTAL</b>		<b>41,851</b>	<b>41,851</b>	<b>41,851</b>
<b>TOTAL GRANT AWARD</b>		<b>789,371</b>		<b>415,611</b>

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO APPROVE CHANGE ORDER NUMBER THREE FOR  
THE WATER TREATMENT PLANT DISCHARGE PIPING IMPROVEMENT PROJECT

WHEREAS:

1. On May 17, 2021, City Council adopted Resolution number 27016 awarding the bid for the Water Treatment Plant yard discharge piping improvement project to Kamminga & Roodvoets, Inc. in the total amount of \$6,993,691.00
2. As detailed in the attached staff report, it is recommended the City Council accept change order number three in the estimated amount of \$17,797.38.
3. There are sufficient funds in the project contingency.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby approve change order number three in the total estimated amount of \$17,797.38.

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 October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Change Order

Resolution No. \_\_\_\_\_

## STAFF REPORT

Date: September 27, 2022

Subject: WTP Yard Piping Change Order #3 – Construction Phase

From: Robert Veneklasen, Water Plant Superintendent

Meeting Date: October 3, 2022

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### **RECOMMENDATION:**

It is recommended the City Council approve the Water Plant Discharge Piping Improvements project construction phase Change Order #3 at a cost of \$17,797.38 to address unanticipated conditions and requirements.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The integrity of the water discharge piping is an extremely important component for the ability to provide an abundant supply of drinking water at sufficient pressure to meet the needs of the City's wholesale and retail customers for the protection of public health.

### **DISCUSSION:**

This change order stems from unanticipated work required to provide greater pipe restraint at one point in the yard piping network. During construction it was discovered that operation of the high service pumps in a particular flow regime would create and impose unusual stresses on the yard piping network.

The additional costs incurred are to address the contractor's efforts only. The cost of the additional pipe work and engineering were borne internally by the pipe manufacturer and engineering consultant.

The total cost of these additional efforts is \$17,797.38 and is supported by the included documents. There are sufficient funds in the project's contingency, so no budget amendment is necessary.

### **BUDGET IMPACT:**

The Water Treatment Plant Discharge Piping project construction by Kamminga and Roodvoets was approved by the City Council on May 5, 2021 at a cost of \$6,993,691.00 with a 10% contingency of \$770,000.00. The costs associated with this change order bring the construction cost to \$7,263,951.35 with a remaining contingency of approximately \$499,739.65.

September 21, 2022  
2200689

Mr. Robert Veneklasen  
City of Wyoming  
16700 New Holland Street  
Holland, MI 49424

RE: WTP Discharge Piping Improvements  
Change Order No. 3

Dear Bob:

Enclosed you will find a copy of the following recommended change order for your review and signature. The change order includes costs associated mainly with thrust collar revisions, support stand for the 42-in ball valve's actuator, and a balance of quantities for sections 1-3 of the Bid Proposal.

A summary of the change order follows:

Current Contract Price:	\$7,246,153.97
Contract Change:	<u>\$17,797.38</u>
<b>Adjusted Contract Price:</b>	<b>\$7,263,951.35</b>

Please sign the attached change order, scan the signed copy, and email a copy back to our office. We will forward the executed copy to the Contractor for their records.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

**Prein&Newhof**



Steve Taplin, P.E.

Enclosures: Change Order No. 3 and supporting documentation



# Change Order

For (project): Wyoming WTP Discharge Piping Improvements						Change No. <b>3</b>	
From (Contractor): Kamminga & Roodvoets						Date: 9/15/2022	
ITEM		VALUE				CHANGE	
Item No.	Description of Change	Quantity Change	Unit	Unit Price	Total Value	Decrease in Contract Price	Increase in Contract Price
1	Thrust Collar Revisions	1	LS	\$12,727.97	\$12,727.97		\$12,727.97
2	Cleanout Castings on Valve Boxes	6	EA	\$250.67	\$1,504.02		\$1,504.02
3	New Holland Irrigation Repairs	1	LS	\$785.50	\$785.50		\$785.50
4	42-inch Valve Support Stands	1	LS	\$10,138.00	\$10,138.00		\$10,138.00
5	Section 1, 2, and 3 Quantity Balance	1	LS	(\$7,358.11)	(\$7,358.11)	7,358.11	
<b>Change Totals</b>						<b>\$7,358.11</b>	<b>\$25,155.49</b>
<b>Net Change In Contract Price</b>							<b>\$17,797.38</b>

## Change Order No. 3

For (contract): Wyomint WTP - Discharge Piping Improvements	Project Number: 2200689
Description: Balance Base Quantities for Section 1, 2, and 2	Application Date: September 15, 2022

### Section 1, 2, and 3: Balance Base Quantities

Item No.	Description	BID				Change Order No. 3		DIFFERENCE	
		Quantity	Unit	Unit Price	Total Amount	Total Quantity	Total Amount	Quantity	Total Amount
1	Mobilization (Max 5% of Total Bid)	1	LS	\$345,000.00	\$345,000.00	1	\$345,000.00	0	\$0.00
2	Soil Erosion and Sedimentation Control	1	LS	\$2,500.00	\$2,500.00	1	\$2,500.00	0	\$0.00
3	Silt Fence	300	FT	\$4.00	\$1,200.00	270	\$1,080.00	(30)	(\$120.00)
4	Pipe Locating	1	LS	\$20,000.00	\$20,000.00	1	\$20,000.00	0	\$0.00
5	Traffic Control	1	LS	\$532,000.00	\$532,000.00	1	\$532,000.00	0	\$0.00
6	HMA Surface, Rem	3,000	SYD	\$5.00	\$15,000.00	2,850	\$14,250.00	(150)	(\$750.00)
7	Curb and Gutter, Rem	670	FT	\$4.00	\$2,680.00	643	\$2,572.00	(27)	(\$108.00)
8	Sidewalk, Rem	100	SYD	\$9.00	\$900.00	102	\$918.00	2	\$18.00
9	Tree, Rem	1	LS	\$4,000.00	\$4,000.00	1	\$4,000.00	0	\$0.00
10	Transmission Main, Removal	1	LS	\$35,000.00	\$35,000.00	1	\$35,000.00	0	\$0.00
11	Remove and Store Existing Light Poles (x2)	1	LS	\$1,500.00	\$1,500.00	1	\$1,500.00	0	\$0.00
12	Transmission Main Dewatering	1	LS	\$15,000.00	\$15,000.00	1	\$15,000.00	0	\$0.00
13	Aggregate Base, 6 inch, Parking Lot	2,100	SYD	\$12.25	\$25,725.00	1,835	\$22,478.75	(265)	(\$3,246.25)
14	Aggregate Base, 6 inch, HMA Trail	280	SYD	\$13.00	\$3,640.00	126.6	\$1,645.80	(153.4)	(\$1,994.20)
15	Aggregate Base, 7 inch, New Holland Street	1,300	SYD	\$12.00	\$15,600.00	1,337.2	\$16,046.40	37.2	\$446.40
16	Aggregate Shoulder, 8 inch, New Holland Street	430	SYD	\$17.50	\$7,525.00	393.8	\$6,891.50	(36.2)	(\$633.50)
17	Curb and Gutter, Concrete, Rolled	280	FT	\$19.00	\$5,320.00	263.5	\$5,006.50	(16.5)	(\$313.50)
18	Curb and Gutter, Concrete, Type 1	260	FT	\$19.00	\$4,940.00	277.5	\$5,272.50	17.5	\$332.50

Item No.	BID					Change Order No. 3		DIFFERENCE	
	Description	Quantity	Unit	Unit Price	Total Amount	Total Quantity	Total Amount	Quantity	Total Amount
19	Sidewalk, Concrete, 4"	1,050	SFT	\$4.00	\$4,200.00	1,401.4	\$5,605.60	351.4	\$1,405.60
20	HMA, 13A, New Holland Street	350	TON	\$75.00	\$26,250.00	363.57	\$27,267.75	13.57	\$1,017.75
21	HMA, 3C, Parking Lot	240	TON	\$77.00	\$18,480.00	248.02	\$19,097.54	8.02	\$617.54
22	HMA, 4C, Parking Lot	190	TON	\$79.00	\$15,010.00	170	\$13,430.00	(20)	(\$1,580.00)
23	HMA, 3C, Trail	30	TON	\$125.00	\$3,750.00	18.14	\$2,267.50	(11.86)	(\$1,482.50)
24	HMA, 4C, Trail	25	TON	\$135.00	\$3,375.00	17.83	\$2,407.05	(7.17)	(\$967.95)
25	Pavement Markings	1	LS	\$1,750.00	\$1,750.00	1	\$1,750.00	0	\$0.00
26	Restoration	1	LS	\$25,000.00	\$25,000.00	1	\$25,000.00	0	\$0.00
27	Irrigation System Repairs	1	LS	\$14,000.00	\$14,000.00	1	\$14,000.00	0	\$0.00
28	River Birch Clump, 5'-6' Height	2	EA	\$820.00	\$1,640.00	2	\$1,640.00	0	\$0.00
29	Locust Trees, 3" (Match Existing - thought to be Thornless Honey Locust)	2	EA	\$820.00	\$1,640.00	2	\$1,640.00	0	\$0.00
30	Perimeter Trees, 3" (Match Existing)	4	EA	\$820.00	\$3,280.00	4	\$3,280.00	0	\$0.00
31	Reinstall Existing Light Pole (x2)	1	LS	\$3,500.00	\$3,500.00	1	\$3,500.00	0	\$0.00
32	Install New Light Pole (Match Existing)	1	LS	\$7,500.00	\$7,500.00	1	\$7,500.00	0	\$0.00
33	Spillway, Concrete	1	LS	\$200.00	\$200.00	1	\$200.00	0	\$0.00
<b>Total Section 1, 2, and 3</b>					<b>\$1,167,105.00</b>		<b>\$1,159,746.89</b>		<b>(\$7,358.11)</b>

## Project Cost Summary

Owner:

City of Wyoming

Project Title:

WTP Discharge Piping Improvements

Date:

September 21, 2022

<i>Item</i>				
<i>No.</i>	<i>Description</i>	<i>Total at Bid</i>	<i>Adjustment</i>	<i>Current Total</i>
1	Valve Procurement	\$268,284.00	\$0.00	\$268,284.00
2	K&R Contract			
	• Site Investigation	\$15,167.00	\$0.00	\$15,167.00
	• Current Contract	\$6,993,691.00	\$280,398.35	\$7,274,089.35
	<i>Change Order No. 1 (incl alternate)</i>		\$141,838.25	
	<i>Change Order No. 2</i>		\$120,762.72	
	<i>Change Order No. 3</i>		\$17,797.38	
	• Alternates (Added to Contract)	\$39,000.00	(\$39,000.00)	\$0.00
<b>Total Construction Cost:</b>		<b>\$7,316,142.00</b>	<b>\$241,398.35</b>	<b>\$7,557,540.35</b>
3	Engineering, Legal and Admin	\$575,510.00	\$76,586.02	\$652,096.02
	<i>Scope Rev 3</i>		\$87,700.00	
	<i>B&amp;V Contribution to Change Order No. 3</i>		(\$11,113.98)	
4	Contingency	\$738,348.00	(\$317,984.37)	\$420,363.63
<b>Total Project Cost:</b>		<b>\$8,630,000.00</b>	<b>\$0.00</b>	<b>\$8,630,000.00</b>

RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR AWARD OF BIDS AND TO  
AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACTS

WHEREAS:

1. Formal bids have been obtained on the below listed items.
2. The bids received have been reviewed and evaluated as per the attached staff reports.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bids for the listed items as recommended in the attached staff reports and summarized below.

Item	Recommended Bidder	Cost
Gate Valves	Etna Supply Company	Bid prices as shown on the attached staff report.
Waterworks Fittings	Etna Supply Company	Bid prices as shown on the attached staff report.
Winter Mix Asphalt	Superior Asphalt Inc.	Bid prices as shown on the attached staff report.
Gravel and Slag	Verplank Trucking Co.	Bid prices as shown on the attached staff report.

2. The City Council does hereby authorize the Mayor and City Clerk to execute the contracts.

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 October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:  
Staff Reports  
Contracts

Resolution No. \_\_\_\_\_

# STAFF REPORT

DATE: September 21, 2022  
SUBJECT: Bid Award – Gate Valves  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: October 3, 2022

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## **RECOMMENDATION:**

It is recommended that the City Council award the bid for gate valves to the low bidder, Etna Supply Company, at the unit prices listed on the attached Bid Tabulation.

## **COMMUNITY, SAFETY, STEWARDSHIP:**

Gate valves are used to isolate sections of watermain that are being repaired or replaced throughout the City. It is important that these valves work properly to minimize water system disruptions. Replacing leaking gate valves also reduces the amount of treated drinking water that is unintentionally released into the environment.

## **DISCUSSION:**

On Tuesday, September 20, 2022, the City received three bids for gate valves. Sixty-seven invitations to bid were sent to prospective bidders. As indicated on the attached bid tabulation, Etna Supply Company was the low bidder.

The Public Works Department replaces gate valves on water mains when they are found to be leaking or inoperable.

The Public Works Department is anticipating an estimated yearly total of \$16,000 for gate valves. The total estimated price is an increase of 17% from last year's bid.

## **BUDGET IMPACT:**

Sufficient funds are available in the Water Main Maintenance Account, 591-441-56200-930.000.

## **ATTACHMENTS:**

Bid Tabulations – 9/20/22

City of **Wyoming** Michigan

TABULATION OF BIDS

FOR GATE VALVES - BID # 2059

OPENED BY THE CITY CLERK ON SEPTEMBER 20, 2022 AT 11:00 A.M. O'CLOCK

Item Description	Estimated Quantity	Etna Supply Company		Ferguson Enterprises		Kennedy Industries	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
6" (Open Right/Left)	12	\$ 756.00	\$9,072.00	\$ 864.00	\$ 10,368.00	\$1,187.00	\$ 14,244.00
8" (Open Right/Left)	6	\$1,206.00	\$7,236.00	\$1,361.00	\$ 8,166.00	\$1,863.00	\$ 11,178.00
12" (Open Right/Left)	0	\$2,386.00	\$ -	\$2,674.00	\$ -	\$3,611.00	\$ -
<b>Grand Total:</b>		\$16,308.00		\$18,534.00		\$25,422.00	
<b>Brand Bid:</b>		American Flow Control		East Jordan Iron Works		American AVK	
<b># of days for deliveries from order:</b>		7-10 days		45 business days		35-49 days	

## STAFF REPORT

DATE: September 21, 2022  
SUBJECT: Bid Award – Waterworks Fittings  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: October 3, 2022

---

### **RECOMMENDATION:**

It is recommended that the City Council award the bid for waterworks fittings to the low bidder, Etna Supply Company, at the unit prices listed on the attached Bid Tabulation.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The use of waterworks fittings allows the Public Works Department to provide timely utility repairs without removal of significant portions of water mains, extensive excavation and costly restoration.

### **DISCUSSION:**

On Tuesday, September 20, 2022, the City received two bids for waterworks fittings. Seventy invitations to bid were sent to prospective bidders. Etna Supply Company was the low bidder.

The Public Works Department utilizes waterworks fittings to repair damaged water mains throughout the City. Water main breaks can be caused by several factors, including age, freezing or thawing of soil, pipe corrosion, soil conditions, or ground movement.

The Public Works Department is anticipating an estimated yearly total of \$40,000 for waterworks fittings. The total price based on the estimated quantity is an increase of 2.5% from last year's bid.

### **BUDGET IMPACT:**

Sufficient funds are available in the Water Fund Maintenance Account, 591-441-56200-775.000.

### **ATTACHMENTS:**

Bid Tabulations – 9/20/22

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR WATERWORKS FITTINGS - BID # 2060

OPENED BY THE CITY CLERK ON SEPTEMBER 20, 2022 AT 11:00 A.M. O'CLOCK

Item Description	Est. Qty.	Etna Supply Company				Ferguson Waterworks			
		Unit Price	Total (based on est. qty.)	Tyler Union Product	Star Pipe Product (Domestic)	Unit Price	Total (based on est. qty.)	Tyler Union Product	Star Pipe Product (Domestic)
<b>SLEEVES</b>									
20" x 15"	2	\$1,583.00	\$3,166.00	X		\$2,348.00	\$4,696.00	X	
24" x 15"	2	\$2,771.00	\$5,542.00	X		\$3,815.00	\$7,630.00	X	
6" x 12"	10	\$222.00	\$2,220.00	X		\$324.00	\$3,240.00	X	
8" x 12"	10	\$289.00	\$2,890.00	X		\$424.00	\$4,240.00	X	
12" x 12"	6	\$670.00	\$4,020.00	X		\$920.00	\$5,520.00	X	
16" x 15"	2	\$1,312.00	\$2,624.00	X		\$1,746.00	\$3,492.00	X	
6" x 12" Sleeve, oversized	0	NO BID				\$463.00	\$0.00	X	
8" x 12" Sleeve, oversized	0	NO BID				\$593.00	\$0.00	X	
12" x 12" Sleeve, oversized	0	NO BID				\$1,287.00	\$0.00	X	
16" x 15" Sleeve, oversized	0	NO BID				\$3,230.00	\$0.00	X	
20" x 15" Sleeve, oversized	0	NO BID				NO BID			
24" x 15" Sleeve, oversized	0	NO BID				NO BID			
<b>ITEMS FOR "D" VALVE BOXES</b>									
3 Piece "D" Valve Boxes	20	\$277.00	\$5,540.00	X		\$264.00	\$5,280.00	X	
6" Valve Box Extension	5	NO BID				\$59.00	\$295.00	X	
14" Valve Box Extension	5	\$68.00	\$340.00	X		\$66.00	\$330.00	X	
18" Valve Box Extension	5	\$68.00	\$340.00	X		\$78.00	\$390.00	X	
24" Valve Box Extension	5	\$81.00	\$405.00	X		\$79.00	\$395.00	X	
Top Section	10	\$111.00	\$1,110.00	X		\$107.00	\$1,070.00	X	
Mid Section	1	\$86.00	\$86.00	X		\$83.00	\$83.00	X	
Base Section	1	\$86.00	\$86.00	X		\$59.00	\$59.00	X	
<b>CUT-IN SLEEVE</b>									
6"	10	\$715.00	\$7,150.00	X		\$831.00	\$8,310.00	X	
8"	5	\$926.00	\$4,630.00	X		\$979.00	\$4,895.00	X	
12"	5	\$1,512.00	\$7,560.00	X		\$1,594.00	\$7,970.00	X	
<b>EBAA MEGALUG SERIES 1100 (Kit to include: Gland, Nuts, Bolts and Rubber Gasket)</b>									
6" Megalugs Gland Kit	20	\$50.00	\$1,000.00		EBAA	\$53.00	\$1,060.00		EBAA
8" Megalugs Gland Kit	20	\$69.00	\$1,380.00		EBAA	\$70.00	\$1,400.00		EBAA
12" Megalugs Gland Kit	10	\$131.00	\$1,310.00		EBAA	\$132.00	\$1,320.00		EBAA
16" Megalugs Gland Kit	4	\$231.00	\$924.00		EBAA	\$231.00	\$924.00		EBAA
20" Megalugs Gland Kit	4	\$378.78	\$1,515.12		EBAA	\$374.00	\$1,496.00		EBAA
24" Megalugs Gland Kit	4	\$540.00	\$2,160.00		EBAA	\$507.00	\$2,028.00		EBAA
<b>Total for estimated quantities:</b>		<b>\$55,998.12</b>				<b>\$66,123.00</b>			
<b>State number of days required for deliveries from date of receipt of orders:</b>		7-10 Days				Lead times are based on manufacturer production and will be determined a time of order. If in stock, some items can be delivered within 10 days			
<b>Is there a location within 15 miles to the City of Wyoming limits available for 24/7 Emergency Purchases?</b>		Yes				Yes			

# STAFF REPORT

DATE: September 21, 2022  
SUBJECT: Bid Award – Winter Mix Asphalt  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: October 3, 2022

---

## **RECOMMENDATION:**

It is recommended that the City Council award the bid for winter cold mix UPM asphalt and permanent winter hot mix HMA asphalt and to the low bidder, Superior Asphalt Inc., at a unit price of \$145.00 per ton for the cold mix asphalt and \$135.00 per ton for the hot mix asphalt for the 2022-2023 winter season.

## **COMMUNITY, SAFETY, STEWARDSHIP:**

The use of winter mix asphalt allows the Public Works Department to provide high quality street repairs throughout the winter season. Winter mix asphalt is made from materials that are recycled and able to be recycled, reducing the consumption of natural resources and the dumping of asphalt materials in landfills.

## **DISCUSSION:**

On Tuesday, September 20, 2022, the City received two bids for winter mix asphalt. Thirty-one invitations to bid were sent to prospective bidders. As indicated on the attached bid tabulation, Superior Asphalt Inc. was the low bidder.

It is anticipated that the Public Works Department will use approximately 300 tons of winter cold mix UPM asphalt and approximately 300 tons of permanent winter hot mix HMA asphalt during the 2022–2023 winter season. The cost of the cold mix asphalt will be \$145.00 per ton, at an estimated total cost of \$43,500.00 and the cost of the hot mix asphalt will be \$135.00 per ton, at an estimated total cost of \$40,500.00. The unit price for cold mix asphalt is an increase of 14% from last year's bid. The unit price for hot mix asphalt is an increase of 7% from last year's bid.

## **BUDGET IMPACT:**

Sufficient funds are available in the street, sewer and water maintenance accounts, 202-441-46300-775.000, 202-441-47800-740.000, 203-441-46300-775.000, 203-441-47800-740.000, 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

## **ATTACHMENTS:**

Bid Tabulations – 9/20/22

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR WINTER MIX ASPHALT - BID # 2057  
OPENED BY THE CITY CLERK ON SEPTEMBER 20, 2022 AT 11:00 A.M. O'CLOCK

<b>Bidder</b>	<b>Winter Cold Mix Asphalt (UPM) Per Ton</b>	<b>Permanent Winter Hot Mix Asphalt (HMA) Per Ton</b>
A-1 Asphalt, Inc.	No Bid	\$145.00
Superior Asphalt Inc	\$145.00	\$135.00

# STAFF REPORT

DATE: September 21, 2022  
SUBJECT: Bid Award – Gravel and Blast Furnace Slag  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: October 3, 2022

---

## **RECOMMENDATION:**

It is recommended that the City Council award the bid for road gravel at a unit price of \$15.00 per ton and blast furnace slag at a unit price of \$20.50 per ton to the only bidder, Verplank Trucking Co.

## **COMMUNITY, SAFETY, STEWARDSHIP:**

The City uses road gravel and blast furnace slag throughout the community for street and utility repairs. Use of road gravel and blast furnace slag, made from materials that are recycled and able to be recycled, reduces the consumption of natural resources and the disposal of concrete and other materials in landfills.

## **DISCUSSION:**

On Tuesday, September 20, 2022, the City received one bid for road gravel and blast furnace slag. Sixty-three invitations to bid were sent to prospective bidders. Verplank Trucking Co. submitted the only bid.

The Public Works Department repairs streets damaged by weather or utility failures throughout the year. To make proper repairs, inferior and/or saturated materials must be removed from underneath the street surface. Road gravel and blast furnace slag are utilized in the repairs. The road gravel and blast furnace slag are transported to the City's Public Works facility where the material is stored for the street and utility repairs.

The Public Works Department uses approximately 2,500 tons of road gravel and 1,500 tons of blast furnace slag each year for street and utility repairs. The cost of road gravel will be \$15.00 per ton, at an estimated total cost of \$37,500.00 and the cost of the blast furnace slag will be \$20.50 per ton, at an estimated total cost of \$30,750.00. The unit price for road gravel is an increase of 17% from last year's bid. The unit price for blast furnace slag is an increase of 12% from last year's bid.

## **BUDGET IMPACT:**

Sufficient funds are available in the Sewer and Water Fund Maintenance Accounts: 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

## **ATTACHMENTS:**

Bid Tabulations – 9/20/22

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR GRAVEL & BLAST FURNACE SLAG - BID # 2058  
OPENED BY THE CITY CLERK ON SEPTEMBER 20, 2022 AT 11:00 A.M. O'CLOCK

	<b>Estimated Quantity</b>	<b>VERPLANK TRUCKING COMPANY</b>
Road Gravel, 22-A, M.D.O.T.	2,500 Tons	\$15.00 per Ton
Blast Furnace Slag, 22-A, M.D.O.T.	1,500 Tons	\$20.50 per Ton

## GATE VALVES CONTRACT

This Contract is made as of the Effective Date between the City of Wyoming, a Michigan municipal corporation, of 1155 28<sup>th</sup> Street SW, PO Box 905, Wyoming, MI 49509-0905 ("City") and the Contractor identified below.

### Recitals

City requested bids/proposals for the **Gate Valves** contract (the "Request for Bids/Proposals" that included the bid/proposal requirements, city contract standard terms and conditions, risk allocation and insurance provisions, bonds and lien provisions, specific requirements, bid/proposal form, plans, and project or technical bid specifications) and Contractor submitted the bid/proposal by the required date of September 20, 2022 and related required materials (the "Bid") that was selected by City

"Contract Documents" means this contract, the Bid, the Request for Bids/Proposals including all materials that are part of it, the approving City Council resolution, insurance information meeting contract requirements (including any requested policies, endorsements and certificates), and any required bonds.

"Contractor" means:

Etna Supply  
LEGAL NAME OF COMPANY

\_\_\_\_\_  
BUSINESS NAME / D.B.A., IF DIFFERENT FROM ABOVE

LLC  
FORM OF BUSINESS and STATE IN WHICH FORMED -- e.g. partnership, corporation, limited liability company, or professional corporation and the state in which it was formed

4901 Clay Avenue SW  
STREET ADDRESS

Grand Rapids                      MI                      49548  
CITY                                              STATE                                              ZIP CODE

"Effective Date" means the day after the date that (i) the Contract is approved by the City Council and (ii) the City receives all bonds, insurance documents, and other documents required from Contractor.

### Terms and Conditions

In exchange for the consideration in and referred by this Contract, the parties agree:

1. Contractor will provide the materials and services in accordance with the Contract Documents.
2. City will pay the Contractor in accordance with the Contract Documents.
3. This is the only agreement between the parties regarding its subject matter. There are no other agreements, representations or warranties. **No terms and conditions apply other than those expressly and fully stated in the Contract Documents.** This contract can be amended only in writing signed by both City and Contractor.

City and Contractor have signed this Contract as of the Effective Date.

City of Wyoming

By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
Kelli A. Vandenberg, City Clerk

Date signed: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Scott G. Smith, City Attorney

Contractor

By: \_\_\_\_\_  
Signature for Contractor

Chad Hart, Customer Service Rep  
Printed Name & Title of Person Signing

Date signed: 9/27/22



**WATERWORKS FITTINGS CONTRACT**

This Contract is made as of the Effective Date between the City of Wyoming, a Michigan municipal corporation, of 1155 28<sup>th</sup> Street SW, PO Box 905, Wyoming, MI 49509-0905 ("City") and the Contractor identified below.

**Recitals**

City requested bids/proposals for the **Waterworks Fittings** contract (the "Request for Bids/Proposals" that included the bid/proposal requirements, city contract standard terms and conditions, risk allocation and insurance provisions, bonds and lien provisions, specific requirements, bid/proposal form, plans, and project or technical bid specifications) and Contractor submitted the bid/proposal by the required date of September 20, 2022 and related required materials (the "Bid") that was selected by City

"Contract Documents" means this contract, the Bid, the Request for Bids/Proposals including all materials that are part of it, the approving City Council resolution, insurance information meeting contract requirements (including any requested policies, endorsements and certificates), and any required bonds.

"Contractor" means: Etna Supply  
LEGAL NAME OF COMPANY

\_\_\_\_\_  
BUSINESS NAME / D.B.A., IF DIFFERENT FROM ABOVE

LLC  
FORM OF BUSINESS and STATE IN WHICH FORMED -- e.g. partnership, corporation, limited liability company, or professional corporation and the state in which it was formed

4901 Clay Avenue SW  
STREET ADDRESS

Grand Rapids MI 49548  
CITY STATE ZIP CODE

"Effective Date" means the day after the date that (i) the Contract is approved by the City Council and (ii) the City receives all bonds, insurance documents, and other documents required from Contractor.

**Terms and Conditions**

In exchange for the consideration in and referred by this Contract, the parties agree:

1. Contractor will provide the materials and services in accordance with the Contract Documents.
2. City will pay the Contractor in accordance with the Contract Documents.
3. This is the only agreement between the parties regarding its subject matter. There are no other agreements, representations or warranties. **No terms and conditions apply other than those expressly and fully stated in the Contract Documents.** This contract can be amended only in writing signed by both City and Contractor.

City and Contractor have signed this Contract as of the Effective Date.

City of Wyoming  
By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
Kelli A. Vandenberg, City Clerk

Date signed: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Scott G. Smith, City Attorney

Contractor  
By: \_\_\_\_\_  
Signature for Contractor

Chad Hart, Customer Service Rep  
Printed Name & Title of Person Signing

Date signed: 9/27/22



## WINTER MIX ASPHALT CONTRACT

This Contract is made as of the Effective Date between the City of Wyoming, a Michigan municipal corporation, of 1155 28<sup>th</sup> Street SW, PO Box 905, Wyoming, MI 49509-0905 ("City") and the Contractor identified below.

### Recitals

City requested bids/proposals for the **Winter Mix Asphalt** contract (the "Request for Bids/Proposals" that included the bid/proposal requirements, city contract standard terms and conditions, risk allocation and insurance provisions, bonds and lien provisions, specific requirements, bid/proposal form, plans, and project or technical bid specifications) and Contractor submitted the bid/proposal by the required date of September 20, 2022 and related required materials (the "Bid") that was selected by City

"Contract Documents" means this contract, the Bid, the Request for Bids/Proposals including all materials that are part of it, the approving City Council resolution, insurance information meeting contract requirements (including any requested policies, endorsements and certificates), and any required bonds.

"Contractor" means:

Supacore Asphalt INC  
LEGAL NAME OF COMPANY

Corporation State of Michigan  
BUSINESS NAME / D.B.A., IF DIFFERENT FROM ABOVE

1609 Century Ave SW  
FORM OF BUSINESS and STATE IN WHICH FORMED - e.g. partnership, corporation, limited liability company, or professional corporation and the state in which it was formed

Grand Rapids MI 49503  
STREET ADDRESS CITY STATE ZIP CODE

"Effective Date" means the day after the date that (i) the Contract is approved by the City Council and (ii) the City receives all bonds, insurance documents, and other documents required from Contractor.

### Terms and Conditions

In exchange for the consideration in and referred by this Contract, the parties agree:

1. Contractor will provide the materials and services in accordance with the Contract Documents.
2. City will pay the Contractor in accordance with the Contract Documents.
3. This is the only agreement between the parties regarding its subject matter. There are no other agreements, representations or warranties. **No terms and conditions apply other than those expressly and fully stated in the Contract Documents.** This contract can be amended only in writing signed by both City and Contractor.

City and Contractor have signed this Contract as of the Effective Date.

**City of Wyoming**

By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
Kelli A. VandenBerg, City Clerk

Date signed: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Scott G. Smith, City Attorney

**Contractor**

By: \_\_\_\_\_  
Signature for Contractor

John Hanson Estimator  
Printed Name & Title of Person Signing

Date signed: 9/27/22

**GRAVEL AND BLAST FURNACE SLAG CONTRACT**

This Contract is made as of the Effective Date between the City of Wyoming, a Michigan municipal corporation, of 1155 28<sup>th</sup> Street SW, PO Box 905, Wyoming, MI 49509-0905 ("City") and the Contractor identified below.

**Recitals**

City requested bids/proposals for the **Gravel and Blast Furnace Slag** contract (the "Request for Bids/Proposals" that included the bid/proposal requirements, city contract standard terms and conditions, risk allocation and insurance provisions, bonds and lien provisions, specific requirements, bid/proposal form, plans, and project or technical bid specifications) and Contractor submitted the bid/proposal by the required date of September 20, 2022 and related required materials (the "Bid") that was selected by City

"Contract Documents" means this contract, the Bid, the Request for Bids/Proposals including all materials that are part of it, the approving City Council resolution, insurance information meeting contract requirements (including any requested policies, endorsements and certificates), and any required bonds.

"Contractor" means:

VERPLANK TRUCKING COMPANY  
LEGAL NAME OF COMPANY

---

BUSINESS NAME / D.B.A., IF DIFFERENT FROM ABOVE  
CORPORATION, MICHIGAN

---

FORM OF BUSINESS and STATE IN WHICH FORMED -- e.g. partnership, corporation, limited liability company, or professional corporation and the state in which it was formed  
PO Box 8  
STREET ADDRESS

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FERRYSBURG                      MI                      49409  
CITY                                      STATE                                      ZIP CODE

"Effective Date" means the day after the date that (i) the Contract is approved by the City Council and (ii) the City receives all bonds, insurance documents, and other documents required from Contractor.

**Terms and Conditions**

In exchange for the consideration in and referred by this Contract, the parties agree:

- Contractor will provide the materials and services in accordance with the Contract Documents.
- City will pay the Contractor in accordance with the Contract Documents.
- This is the only agreement between the parties regarding its subject matter. There are no other agreements, representations or warranties. **No terms and conditions apply other than those expressly and fully stated in the Contract Documents.** This contract can be amended only in writing signed by both City and Contractor.

City and Contractor have signed this Contract as of the Effective Date.

**City of Wyoming**

By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
Kelli A. VandenBerg, City Clerk

Date signed: \_\_\_\_\_

Approved as to form: *[Signature]*  
\_\_\_\_\_  
Scott G. Smith, City Attorney

**Contractor**

By: *[Signature]*  
Signature for Contractor

NATHAN GATES, COO  
Printed Name & Title of Person Signing

Date signed: 9.13.22



RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO ACCEPT AN AGREEMENT WITH THE KENT COUNTY ROAD COMMISSION  
TO PAY THE CITY OF WYOMING TO PERFORM WINTER MAINTENANCE ACTIVITIES  
AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended the City enter into a one-year agreement with the Kent County Road Commission to pay the City of Wyoming to perform winter maintenance activities within the City of Wyoming.
2. The Kent County Road Commission is funded by the State of Michigan and these funds will be used to reimburse the City of Wyoming.
3. Reimbursed winter maintenance costs are not expected to exceed \$150,000 for the 2022-2023 winter season.
4. It is recommended the City Council accept the agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept an agreement with the Kent County Road Commission to pay the City of Wyoming to perform winter maintenance activities for the 2022-2023 winter season.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the 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 October 3, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:  
Staff Report  
Agreement

## STAFF REPORT

Date: September 26, 2022

Subject: Authorize Winter Maintenance Activities for Chicago Drive

From: Jay VanDyke, Assistant Director of Public Works

Date of Meeting: October 3, 2022

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### **RECOMMENDATION:**

The Public Works Department recommends the City Council authorize the City Manager to enter into a one-year contract with the Kent County Road Commission to pay the City of Wyoming to perform winter maintenance activities on the portion of Chicago Drive that is located within the City of Wyoming. Winter maintenance activities will be reimbursed according to established rates as noted on the attached State of Michigan contract.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Providing winter maintenance activities on the portion of Chicago Drive located within the City will ensure that residents can enjoy the same level of winter maintenance service that all other major City streets have. The City has performed winter maintenance of this portion of Chicago Drive since 2019 with no loss of service to the remainder of the City.

### **DISCUSSION:**

Historically, the Kent County Road Commission has provided winter road maintenance on the segment of Chicago Drive that is located within the City of Wyoming. This road segment is approximately 2.5 miles long and is located between Clyde Park Avenue (east boundary) and Porter Street (west boundary). Grand Rapids performs winter maintenance on Chicago Drive within their City, and Grandville performs winter maintenance on Chicago Drive within their City.

For the upcoming winter maintenance season, it is proposed that the City again enter into a one-year agreement with the Kent County Road Commission to pay the City to perform salting and plowing activities on the portion of Chicago Drive located in the City. Activities will be reimbursed from the Kent County Road Commission according to City labor rates, state equipment rates, material bid prices, and a set overhead percentage, as noted on the attached form. The Kent County Road Commission is funded by the State of Michigan, and these funds will be used to reimburse the City. Reimbursed winter maintenance costs are not expected to exceed \$150,000 for the 2022-2023 winter season.

### **BUDGET IMPACT:**

Since the City will be reimbursed for all labor, equipment and materials used, there is no negative budgetary impact.



### **ATTACHMENT:**

MDOT Form 0426

## QUOTATION REQUEST FOR SERVICE OR EQUIPMENT

### INSTRUCTIONS

TO BE USED BY CONTRACT COUNTY OR MUNICIPALITY ONLY. SEE "PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS".  
**NOTE: ALL CONTRACTS REQUIRE APPROVAL BY MDOT PRIOR TO THE START OF WORK. CONTRACTS \$25,000 OR GREATER REQUIRE ADDITIONAL MDOT DESIGNATED CONTRACT SPECIALIST APPROVAL. A COPY OF THE ADVERTISEMENT AND BID TABULATION ARE REQUIRED.**

REGION Grand Region	TRANSPORTATION MAINTENANCE COORDINATOR Kurt Fritz	DATE 08/23/2022
COUNTY OR MUNICIPALITY Kent County Road Commission	CONTRACTOR NAME City of Wyoming	
ADDRESS 1500 Scriber Ave. NW Grand Rapids, MI 49504	ADDRESS 1155 28th St SW Wyoming, MI 49509-0905	
AUTHORIZED SIGNATURE 	AUTHORIZED SIGNATURE	
MDOT REGION ENGINEER OR DESIGNEE		
AUTHORIZED SIGNATURE		Approved as to form:  Scott G. Smith, City Attorney
<b>DETAILED DESCRIPTION OF EQUIPMENT OR SERVICES</b> Furnish labor and equipment, as needed, to provide winter maintenance services on Chicago Drive, from Clyde Park to Porter, as needed for the 2022-2023 winter season.  Winter Maintenance and Patrol Services. Equipment used at Act 51 Schedule C rental rates; operators at defined City standardized hourly rates; deicing material at regional contract price plus \$10/ton material storage and handling; overhead, including supervision at 10%. Not to exceed \$150,000.		
LOCATION OF SERVICE (Trunkline Hwy. Number, Route Section) Winter maintenance and patrol services, as needed, on Chicago Drive, from Clyde Park to Porter.		
NEW CONTRACT OR RENEWAL? New	RENEWALS: ORIGINAL STAMPED DATE OF APPROVAL	NEW CONTRACT: TERM OF CONTRACT From: 10/01/2022 To: 09/30/2023
NUMBER OF YEARS OF CONTRACT	NUMBER OF OPTIONS FOR RENEWAL	COST PER YEAR
NUMBER OF BIDS RECEIVED	SOURCE OF FUNDING	ENGINEERS ESTIMATE
TYPE OF WORK/SERVICE	QUANTITY	UNIT COST
Estimated Amount	1.00	\$150,000.00
TOTAL		\$150,000.00
IT IS PROPOSED, SUBJECT TO THE CONDITIONS LISTED ABOVE, TO CONTRACT WITH ABOVE NAMED COUNTY OR MUNICIPALITY TO FURNISH THE EQUIPMENT OR SERVICE(S) LISTED ABOVE. OPERATOR'S WAGES ARE INCLUDED IN THE UNIT BID PRICE. Total Subcontract Amount: <u>          \$150,000.00          </u>		
<i>The vendor shall save harmless and indemnify the State, MDOT and the Michigan State Transportation Commission against all claims for damages to public or private property and for injuries to persons arising out of and during the progress of the work described and to its completion.</i>		
FOR LANSING MDOT USE ONLY		
AUTHORIZED CONTRACT SPECIALIST SIGNATURE OF APPROVAL		DATE
NOTE		

### Conditions of Equipment

- a. All equipment furnished without an operator, will be in proper operating condition when delivered for use by MDOT. It is understood that, when due to mechanical failure, any and all repairs and/or replacement of parts to equipment is the responsibility of the vendor.
- b. When equipment and an operator, or a service, is furnished by the vendor, the vendor is responsible for all maintenance, labor, materials, and other expenses involved.

The contract agency is hereby authorized to contract with the named contractor for equipment or services(s) as described.

ORDINANCE NO. 16-22

ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF ORDINANCES BY ADOPTING SECTION 90-332 IN ARTICLE 3; AMENDING SECTIONS 90-402B, 90-408B, AND 90-413B IN ARTICLE 4B; AND AMENDING SECTION 90-508 IN ARTICLE 5

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 3, Section 90-332 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-332 STANDARDS FOR OUTDOOR COOKERS**

- (1) All outdoor cookers must be accessory to an existing brick-and-mortar business. The outdoor cooker must be located on the same property as the restaurant.
- (2) Outdoor cookers may not be located in a yard space with street frontage.
- (3) All outdoor cooking operations must be at least 10' from any building.
- (4) No structure, tent, overhang, or canopy may cover an outdoor cooking operation.
- (5) All outdoor cooking operations must be at least 5' away from egress paths and public way.
- (6) If outdoor cooking operation is to be located in a parking lot, at least one parking space on each side of cooking operation must be blocked off with at least 9' of width on each side.
- (7) Outside storage of combustible materials shall not be located within 10' of lot line. Storage distance may be reduced by 3' if storage is stacked less than 6' in height.
- (8) Storage of wood must be located at least 10' from outdoor cooking operation and at least 5' from all combustible buildings.
- (9) All outdoor cookers must be equipped with a spark arrestor on the smoke stack of each unit.
- (10) One (1) steel trash can with cover for hot ash disposal must be provided with each outdoor cooking unit.
- (11) One (1) water can fire extinguisher must be provided within 5' of all outdoor cooking operations. One (1) 3a40bc extinguisher must also be provided if propane is utilized as a fuel source to outdoor cooking operation.

Section 2. That Chapter 90, Article 4B, Section 90-401B of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**SEC. 90-402B PERMITTED USES AFTER SPECIAL USE APPROVAL**

The following uses may be permitted in the B-1 business district subject to the approval of the planning commission:

- (1) Public utility buildings, telephone exchange buildings, electric transformers.
- (2) Radio and television towers.
- (3) Secondhand dealer.
- (4) Drive through restaurants.
- (5) Urgent Care Centers
- (6) Outdoor Cookers (when accessory to a brick-and-mortar restaurant) (see Sec. 90-332).

Section 3. That Chapter 90, Article 4B, Section 90-408B of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**SEC. 90-408B PERMITTED USES AFTER SPECIAL USE APPROVAL**

The following uses may be permitted in the B-2 business district subject to the approval of the planning commission:

- (1) All principal permitted uses after special approval in the B-1 business district.
- (2) Amusement machine parlors.
- (3) Automobile car wash establishments.
- (4) Drive through restaurants.
- (5) Automobile gasoline and automobile service stations.
- (6) Wholesale stores, storage facilities, warehouses, distributing plants, freezers and lockers. Not permitted in the downtown development authority area.
- (7) Open air business uses. Not permitted in the downtown development authority area, with the exception of outdoor dining with table service.
- (8) New or used motor vehicles, except those trucks exceeding 5,500 pounds in vehicle weight, or recreation vehicles, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment sales or rental, wherein motor vehicles or recreation vehicles are stored or displayed outside.
- (9) New or used mobile homes, excavation equipment, machinery or farm implement sales. Not permitted in the downtown development authority area.
- (10) Commercial greenhouses exceeding 1,000 square feet of floor area. Not permitted in the downtown development authority area.
- (11) College or university.
- (12) Radio or television tower.
- (13) Uses similar to the principal permitted uses of section 90-448 and not listed elsewhere in this chapter as a principal permitted use or special approval use.
- (14) Boardinghouses. Not permitted in the downtown development authority area.
- (15) Cocktail lounges, nightclubs and taverns.
- (16) Adult businesses as defined in section 14-88 of this Code. Not permitted in the downtown development authority area.
- (17) Billiard rooms and pool halls. Not permitted in the downtown development authority area.
- (18) Sales of used merchandise, pawnshop or secondhand dealers, and rental of new or used merchandise excluding motor vehicles.
- (19) Multiple family.
- (20) Assembly halls and churches.
- (21) Community centers.
- (22) Outdoor Cookers (when accessory to a brick-and-mortar restaurant). (see Sec. 90-332)

Section 4. That Chapter 90, Article 4B, Section 90-413B of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**SEC. 90-413B SPECIAL USES**

The following uses shall be permitted in the B-3 business district, subject to the approval of the planning commission:

- (1) All principal permitted uses allowed in the B-2 district.
- (2) Radio, television, microwave or wireless communication towers.
- (3) Community centers.
- (4) Secondhand dealers.
- (5) Drive through restaurants.
- (6) Outdoor Cookers (when accessory to a brick-and-mortar restaurant). (see Sec. 90-332)

Section 5. That Chapter 90, Article 5, Section 90-508 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**SEC. 90-508 REQUIREMENTS FOR PERMITTED USES AFTER SPECIAL APPROVAL**

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Adult business	B-2	—	—	—	Not permitted in locations within 500 feet of a church, synagogue or other regular place of religious worship, public or private elementary, preschool or secondary school, public park, childcare center, entertainment business that is oriented primarily toward children or family entertainment; boundary of any residentially zoned district or any legal residential use not located within a residentially zoned district. Not permitted within 1,000 feet of any other adult business. The distance shall be measured from the location of the building or structure housing the adult business to the nearest point of the other building, structure or use or from the nearest lot line of properties in a residentially zoned district or residentially used property.
Amusement machine parlors and pool parlors	B-2	—	—	—	Not permitted within 500 feet of any church.

Automobile car wash establishments	B-2	—	Minimum front yard setback of 40 feet for all structures.	—	Required off-street storage space for at least 4 automobiles per stall for manual or self-service establishments, 10 automobiles per stall for unattended and automatically attended establishments.
Automobile service stations	B-2	14,000 square feet	Minimum lot width of 140 feet	—	Site must be a corner lot abutting at least one major thoroughfare. No drive or curb opening may be located nearer than 20 feet to any interior lot line. See Sec. 90-320 for additional requirements.

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Breweries, distilleries, canning and chemical plants	I-1, I-2	—	—	—	Special consideration of accessory dining and potential odor or pollution nuisances.
Cemeteries	R-1, R-2, R-3, ER, R-7	40 acres	All structures to be minimum of 100 feet from any lot line.	—	
Cocktail lounges, night clubs, taverns	B-2, B-3	—	—	—	Not permitted within 500 feet of any church or school.
Commercial greenhouses exceeding 1,000 square feet (see “Commercial greenhouses” & “of less than 1000 sq. ft.”)	R-1, R-2, R-3, ER, R-7, B-2, B-3	1 acre	All structures to be minimum of 40 feet from all lot lines.	—	—
Community centers	ER, R-1, R-2, R-3, R-4, R-7, B-2, B-3	—	—	—	Must be located on a major thoroughfare or collector street.
Kennels	I-2	5 acres	—	—	All outdoor runs or breeding areas to be enclosed on all sides by an obscuring wall or fence not less than 4 feet in height and located at least 50 feet from any property line.
Mineral extraction, borrow pit, topsoil removal	I-2	—	All structures to be minimum of 100 feet from all property lines.	Submission of screening plan required except for topsoil.	—

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Motor vehicles sales and rental, outdoors	B-2	15,000 square feet	Minimum 7 feet wide greenbelt in front and secondary front yards in Instances where existing buildings on the same lot are devoted to the business and are not expanded. Bumper blocks must be positioned in the adjoining vehicle display area so as to allow no more than 2 feet of vehicle overhang into the greenbelt.	—	—
Nursery schools, day nurseries and child care centers	R-1, R-2, R-3, ER, R-7, B-3, PUD-1	15,000 square feet	Outdoor play of 100 square feet per child for which the facility is designed to care for with a minimum yard area of 1,500 square feet.	Fence at least 4 feet in height to enclose the rear yard.	Lot must front upon a major thoroughfare with drive access directly thereto.
Open air business uses	B-2	10,000 square feet	—	—	—
Outdoor Cookers	B-1, B-2, B-3	—	See Sec. 90-332	See Sec. 90-332	See Sec. 90-332

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Pawnshops	B-2	—	—	—	Not permitted in locations within 500 feet of an existing pawnshop or secondhand dealer, as measured between property lines.

Private parks, country clubs, golf courses, and golf driving ranges	R-1, R-2, R-3, ER, R-7, PUD-1	5 acres	All structures to be minimum of 100 feet from any lot lines of adjacent residentially zoned districts.	—	—
Public, parochial or private elementary, intermediate or high schools	R-1, R-2, R-3, R-7, ER	5 acres elementary or K-8, 10 acres intermediate or high schools	Structure to be minimum of 50 feet from all property lines except for additions to existing school buildings having a setback of less than 50 feet, the existing building may be extended along the current setback line	—	Site must abut and have all ingress and egress directly to major thoroughfares. Student drop off areas required away from street right-of-way. Site location sizing and design to minimize impact on adjacent residential uses to degree feasible.
Public utility buildings, telephone exchange buildings, former stations electric trans-and sub-stations, gas regulator stations	All districts	—	—	—	Application must provide evidence of necessity of proposed location.
Radio, television, microwave or wireless communication towers	B-1, B-2, B-3, I-1, I-2 and I-3	—	See sections 90-304 and 90-329	See sections 90-304 and 90-329	See sections 90-304 and 90-329

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Recreation vehicle storage	I-1	5 acres	—	—	Storage area to be enclosed by a solid fence 5 feet in height. Additional height may be permitted for barbed wire cardling.
Secondhand dealers	B-1, B-2, B-3, PUD-1, PUD-2, PUD-3	—	—	—	Business location must be a minimum of 250 feet from another use in this category.
Sanitary landfill sites	I-2	30 acres	—	Submission of screening plan required.	—

**Note**—The requirements noted in this section are in addition to, or, where in conflict, supersede those general requirements for each zoning district. For all permitted uses after special approval, the planning commission shall conduct a public hearing. Following such hearing, the planning commission may grant approval for such application, provided it shall find the proposal is essential and desirable.

The planning commission may impose such requirements and conditions as may be necessary to protect neighboring property, promote public convenience, health, safety and welfare, or make the use conform more closely with the spirit, purpose and intent of this chapter. In determining other requirements and whether the proposed use is essential and desirable the following information shall be considered by the planning commission:

- (1) The possible substantial and permanent effect on neighboring property.
- (2) The consistency with the spirit, purpose and intent of this chapter.
- (3) The possible effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.
- (4) The tendency of the proposed use to create any type of blight within the immediate area.
- (5) The economic feasibility for the area.
- (6) Any other factor as may relate to the public health, safety and welfare for persons and property.

Section 6. This ordinance shall take effect on \_\_\_\_\_, 2022.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

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Kelli A. VandenBerg  
Wyoming City Clerk

Ordinance No. 16-22

August 30, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

**Subject: Proposed Zoning Ordinance Text Amendment to Permit Outdoor Cookers When Accessory to a Brick-and-Mortar Restaurant, as a Special Use in the B-1, B-2, and B-3 Districts (Sections 90-332, 90-402B, 90-408B, 90-413B, and 90-508)**

**Recommendation: To approve the subject Zoning Ordinance amendment**

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on August 16, 2022. A motion was made by VanDuren, supported by Gilreath-Watts, to recommend to the City Council adoption of Section 90-332 (Outdoor Cookers), and revised Sections 90-402B (Permitted Uses after Special Approval in B-1), 90-408B (Permitted Uses after Special Approval in B-2), 90-413B (Permitted Uses after Special Approval in B-3), and 90-508 (Requirements for Permitted Uses after Special Approval). The proposed Zoning Ordinance text amendments would permit outdoor cookers to be used in the B-1, B-2, and B-3 zoning districts when accessory to a brick-and-mortar restaurant following special use approval. The motion passed 7-1 with Commissioner Hall dissenting.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

The City of Wyoming currently does not permit the usage of outdoor cookers. In the past, some cookers have been approved on a case-by-case basis through variance approval by the City's Board of Zoning Appeals. Following a building fire that was caused by an unapproved outdoor cooker at a Wyoming restaurant, staff is recommending that a formal approval process be established so that this commonly sought-after cooking equipment can be used and enjoyed in a safe manner.

The proposed ordinance would allow outdoor cookers to be approved in the City's B-1, B-2, and B-3 business districts following special use approval on properties with existing brick-and-mortar restaurants. These districts already allow restaurant usage by right. Staff is recommending that outdoor cookers be permitted as a special use approval, as this requirement would formalize a review process for Planning Commission and staff to ensure that required safety and location standards are observed prior to operation.

community • safety • stewardship

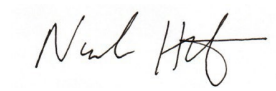
CITY COUNCIL

Sheldon DeKryger   John Fitzgerald   Kent Vanderwood   Marissa Postler   Robert Postema   Sam Bolt  
**Jack A. Poll, Mayor**

The proposed ordinance utilizes language recommended by the City's Fire Department from the 2018 International Fire Code (IFC) to help mitigate any fire safety concerns.

One member of the public spoke during the public hearing and was not in favor of the proposed ordinance. The proposed zoning code text amendment is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is written in a cursive style with a long horizontal stroke at the end.

Nicole Hofert, Director  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

AGENDA ITEM NO. 1

Request to amend Zoning Code Sections 90-332 (Standards for Outdoor Cookers), 90-402B (Permitted Uses After Special Approval in the B-1 Zoning District), 90-408B (Permitted Uses After Special Approval in the B-2 Zoning District), 90-413B (Permitted Uses After Special Approval in the B-3 Zoning District), and 90-508 (Requirements for Permitted Uses After Special Approval) (Wyoming Planning Staff).

Meagher explained that the Wyoming [re]Imagined Master Plan was adopted by the City in March of 2021. Since its adoption, staff has been working to better align the City's Zoning Code with the vision set forth in this comprehensive plan. Through this review process, staff has identified that outdoor cookers may be compatible with the B-1, B-2, and B-3 zoning districts as a special use when accessory to a brick-and-mortar restaurant.

Meagher said that in the past, staff has received inquiries from restaurant owners regarding provisions for approving outdoor cookers for food preparation usage. Currently, outdoor cookers are not permitted in the City. Some outdoor cookers have been approved on a case-by-case basis through variance approval by the City's Board of Zoning Appeals, but a codified zoning section with use and location specifications has never been established. Following a building fire that was caused by an unapproved outdoor cooker at a Wyoming restaurant, staff is recommending that a formal approval process be established so that this commonly sought-after cooking equipment can be used and enjoyed in a safe manner.

Meagher spoke to the board saying that the City's B-1, B-2, and B-3 zoning districts already allow restaurant usage by right. Staff is recommending that outdoor cookers be permitted as a special use approval, as this requirement would allow the Planning Commission and staff to ensure that required safety and location standards are observed prior to operation. Meagher explained that the proposed ordinance utilizes language recommended by the City's Fire Department from the 2018 International Fire Code (IFC) to help mitigate any fire safety concerns.

Meagher said that in reference to the Master Plan's Future Land Use Map, a majority of the City's business zoning districts are classified as either "Corridor Commercial" or "Neighborhood Commercial Centers". Outdoor cooker usage would align with both future land use designations and may continue to help achieve the Master Plan's goal of creating vibrant, equitable, and safe commercial districts throughout the community.

Meagher stated that the Development Review Team recommends that Planning Commission adopt the proposed text amendment to Zoning Code *Sections 90-402B, 90-408B, 90-413B, 90-332, and 90-508*; and recommends the same to City Council.

Micele opened the public hearing at 7:07 PM.

Amy Payne, 2539 Byron Center Ave SW Wyoming, MI 49509, said that she owns Two Guys Brewing and to date, the business has been using the outdoor smoker and said that it was included in the original plan that was approved by the city. She said that she doesn't know what has changed. Payne said that the City of Wyoming has a reputation of being slightly anti-business, particularly anti-small business. She spoke about obtaining a variance and said it is very difficult for a small business because financially it costs a lot of money to hire professional people. Payne said that she understands the variance process, but nobody wants to fight city hall because it is a losing battle. She spoke about the process of applying for outdoor seating during COVID and how it was a relatively easy process where they didn't have to hire lawyers or an engineer. She said that the temporary outdoor seating process is not typically how the way things are done in Wyoming to their experience. She thanked the city workers for working on this and said that it is a big concern for small businesses because some small businesses can't put in variances because they can't afford to pay a professional.

Micele closed the public hearing at 7:10 PM.

A motion was made by VanDuren, supported by Gilreath-Watts, to adopt the proposed text amendment to Zoning Code *Sections 90-402B, 90-408B, 90-413B, 90-332, and 90-508*; and recommends the same to City Council.

Hall spoke about code 90-332 section 1 & 2 and wanted to know the thinking behind the cooker being an accessory to an existing brick and mortar. Hall also wanted to know why the cooker would not be able to be located in yard space with street frontage.

Meagher said that the reasoning behind section 1 was that staff wanted the cookers to be associated with existing restaurant usages. The 2<sup>nd</sup> standard is due to aesthetics to make sure that smokers are being placed in side and rear yards away from street frontages.

Hall asked if it would make more sense to specify the places where the cookers would not be permitted.

Meagher stated that it was staff's goal to provide an opportunity for existing restaurants to have an additional cooking apparatus at their site.

Hall commented that code enforcement is complaint-based and police don't pull people over for no reason. Hall used Two Guys as an example and said that they are licensed and have been in business so it seems silly that they would be required to get approval for something that is core to what they do. Hall said that it seems to go against the attitude we have in general and he wonders if that has been considered and it seems heavy-handed. Hall agrees that there should be standards for outdoor cookers. Hall said that he likes the idea of someone being able to start up a business and asked staff if someone wanted to go on the corner of a street and sell food if it would be allowed.

Meagher said that currently setting up a cooker and selling from any commercial lot is not permitted and it is enforced.

Hall asked if a business owner approves someone to operate a food truck on their property and one of them uses a smoker to cook ribs would that require a variance or special use or is it not required?

Meagher said that if they wanted to use a smoker it would have to be part of the food truck or attached to a trailer and it is part of the food truck ordinance.

Weller asked if there would be hours of operation or if it is the same as food trucks which are 7:00 AM-9:00 PM.

Meagher stated that the applicant would have to provide the hours of operation and the planning commission would have the ability to approve, deny, or provide a recommendation based on that.

Weller asked about the metro cruise and what would be required for food trucks and smokers for a 3-day event.

Meagher stated that the city has a special event program that is a separate permit where some fees are waived for the temporary event.

Gilreath-Watts asked what would be considered an outdoor cooker.

Meagher explained that any type of cooking that would be performed outside in a commercial setting would be considered an outdoor cooker.

Micele asked if the restaurant owner would have to fill out a special permit or license.

Meagher stated that the application would be like all other special use requests where the applicant is required to complete an application and provide a narrative that describes how the cooker would be utilized and provide a drawing that shows where the cooker will be located. It is standard with all other special use approvals.

Arnoys used Two Guys as an example saying that they have been approved for what they have been doing and now we want to put these standards in place. He asked if they would still have to go through the process or if we could streamline the process to assist in order to not shut them down.

Meagher stated that staff is unsure if the cooker that Two Guys is currently using was ever approved. Meagher said that there were a couple of variances that are approved for other

locations in the city, but staff is not aware of Two Guys having approval in place. Meagher said that the city is always willing to work with them to help them through the process.

Arnoys asked if staff knows of any other businesses that currently have cookers and what the scope is if this is enacted.

Meagher stated that staff is aware of two businesses that have approved variances but would have to look at the data to confirm any others.

Micile asked if all of the existing businesses that currently operate with cookers will have to go through the same process.

Meagher stated that if the business does not have any other approvals then it would have to come before the board to request a special use approval.

Micile asked if a new business were to open if this process would be part of the licensing for the City of Wyoming and wanted to know if they would still have to go through the special use approval process.

Meagher confirmed that this approval would be part of the licensing. Meagher noted that staff has received calls from business owners asking if they could use outdoor cookers but they have never been approved since it is not defined in the code. This would create a process for approving those requests.

VanDuren asked if the special use approval would streamline the process since a variance would not be required.

Meagher confirmed that it creates a due process for the applicant rather than approving the cookers on a case-by-case basis. It sets the standards clearly of what they need to meet to get approval.

Hall stated that he thinks it would be a major investment for a small business if the smokers are to be attached to the building.

Micile asked staff to confirm if the cookers are to be attached to the building or if they can be stand-alone.

Hall said that the code reads that all cookers must be accessory to the existing building

Smith explained that accessory means the cooker is part of the business and does not mean that the cooker is part of the structure. The expectation is that the cooker will likely be freestanding and will not need to be physically connected to the building. Smith addressed the board and clarified that the reason staff did not want to prohibit certain types of uses was because

restaurants already go through health inspections and it allows the city to use lighter regulation. For someone wanting to sell food out of a gas station parking lot, we would have to check to ensure that they had the proper licensing similar to food trucks.

Hall said that he is not a fan of the food truck ordinance. Hall said that if a business owner wanted to be able to sell their food the city should be more receptive to encourage that and the fact that food trucks have to jump through hoops here that they don't have to in neighboring communities doesn't reflect the city of vision and progress and it makes him uncomfortable. Hall said that it is a free country so someone should be able to set up a smoker in their front yard and sell ribs. He would hope that we would fall on the side of leniency and permissiveness versus saying no and regulating it and he thinks this ordinance has crossed over into that and that is why he is uncomfortable.

Smith clarified that if someone were to set up a smoker and sell food in a location that didn't have a food truck licensing ordinance, they would violate the health code so the city is just checking to make sure that they have already received approval from the health department.

Hall asked if an outdoor cooker could be set up at Rogers Plaza as long as they have approval from the health department.

Smith explained that they would have to be set up as a food truck to be permitted.

Hall said that to him the city is limiting options for small businesses which makes him uncomfortable.

A vote on the motion that Planning Commission adopt the proposed text amendment to Zoning Code *Sections 90-402B, 90-408B, 90-413B, 90-332, and 90-508*; and recommend the same to City Council passed with the vote count being 8 of the commissioners voting yes and 1 against. Arnoys, Gilreath-Watts, Randall, VanDuren, Weller, Zapata and Micele voted in favor. Hall voted against.

## AGENDA ITEM NO. 2

Request to amend Form Based Code Sections 90-1203 (Form Based Code Departures) and 90-2100 (Applicability) (Wyoming Planning Staff).

Smith spoke about the City's Form Based Zoning Code saying that it establishes regulations that emphasize the physical character of developments by building type. For each building type, there are build-to lines, build-to zones, or setbacks as well as site coverage and façade width requirements. Smith said that public infrastructure could make some sites unbuildable or nonviable, if staff are not authorized to allow reasonable departures from site dimensional requirements. Staff has identified those standards and recommended limitations on staff

**Article 3 – General Requirements**  
**CITY OF WYOMING ZONING ORDINANCE**

- (e) The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing facility or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures (e.g. a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system) is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(Code 1983, § 60.99; Ord. No. 15-97, § 15, 6-16-97; Ord. No. 21-98, § 8, 10-5-98)

**Sec. 90-330 EXTERIOR LIGHTING**

Exterior house or yard lighting shall be arranged or shielded to reflect away from and not illuminate adjoining properties.

(Ord. No. 15-16, 11-7-16)

**Sec. 90-331 STANDARDS FOR MOBILE FOOD VENDORS**

In all Commercial and Industrial Zone Districts; commercial areas of planned unit developments; and other locations where permitted with limitations, mobile food vendors are permitted subject to compliance with the following standards:

- (1) Permits shall be valid for 12 consecutive months and shall be renewed annually.
- (2) Hours of mobile food vendor operation shall be between 7:00 a.m. and 9:00 p.m.
- (3) Operations shall only occur on paved lots and shall not reduce the area required for parking for any other use on the lot.
- (4) Operations shall be at least 200 feet from any permanent restaurant lawfully existing at the time the permit or renewal permit was issued and must be at least 200 feet from any K-12 school, and at least 50 feet from any residential zoning district.
- (5) Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, fire hydrant, or sidewalk.
- (6) Food preparation shall not occur outside of the mobile food vendor vehicle, except for the use of a grill or smoker attached to the mobile food vendor vehicle.
- (7) Signs must be permanently affixed to or painted on the mobile food unit and shall not project from the vehicle.
- (8) Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.
- (9) No mobile food vendor unit may be stored after hours on any operations site.

(Ord. No. 15-16, 11-7-16)

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 3 – General Requirements  
CITY OF WYOMING ZONING ORDINANCE**

**Sec. 90-332 STANDARDS FOR OUTDOOR COOKERS**

In the B-1, B-2, and B-3 Zoning Districts, outdoor cookers may be utilized when accessory to a brick-and-mortar restaurant following special use approval. All outdoor cookers are subject to compliance with the following standards:

- (1) All outdoor cookers must be accessory to an existing brick-and-mortar business. The outdoor cooker must be located on the same property as the restaurant.
- (2) Outdoor cookers may not be located in a yard space with street frontage.
- (3) All outdoor cooking operations must be at least 10’ from any building.
- (4) No structure, tent, overhang, or canopy may cover an outdoor cooking operation.
- (5) All outdoor cooking operations must be at least 5’ away from egress paths and public way.
- (6) If outdoor cooking operation is to be located in a parking lot, at least one parking space on each side of cooking operation must be blocked off with at least 9’ of width on each side.
- (7) Outside storage of combustible materials shall not be located within 10’ of lot line. Storage distance may be reduced by 3’ if storage is stacked less than 6’ in height.
- (8) Storage of wood must be located at least 10’ from outdoor cooking operation and at least 5’ from all combustible buildings.
- (9) All outdoor cookers must be equipped with a spark arrestor on the smoke stack of each unit.
- (10) One (1) steel trash can with cover for hot ash disposal must be provided with each outdoor cooking unit.
- (11) One (1) water can fire extinguisher must be provided within 5’ of all outdoor cooking operations. One (1) 3a40bc extinguisher must also be provided if propane is utilized as a fuel source to outdoor cooking operation.

(Ord. No. \_\_-\_\_, \_\_-\_\_-\_\_)

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**B-1 Local Business District**

**Sec. 90-401B PRINCIPAL PERMITTED USES**

In the B-1 business district, the following uses are permitted:

- (1) Banks.
- (2) Savings and loans.
- (3) Mortgage companies.
- (4) Uses similar to the above.
- (5) Clothing services as follows:
  - (a) Laundry agency.
  - (b) Self-service laundry and dry cleaning.
  - (c) Dry cleaning establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonexplosive and nonflammable.
  - (d) Dressmaking.
  - (e) Millinery.
  - (f) Tailor and pressing shop.
  - (g) Shoe repair shop.
- (6) Equipment services as follows:
  - (a) Radio or television shop.
  - (b) Electric appliance shop.
  - (c) Watch repair shop.
  - (d) Shoe repair shop.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B1 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

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- (e) Uses similar to the above.
- (7) Food service (excluding drive-in type businesses), the business of which shall be conducted entirely within an enclosed building, except that outdoor seating areas shall be permitted (such seating areas may be located in required yard setbacks, provided that such seating shall not impede pedestrian walkways or parking lots, and shall not include table service; all such seating shall be removed when out of season), as follows:
  - (a) Grocery, baked goods and delicatessen.
  - (b) Restaurant.
  - (c) Ice cream stand or shop.
  - (d) Uses similar to the above.
- (8) Offices as follows:
  - (a) Business.
  - (b) Medical.
  - (c) Professional.
- (9) Personal services as follows:
  - (a) Barbershop.
  - (b) Beauty shop.
  - (c) Health salon.
  - (d) Photographic studio.
  - (e) Uses similar to the above.
- (10) Retail service and retail stores generally as follows:
  - (a) Drugstore.
  - (b) Hardware store, paint and wallpaper.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B1 Zoning District  
CITY OF WYOMING ZONING ORDINANCE**

- (c) Stationer.
  - (d) News dealer.
  - (e) Apparel shop.
  - (f) Household appliances.
  - (g) Flower shop.
  - (h) Gift shop.
  - (i) Variety stores.
  - (j) Bookstores, recordings and videos for sale or rental, except those defined as an adult bookstore.
- (11) Accessory buildings and uses customarily incidental to the above uses.
- (12) Off-street parking.
- (13) Municipal buildings and uses.
- (14) Physical culture facilities, gymnasiums, and reducing salons
- (15) Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens, and other similar uses.
- (Code 1983, § 60.52; Ord. No. 2-96, § 1, 2-20-96; Ord. No. 8-00, § 2, 5-15-00; Ord. No. 3-11, § 2, 5-2-11)

**Sec. 90-402B PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted in the B-1 business district subject to the approval of the planning commission:

- (1) Public utility buildings, telephone exchange buildings, electric transformers.
- (2) Radio and television towers.
- (3) Secondhand dealer.
- (4) Drive through restaurants.
- (5) Urgent Care Centers
- (6) **Outdoor Cookers (when accessory to a brick-and-mortar restaurant) (see Sec. 90-332).**

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

## Article 4B – B1 Zoning District CITY OF WYOMING ZONING ORDINANCE

(Code 1983, § 60.53; Ord. No. 02-08, § 1, 2-4-08; Ord. No. 02-09, § 1, 4-6-09; Ord. No. 3-11, § 3, 5-2-11; Ord. No. 17-14, § 1, 8-4-14)

### Sec. 90-403B REQUIRED CONDITIONS

The following conditions are required for all uses in the B-1 business district:

- (1) All business, service, processing or storage shall be conducted wholly within a completely enclosed building. All lighting in connection with permitted business uses shall be so arranged as to reflect away from all adjoining residence buildings or residentially zoned properties.
- (2) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced or processed on the premises shall be sold at retail on the premises where produced or processed.

(Code 1983, § 60.54)

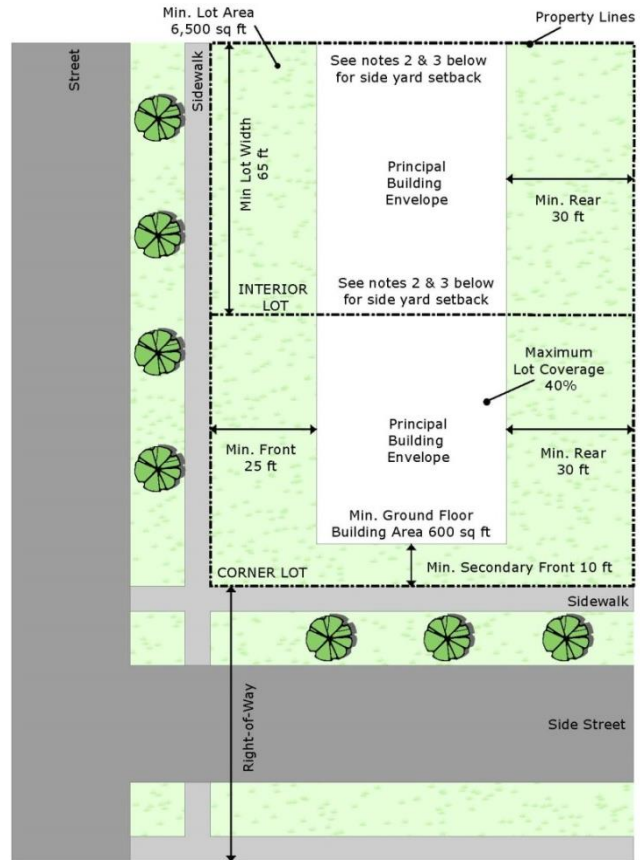
### Sec. 90-404B DEVELOPMENT STANDARDS

Minimum Lot Area (1)(5)	6,500 sq ft
Minimum Lot Width (1)(5)	65 ft
Minimum Front Yard (4)(5)	25 ft
Minimum Rear Yard (3)	30 ft
Minimum Side Yard (2)(3)	

Minimum Ground Floor Building Area	600 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%

### Sec. 90-405B SPECIFIC REQUIREMENTS

- (1) Lots existing prior to June 3, 1991 may be utilized for building purposes provided that they are at least 40 feet in width, 4,000 square feet in area and that minimum required yard setbacks can be met.



1. Purpose, Validity, and Scope	2. Definitions	3. General Requirements	4. Zoning Districts	5. Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
6. Off-street Parking	7. Signs	8. Alternative & Renewable Energies	9. Nonconformities	10. Appeals and Administration	11. Form Based Code
Use Table	Zoning Map				

**Article 4B – B1 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

- (2) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.
- (3) Where a B-1 business district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-1 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-1 business district and the residentially zoned district, no fence is required.
- (4)
  - (a) For the secondary front yard, there shall be a minimum front yard setback of ten feet except for along major thoroughfares where the minimum setback shall be 25 feet.
  - (b) A landscaped greenbelt, as described in section 90-64, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

**Sec. 90-406B ADDITIONAL REGULATIONS**

**(1) General Requirements**

- (a) Façade Standards. Section 90-322
- (b) Accessory Buildings. Section 90-311
- (c) Fence Regulations. Section 90-312
- (d) Landscaping for non-residential uses. Section 90-328
- (e) Projections into yards. Section 90-306
- (f) Screening of roof top equipment. Section 90-318
- (g) Signs. Article 7
- (h) Off-street parking. Article 6
- (i) Mechanical Appurtenances. Section 90-310
- (j) Dwellings in non-residential zones. See Section 90-319
- (k) Refuse disposal. Section 90-321

**(2) Development Procedures**

- (a) Special land uses. Section 90-507
- (b) Site Plan. Section 90-500
- (c) Site Condominiums. Section 90-509

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B1 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

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- (3) Administration and Enforcement**
- (a) Board of Zoning Appeals. Article 10
  - (b) Permits. Section 90-1008
  - (c) Non-conforming lot and uses. Article 9

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"><li>• Site Plans</li><li>• Special Land Uses</li><li>• Condominiums</li><li>• PUDs</li></ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**B-2 General Business District**

**Sec. 90-407B PRINCIPAL PERMITTED USES**

- (1) All uses permitted in the B-1 business district.
- (2) Retail businesses whose principal activity is the sale of new merchandise within a completely enclosed building. Up to 15 percent of the sales area may be used for the sale of used merchandise.
- (3) Business service establishments, such as office machine, printing and copying.
- (4) Any service establishment of an office, showroom or workshop nature, such as a decorator, upholsterer, caterer, exterminator, building contractor and similar establishments that require outlet, except that no outdoor storage yards shall be permitted.
- (5) Physical culture facilities, such as gymnasiums and reducing salons.
- (6) Automobile, truck, motorcycle, trailer, recreation vehicle or boat showrooms, excluding outdoor storage or display of sales product.
- (7) Business schools or private schools operated for a profit.
- (8) Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations.
- (9) Hotels and motels.
- (10) Printing and publishing.
- (11) Bus passenger station.
- (12) Funeral homes or mortuaries.
- (13) Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens and other similar uses.
- (14) Commercial greenhouses of less than 1,000 square feet in floor area.
- (15) Business recreation uses as follows:
  - (a) Indoor theater.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B2 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

- (b) Bowling alley.
- (c) Dancehall.
- (d) Skating rink.
- (16) Accessory buildings and uses customarily included incidental to the above uses.
- (17) Off-street parking.
- (18) Reserved.
- (19) Reserved.
- (20) Nursery schools, day nurseries and child care facilities for the care of seven or more people.
- (21) Reserved.
- (22) Athletic training facility.

(Code 1983, § 60.55; Ord. No. 15-99, § 2, 11-15-99; Ord. No. 03-07, § 1, 2-5-07; Ord. No. 7-09, § 6, 12-21-09; Ord. No. 14-12, §§ 2, 3, 1-7-13; Ord. No. 12-13, § 5, 9-3-13; Ord. No. 5-14, § 1, 3-17-14)

**Sec. 90-408B PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted in the B-2 business district, subject to the approval of the planning commission:

- (1) All principal permitted uses after special approval in the B-1 business district.
- (2) Amusement machine parlors.
- (3) Automobile car wash establishments.
- (4) Drive through restaurants.
- (5) Automobile gasoline and automobile service stations.
- (6) Wholesale stores, storage facilities, warehouses, distributing plants, freezers and lockers. Not permitted in the downtown development authority area.
- (7) Open air business uses. Not permitted in the downtown development authority area, with the exception of outdoor dining with table service.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B2 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

- (8) New or used motor vehicles, except those trucks exceeding 5,500 pounds in vehicle weight, or recreation vehicles, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment sales or rental, wherein motor vehicles or recreation vehicles are stored or displayed outside.
- (9) New or used mobile homes, excavation equipment, machinery or farm implement sales. Not permitted in the downtown development authority area.
- (10) Commercial greenhouses exceeding 1,000 square feet of floor area. Not permitted in the downtown development authority area.
- (11) College or university.
- (12) Radio or television tower.
- (13) Uses similar to the principal permitted uses of section 90-448 and not listed elsewhere in this chapter as a principal permitted use or special approval use.
- (14) Boardinghouses. Not permitted in the downtown development authority area.
- (15) Cocktail lounges, nightclubs and taverns.
- (16) Adult businesses as defined in section 14-88 of this Code. Not permitted in the downtown development authority area.
- (17) Billiard rooms and pool halls. Not permitted in the downtown development authority area.
- (18) Sales of used merchandise, pawnshop or secondhand dealers, and rental of new or used merchandise excluding motor vehicles.
- (19) Multiple family.
- (20) Assembly halls and churches.
- (21) Community centers.
- (22) **Outdoor Cookers (when accessory to a brick-and-mortar restaurant). (see Sec. 90-332)**

(Code 1983, § 60.56; Ord. No. 15-97, §§ 3, 4, 6-16-97; Ord. No. 21-98, § 2, 10-5-98; Ord. No. 15-99, § 3, 11-15-99; Ord. No. 12-00, § 2, 7-17-00; Ord. No. 10-01, § 3, 5-21-01; Ord. No. 15-01, § 2, 8-6-01; Ord. No. 19-03, § 1, 10-6-03; Ord. No. 02-07, § 1, 1-8-07; Ord. No. 03-07, § 2, 2-5-07; Ord. No. 7-09, § 6, 12-21-09; Ord. No. 3-11, §§ 4, 5, 5-2-11; Ord. No. 17-14, § 2, 8-4-14)

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B2 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

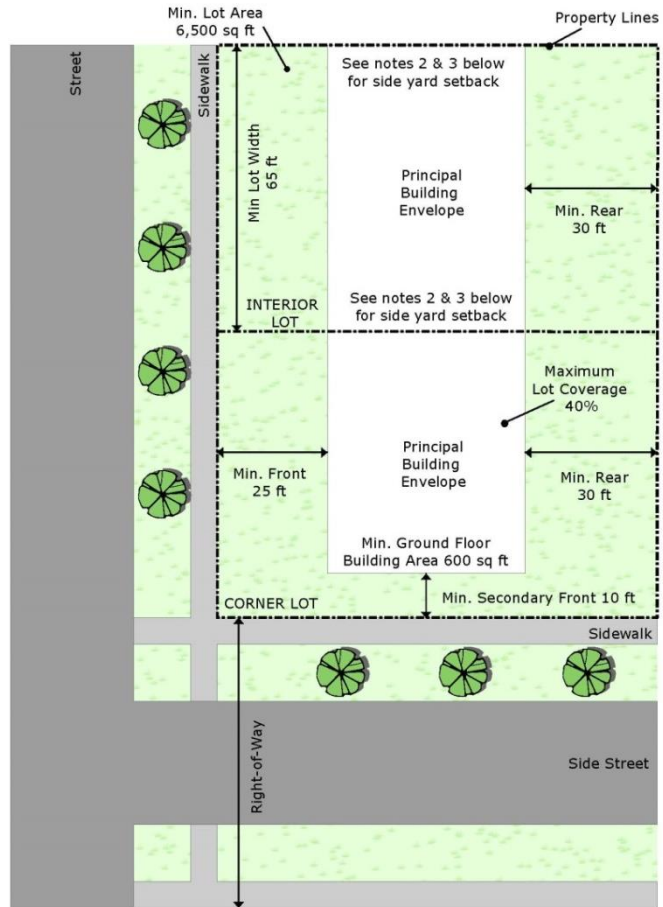
**Sec. 90-409B DEVELOPMENT STANDARDS**

Minimum Lot Area (1)(5)	6,500 sq ft
Minimum Lot Width (1)(5)	65 ft
Minimum Front Yard (4)(5)	25 ft
Minimum Rear Yard (3)	30 ft
Minimum Side Yard (2)(3)	

Minimum Ground Floor Building Area	600 sq ft
Maximum Building Height	35 ft
Maximum Lot Coverage	40%

**Sec. 90-410B SPECIFIC REQUIREMENTS**

- (1) Lots existing prior to June 3, 1991 may be utilized for building purposes provided that they are at least 40 feet in width, 4,000 square feet in area and that minimum required yard setbacks can be met.
- (2) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.
- (3) Where a B-2 district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-2 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-2 business district and the residentially zoned district, no fence is required.
- (4)
  - (a) For the secondary front yard, there shall be a minimum front yard setback of ten feet except for along major thoroughfares where the minimum setback shall be 25 feet.



<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B2 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

- (b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of property which abuts 28th Street.
  - (c) A landscaped greenbelt, as described in section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.
- (5) For all properties which border 28th Street, the front lot line shall be deemed as bordering 28<sup>th</sup> Street, the minimum front yard shall be 50 feet, the minimum lot width shall be 100 feet and the minimum lot depth shall be 200 feet.

**Sec. 90-411B ADDITIONAL REGULATIONS**

**(1) General Requirements**

- (a) Façade Standards. Section 90-322
- (b) Accessory Buildings. Section 90-311
- (c) Fence Regulations. Section 90-312
- (d) Landscaping for non-residential uses. Section 90-328
- (e) Projections into yards. Section 90-306
- (f) Screening of roof top equipment. Section 90-318
- (g) Signs. Article 7
- (h) Off-street parking. Article 6
- (i) Mechanical Appurtenances. Section 90-310
- (j) Dwellings in non-residential zones. See Section 90-319
- (k) Refuse disposal. Section 90-321

**(2) Development Procedures**

- (a) Special land uses. Section 90-507
- (b) Site Plan. Section 90-500
- (c) Site Condominiums. Section 90-509

**(3) Administration and Enforcement**

- (a) Board of Zoning Appeals. Article 10
- (b) Permits. Section 90-1008
- (c) Non-conforming lot and uses. Article 9

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**B-3 Planned Shopping Business District**

**Sec. 90-412B PRINCIPAL PERMITTED USES**

In the B-3 business district the following uses are permitted:

- (1) Uses permitted in the B-1 district.
- (2) Department, variety and general merchandise stores.

(Code 1983, § 60.57; Ord. No. 14-12, § 4, 1-7-13)

**Sec. 90-413B SPECIAL USES**

The following uses shall be permitted in the B-3 business district, subject to the approval of the planning commission:

- (1) All principal permitted uses allowed in the B-2 district.
- (2) Radio, television, microwave or wireless communication towers.
- (3) Community centers.
- (4) Secondhand dealers.
- (5) Drive through restaurants.
- (6) **Outdoor Cookers (when accessory to a brick-and-mortar restaurant). (see Sec. 90-332)**

(Code 1983, § 60.58; Ord. No. 15-97, § 5, 6-16-97; Ord. No. 21-98, § 3, 10-5-98; Ord. No. 02-09, § 2, 4-6-09; Ord. No. 7-09, § 7, 12-21-09; Ord. No. 3-11, § 9, 5-2-11; Ord. No. 17-14, § 3, 8-4-14)

**Sec. 90-414B SITE PLAN REVIEW AND SPECIAL CONDITIONS**

Site plan review is required of all principal uses in accordance with this chapter. The submitted site plan must encompass the total property of the applicant that is zoned B-3 business district. All designs in the site plan must be compatible with the designs of the adjoining sites.

(Code 1983, § 60.59)

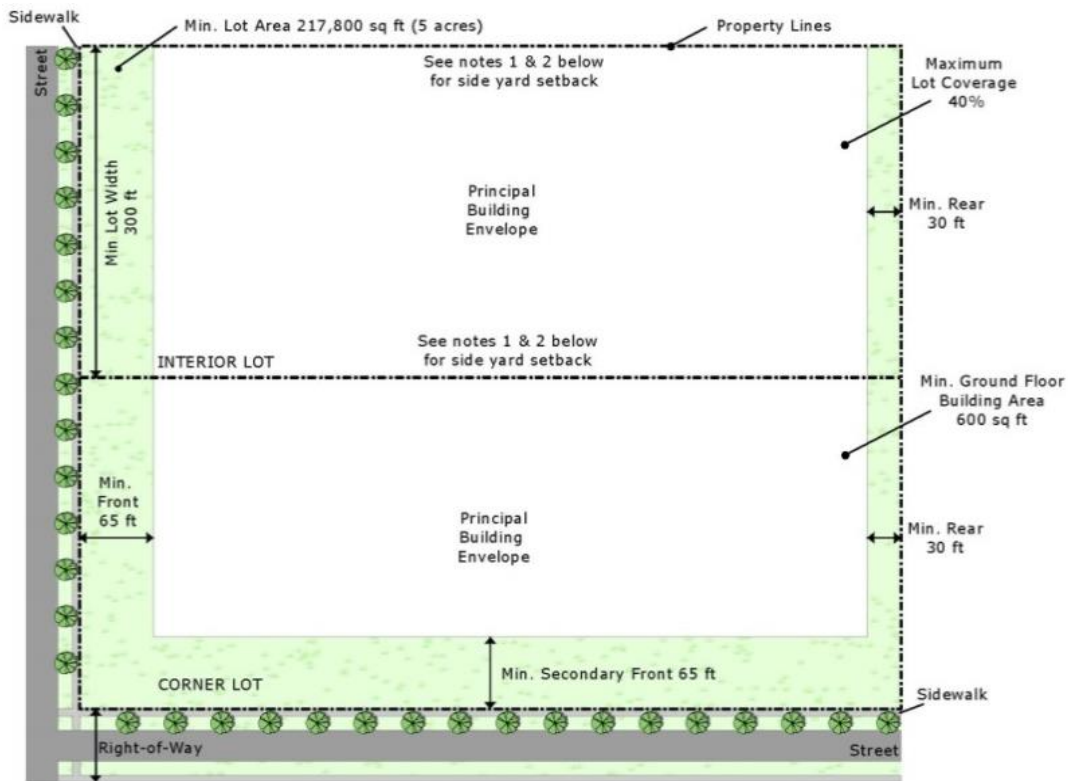
<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review • Site Plans • Special Land Uses • Condominiums • PUDs	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – B3 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

**Sec. 90-415B DEVELOPMENT STANDARDS**

Minimum Lot Area 217,800 sq ft  
 Minimum Lot Width (4) 300 ft  
 Minimum Front Yard (3)(4) 65 ft  
 Minimum Rear Yard (2) 30 ft  
 Minimum Side Yard (1)(2)

Minimum Ground Floor Building Area 600 sq ft  
 Maximum Building Height 35 ft  
 Maximum Lot Coverage 40%



**Sec. 90-416B SPECIFIC REQUIREMENTS**

- (1) Not required unless property abuts a residentially or industrially zoned district, in which case the minimum yard setback shall be 20 feet for that side yard abutting the residentially or industrially zoned district.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration
<b>11.</b> Form Based Code				
Use Table	Zoning Map			

**Article 4B – B3 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

- (2) Where a B-3 business district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the B-3 business district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the B-3 business district and the residentially zoned district, no fence is required.
- (3)
- (a) For the secondary front yard, there shall be a minimum front yard setback of 65 feet.
  - (b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of all property in the B-3 business district.
  - (c) A landscaped greenbelt, as described in Section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

**Sec. 90-417B ADDITIONAL REGULATIONS**

**(1) General Requirements**

- (a) Façade Standards. Section 90-322
- (b) Accessory Buildings. Section 90-311
- (c) Fence Regulations. Section 90-312
- (d) Landscaping for non-residential uses. Section 90-328
- (e) Projections into yards. Section 90-306
- (f) Screening of roof top equipment. Section 90-318
- (g) Signs. Article 7
- (h) Off-street parking. Article 6
- (i) Mechanical Appurtenances. Section 90-310
- (j) Dwellings in non-residential zones. See Section 90-319
- (k) Refuse disposal. Section 90-321

**(2) Development Procedures**

- (a) Special land uses. Section 90-507
- (b) Site Plan. Section 90-500
- (c) Site Condominiums. Section 90-509

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
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Use Table	Zoning Map				

**Article 4B – B3 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

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- (3) Administration and Enforcement**
- (a) Board of Zoning Appeals. Article 10
  - (b) Permits. Section 90-1008
  - (c) Non-conforming lot and uses. Article 9

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"><li>• Site Plans</li><li>• Special Land Uses</li><li>• Condominiums</li><li>• PUDs</li></ul>	
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**Article 5 – Development Review**  
**CITY OF WYOMING ZONING ORDINANCE**

- (a) The possible substantial and permanent adverse effect on neighboring property.
  - (b) The consistency with the spirit, purpose and intent of this chapter.
  - (c) The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.
  - (d) The tendency of the proposed use to create any type of blight within the immediate area.
  - (e) The economic feasibility for the area.
  - (f) Any other factor as may relate to the public health, safety and welfare for persons and property.
  - (g) That all other provisions of this chapter are met for the proposed use.
- (4) Prior to granting approval for or denying a special use application, the planning commission shall make findings of fact as to the above standards. If the planning commission fails to make findings of fact as required by this section, the special use shall be null and void and no building or occupancy permit shall be issued.
- (5) If any property functioning under a special use approval status ceases to be utilized for said special use for a continuous period of more than one year, then said special use status shall automatically be voided. Any application to reintroduce said special use must be processed in the same manner as a new special use, as required in this section.

**Sec. 90-508 REQUIREMENTS FOR PERMITTED USES AFTER SPECIAL APPROVAL**

The following conditions shall be met for all special use approvals granted by the planning commission:

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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**Article 5 – Development Review**  
**CITY OF WYOMING ZONING ORDINANCE**

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Adult business	B-2	—	—	—	Not permitted in locations within 500 feet of a church, synagogue or other regular place of religious worship, public or private elementary, preschool or secondary school, public park, childcare center, entertainment business that is oriented primarily toward children or family entertainment; boundary of any residentially zoned district or any legal residential use not located within a residentially zoned district. Not permitted within 1,000 feet of any other adult business. The distance shall be measured from the location of the building or structure housing the adult business to the nearest point of the other building, structure or use or from the nearest lot line of properties in a residentially zoned district or residentially used property.
Amusement machine parlors and pool parlors	B-2	—	—	—	Not permitted within 500 feet of any church.
Automobile car wash establishments	B-2	—	Minimum front yard setback of 40 feet for all structures.	—	Required off-street storage space for at least 4 automobiles per stall for manual or self-service establishments, 10 automobiles per stall for unattended and automatically attended establishments.
Automobile service stations	B-2	14,000 square feet	Minimum lot width of 140 feet	—	Site must be a corner lot abutting at least one major thoroughfare. No drive or curb opening may be located nearer than 20 feet to any interior lot line. <a href="#">See Sec. 90-320 for additional requirements.</a>

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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**Article 5 – Development Review  
CITY OF WYOMING ZONING ORDINANCE**

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Breweries, distilleries, canning and chemical plants	I-1, I-2	—	—	—	Special consideration of accessory dining and potential odor or pollution nuisances.
Cemeteries	R-1, R-2, R-3, ER, R-7	40 acres	All structures to be minimum of 100 feet from any lot line.	—	
Cocktail lounges, night clubs, taverns	B-2, B-3	—	—	—	Not permitted within 500 feet of any church or school.
Commercial greenhouses exceeding 1,000 square feet (see “Commercial greenhouses” & “of less than 1000 sq. ft.”)	R-1, R-2, R-3, ER, R-7, B-2, B-3	1 acre	All structures to be minimum of 40 feet from all lot lines.	—	—
Community centers	ER, R-1, R-2, R-3, R-4, R-7, B-2, B-3	—	—	—	Must be located on a major thoroughfare or collector street.
Kennels	I-2	5 acres	—	—	All outdoor runs or breeding areas to be enclosed on all sides by an obscuring wall or fence not less than 4 feet in height and located at least 50 feet from any property line.
Mineral extraction, borrow pit, topsoil removal	I-2	—	All structures to be minimum of 100 feet from all property lines.	Submission of screening plan required except for topsoil.	—

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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**Article 5 – Development Review  
CITY OF WYOMING ZONING ORDINANCE**

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Motor vehicles sales and rental, outdoors	B-2	15,000 square feet	Minimum 7 feet wide greenbelt in front and secondary front yards in Instances where existing buildings on the same lot are devoted to the business and are not expanded. Bumper blocks must be positioned in the adjoining vehicle display area so as to allow no more than 2 feet of vehicle overhang into the greenbelt.	—	—
Nursery schools, day nurseries and child care centers	R-1, R-2, R-3, ER, R-7, B-3, PUD-1	15,000 square feet	Outdoor play of 100 square feet per child for which the facility is designed to care for with a minimum yard area of 1,500 square feet.	Fence at least 4 feet in height to enclose the rear yard.	Lot must front upon a major thoroughfare with drive access directly thereto.
Open air business uses	B-2	10,000 square feet	—	—	—
Outdoor Cookers	B-1, B-2, B-3	—	See Sec. 90-332	See Sec. 90-332	See Sec. 90-332

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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**Article 5 – Development Review  
CITY OF WYOMING ZONING ORDINANCE**

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Pawnshops	B-2	—	—	—	Not permitted in locations within 500 feet of an existing pawnshop or secondhand dealer, as measured between property lines.
Private parks, country clubs, golf courses, and golf driving ranges	R-1, R-2, R-3, ER, R-7, PUD-1	5 acres	All structures to be minimum of 100 feet from any lot lines of adjacent residentially zoned districts.	—	—
Public, parochial or private elementary, intermediate or high schools	R-1, R-2, R-3, R-7, ER	5 acres elementary or K-8, 10 acres intermediate or high schools	Structure to be minimum of 50 feet from all property lines except for additions to existing school buildings having a setback of less than 50 feet, the existing building may be extended along the current setback line	—	Site must abut and have all ingress and egress directly to major thoroughfares. Student drop off areas required away from street right-of-way. Site location sizing and design to minimize impact on adjacent residential uses to degree feasible.
Public utility buildings, telephone exchange buildings, former stations electric trans-and sub-stations, gas regulator stations	All districts	—	—	—	Application must provide evidence of necessity of proposed location.
Radio, television, microwave or wireless communication towers	B-1, B-2, B-3, I-1, I-2 and I-3	—	See sections 90-304 and 90-329	See sections 90-304 and 90-329	See sections 90-304 and 90-329

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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**Article 5 – Development Review**  
**CITY OF WYOMING ZONING ORDINANCE**

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Special Requirements	Special Screening Requirements	Other Requirements
Recreation vehicle storage	I-1	5 acres	—	—	Storage area to be enclosed by a solid fence 5 feet in height. Additional height may be permitted for barbed wire cardling.
Secondhand dealers	B-1, B-2, B-3, PUD-1, PUD-2, PUD-3	—	—	—	Business location must be a minimum of 250 feet from another use in this category.
Sanitary landfill sites	I-2	30 acres	—	Submission of screening plan required.	—

**Note**—The requirements noted in this section are in addition to, or, where in conflict, supersede those general requirements for each zoning district. For all permitted uses after special approval, the planning commission shall conduct a public hearing. Following such hearing, the planning commission may grant approval for such application, provided it shall find the proposal is essential and desirable.

The planning commission may impose such requirements and conditions as may be necessary to protect neighboring property, promote public convenience, health, safety and welfare, or make the use conform more closely with the spirit, purpose and intent of this chapter. In determining other requirements and whether the proposed use is essential and desirable the following information shall be considered by the planning commission:

- (1) The possible substantial and permanent effect on neighboring property.
- (2) The consistency with the spirit, purpose and intent of this chapter.
- (3) The possible effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.
- (4) The tendency of the proposed use to create any type of blight within the immediate area.
- (5) The economic feasibility for the area.
- (6) Any other factor as may relate to the public health, safety and welfare for persons and property.

(Code 1983, § 60.75; Ord. No. 15-97, §§ 10, 11, 14, 6-16-97; Ord. No. 18-98, § 2, 8-17-98; Ord. No. 21-98, § 9, 10-5-98; Ord. No. 11-99, § 1, 7-6-99; Ord. No. 15-99, § 4, 11-15-99; Ord. No. 12-00, § 3, 7-17-

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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ORDINANCE NO. 17-22

ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF ORDINANCES  
BY AMENDING SECTION 90-203 IN ARTICLE 4B

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 4B, Section 90-203 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-203 DEFINITIONS “C”**

*Caliper:* The diameter of a tree trunk, measured at breast height.

*Caretaker living quarters:* An independent residential dwelling unit designed for and occupied by no more than two persons, where at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

*Carport:* A shelter for vehicles consisting of a roof extended from a wall or a building or a partially open structure consisting of a roof and possibly walls. Carports shall comply with all yard requirements applicable to private garages.

*Child care/residential care facilities:*

- (1) *Child care facility:* A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.
- (2) *Child care centers, nursery schools, and day nurseries:* A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (3) *Family day care home (six or fewer children less than 24 hours per day):* A private home in which one but less than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (4) *Group day care home (seven to 12 children less than 24 hours per day):* A private home in which more than seven but not more than 12 children are given

care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- (5) *Foster family group home*: A private home in which more than four, but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (6) *Foster family home*: A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

*Church or other place of worship*: A site used for the regular assembly of persons for the conduct of religious services and related accessory uses. Accessory uses may include rectories, living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities, religious office space and youth centers. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

*City officials*:

- (1) *City council or council*: The elected, legislative body of the City of Wyoming.
- (2) *Building official or building inspector*: Means the Registered Building Official or that person's designee.
- (3) *Planning commission or commission*: The planning commission of the City of Wyoming, as appointed by the mayor and endorsed by the city council, pursuant to the Municipal Planning Act.
- (4) *City planner*: The administrator of the planning department for the City of Wyoming.
- (5) *Board of zoning appeals or board*: The board of zoning appeals of the City of Wyoming. Members are appointed by city council pursuant to the zoning act.

*Clinic, medical*: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

*Club*: A nonprofit organization of persons for charitable, fraternal or social purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not operated to espouse beliefs or further activity that is not in conformance with

the Constitution of the United States or any laws or ordinances. The facilities owned or used by the organization may be referred to as a "club" in this chapter.

*Commercial use:* The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this chapter, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

*Commercial vehicle:* Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the following categories:

- (1) Truck tractor;
- (2) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- (3) Refrigerated and box van vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks.
- (4) Tow trucks.
- (5) Commercial hauling trucks.
- (6) Vehicle repair service trucks.
- (7) Snow plowing trucks.
- (8) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.
- (9) Limousine.

*Community center:* A government or nonprofit facility used for recreational, social, educational, cultural services and activities. Services may be targeted to certain populations (e.g. youth, seniors) but membership is available to the general public. Examples of services include: tax assistance, fitness training, senior meals, after school tutoring sessions, food pantries and public assemblies. This use does not include schools, places of worship, banquet facilities, social or service club, or counseling services. A community center is different than a neighborhood center, which is a use that is accessory to a residential development.

*Community special event:* A temporary outdoor use that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. Special events include auto shows, art shows, festivals and nonprofit fund raisers of community-wide interest.

*Condominium:*

- (1) *Building area:* The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit or any other type of use.

- (2) *Condominium*: A system of separate ownership of individual units and/or multiple-unit projects according to the Condominium Act.
- (3) *Condominium Act*: State of Michigan Public Act 59 of 1978, as amended.
- (4) *Condominium subdivision plan*: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- (5) *Condominium unit site*: The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.
- (6) *General common element*: The area of common elements other than the limited common elements intended for the common use of all co-owners.
- (7) *Limited common element*: Area of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (8) *Master deed*: The condominium document recording the condominium project as approved by the city including attached exhibits and incorporating, by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
- (9) *Site condominium project*: A condominium project designed to function in a similar manner, or as an alternative, to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this chapter.

*Contractor's yard*: A site on which a building contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard includes outdoor storage.

*Conservation easement*: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

*Construction*: Any act or process that is carried out under a current and valid building permit consisting of on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facilities or addition thereto, including related activities. Construction implies a diligent continuance of action toward completion, and any construction that has ceased due to expiration of a permit shall be considered inactive.

*Convalescent home or nursing home*: A nursing care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan

Compiled Laws, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

*Curb cut:* An opening from the public street to a private driveway or public drive serving an individual site or group of sites.

(Ord. No. 5-11, § 2, 8-1-11)

Section 2. This ordinance shall take effect on \_\_\_\_\_, 2022.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

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Kelli A. VandenBerg  
Wyoming City Clerk

Ordinance No. 17-22

August 30, 2022

Ms. Kelli A. Vandenberg  
City Clerk  
Wyoming, MI

Subject: Proposed Zoning Ordinance Text Amendment to Clarify Definition of Building Official  
(Section 90-203)

Recommendation: To approve the subject Zoning Ordinance amendment

Dear Ms. Vandenberg,

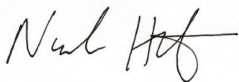
The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on August 16, 2022. A motion was made by Weller, supported by Zapata, to recommend to the City Council adoption of revised Section 90-203 Building Official text amendment which would clarify that the terms “Building Official” and “Building Inspector” may be used interchangeably in the zoning code. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following, please find some general information.

In the past, staff has received inquiries from property owners and City staff as to whether the terms “building official” and “building inspector” refer to the same person. Throughout the Zoning Code, these terms are used interchangeably. While the current definition for building official does state that the term “building official” includes designees administering and enforcing the Building Codes, the definition does not clearly establish that “building inspector” may be used interchangeably. The proposed language merely clarifies that these two terms refer to the same person and is not intended to change the meaning of these two terms as currently used in the Zoning Code.

During the public hearing no members of the public spoke on the proposed ordinance. The proposed zoning code text amendment is attached.

Respectfully submitted,



Nicole Hofert, Director  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger   John Fitzgerald   Kent Vanderwood   Marissa Postler   Robert Postema   Sam Bolt

**Jack A. Poll, Mayor**

Smith stated that while researching the allowable departures in the form based code, staff noticed that the minor and major departure tables allow for reductions of site coverage requirements. There are no minimum site coverage requirements in the form based code, but there are maximum site coverage limits. Staff suggests correcting these typos to allow for increases in site coverage maximums at the currently listed percentages.

Smith said that the Development Review Team recommends that Planning Commission adopt the recommended text amendment to Zoning Code Sections 90-1203 and 90-2100 and recommends the same to City Council.

Micele opened the public hearing at 7:32 PM. There was no public comment and the public hearing was closed.

A motion was made by Arnoys, supported by Hall, to adopt the recommended text amendment to Zoning Code Sections 90-1203 and 90-2100 and recommends the same to City Council.

Randall asked if staff were to make common sense modifications during the review process would those modifications be noted in their reports to Planning Commission.

Smith confirmed that they would be included in their staff reports.

A vote on the motion passed unanimously.

### AGENDA ITEM NO. 3

#### Request to amend Zoning Code Section 90-203 (Definitions "C") (Wyoming Planning Staff).

Smith explained that since its adoption, staff has been working to better align the City's Zoning Code with current practices and terminology to make the Zoning Code easier to understand. Smith said that through this review process, staff has identified the "Building official" definition as needing clarification.

Smith said that in the past, staff has received inquiries from property owners and City staff as to whether the terms "building official" and "building inspector" refer to the same person. Throughout the Zoning Code, these terms are used interchangeably. Smith stated that while the current definition for building official does state that the term "building official" includes designees administering and enforcing the Building Codes, the definition does not clearly establish that "building inspector" may be used interchangeably. The proposed language merely clarifies that these two terms refer to the same person and is not intended to change the meaning of these two terms as currently used in the Zoning Code.

Smith stated that the Development Review Team recommends that Planning Commission adopt the recommended text amendment to Zoning Code *Sections 90-203* and recommends the same to City Council.

Micele opened the public hearing at 7:34 PM. There was no public comment and the public hearing was closed.

A motion was made by Weller, supported by Zapata, to adopt the recommended text amendment to Zoning Code *Sections 90-203* and recommends the same to City Council.

A vote on the motion passed unanimously.

#### NEW BUSINESS

#### INFORMATIONAL

##### Learning & Growth

VanDuren introduced Fire Inspector Brad Dornbos to the board to explain the review process the fire department follows.

Dornbos explained the Fire Department's process for what is reviewed during the plan review and building permit review process. Dornbos also explained what happens during inspections and final approval.

VanDuren asked about the follow-up process for inspecting fire extinguishers at apartment buildings.

Dornbos explained that during the rental inspection the rental inspector examines the fire extinguisher to ensure that they have been inspected and are up to code but sprinkler and fire alarms are approved by the fire department.

Micele opened the public hearing at 7:45 PM. There was no public comment and the public hearing was closed.

#### ADJOURNMENT

The meeting was adjourned at 7:45 PM.

**Sec. 90-203 DEFINITIONS "C"**

*Caliper:* The diameter of a tree trunk, measured at breast height.

*Caretaker living quarters:* An independent residential dwelling unit designed for and occupied by no more than two persons, where at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

*Carport:* A shelter for vehicles consisting of a roof extended from a wall or a building or a partially open structure consisting of a roof and possibly walls. Carports shall comply with all yard requirements applicable to private garages.

*Child care/residential care facilities:*

- (1) *Child care facility:* A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.
- (2) *Child care centers, nursery schools, and day nurseries:* A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (3) *Family day care home (six or fewer children less than 24 hours per day):* A private home in which one but less than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (4) *Group day care home (seven to 12 children less than 24 hours per day):* A private home in which more than seven but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (5) *Foster family group home:* A private home in which more than four, but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 2 – Definitions**  
**CITY OF WYOMING ZONING ORDINANCE**

- (6) *Foster family home:* A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

*Church or other place of worship:* A site used for the regular assembly of persons for the conduct of religious services and related accessory uses. Accessory uses may include rectories, living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities, religious office space and youth centers. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

*City officials:*

- (1) *City council or council:* The elected, legislative body of the City of Wyoming.
- (2) *Building official or building inspector:* ~~The officer or other designated authority charged with the administration and enforcement of the Building Codes.~~ Means the Registered Building Official or that person's designee.
- (3) *Planning commission or commission:* The planning commission of the City of Wyoming, as appointed by the mayor and endorsed by the city council, pursuant to the Municipal Planning Act.
- (4) *City planner:* The administrator of the planning department for the City of Wyoming.
- (5) *Board of zoning appeals or board:* The board of zoning appeals of the City of Wyoming. Members are appointed by city council pursuant to the zoning act.

*Clinic, medical:* An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

*Club:* A nonprofit organization of persons for charitable, fraternal or social purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not operated to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by the organization may be referred to as a "club" in this chapter.

*Commercial use:* The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this chapter, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

*Commercial vehicle:* Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the following categories:

1. Purpose, Validity, and Scope	2. Definitions	3. General Requirements	4. Zoning Districts	5. Development Review	• Site Plans • Special Land Uses • Condominiums • PUDs
6. Off-street Parking	7. Signs	8. Alternative & Renewable Energies	9. Nonconformities	10. Appeals and Administration	11. Form Based Code
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- (1) Truck tractor;
- (2) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- (3) Refrigerated and box van vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks.
- (4) Tow trucks.
- (5) Commercial hauling trucks.
- (6) Vehicle repair service trucks.
- (7) Snow plowing trucks.
- (8) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.
- (9) Limousine.

*Community center:* A government or nonprofit facility used for recreational, social, educational, cultural services and activities. Services may be targeted to certain populations (e.g. youth, seniors) but membership is available to the general public. Examples of services include: tax assistance, fitness training, senior meals, after school tutoring sessions, food pantries and public assemblies. This use does not include schools, places of worship, banquet facilities, social or service club, or counseling services. A community center is different than a neighborhood center, which is a use that is accessory to a residential development.

*Community special event:* A temporary outdoor use that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. Special events include auto shows, art shows, festivals and nonprofit fund raisers of community-wide interest.

*Condominium:*

- (1) *Building area:* The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit or any other type of use.
- (2) *Condominium:* A system of separate ownership of individual units and/or multiple-unit projects according to the Condominium Act.

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- (3) *Condominium Act*: State of Michigan Public Act 59 of 1978, as amended.
- (4) *Condominium subdivision plan*: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- (5) *Condominium unit site*: The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.
- (6) *General common element*: The area of common elements other than the limited common elements intended for the common use of all co-owners.
- (7) *Limited common element*: Area of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (8) *Master deed*: The condominium document recording the condominium project as approved by the city including attached exhibits and incorporating, by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
- (9) *Site condominium project*: A condominium project designed to function in a similar manner, or as an alternative, to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this chapter.

*Contractor's yard*: A site on which a building contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard includes outdoor storage.

*Conservation easement*: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

*Construction*: Any act or process that is carried out under a current and valid building permit consisting of on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facilities or addition thereto, including related activities. Construction implies a diligent continuance of action toward completion, and any construction that has ceased due to expiration of a permit shall be considered inactive.

*Convalescent home or nursing home*: A nursing care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan

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Compiled Laws, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

*Curb cut:* An opening from the public street to a private driveway or public drive serving an individual site or group of sites.

(Ord. No. 5-11, § 2, 8-1-11)

**Sec. 90-204 DEFINITIONS "D"**

*Density:* The number of dwelling units situated on or to be developed per net acre of land. For purposes of calculating maximum density, only 25 percent of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, or land within the 100-year floodplain elevation shall be calculated toward the total site acreage. All open bodies of water, public rights-of-way and private road easements are excluded from this calculation.

*Detention basin:* A manmade or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or manmade outlets.

*Development:* The construction of a new building or other structure, the relocation of an existing building, or a new use of open land.

*Disposal:* The final placement or destruction of either hazardous or nonhazardous substances or waste. Disposal includes placing the above substances in landfills, surface impoundments, land farms, deep well injection or underground injection wells or incineration.

*Distribution center:* A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a business.

*District:* A portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of the ordinance. Districts in the City of Wyoming include:

- (1) *Overlay district:* A district which is applied over an underlying, controlling district, except as modified or restricted by the regulations of the overlay district.
- (2) *Zoning district or district:* A portion of the City of Wyoming where certain uses of land and buildings are permitted and certain yards, open spaces, lot areas, and other requirements are established.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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ORDINANCE NO. 18-22

ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF ORDINANCES BY  
 AMENDING SECTION 90-1203 IN ARTICLE 11, DIVISION 2 AND SECTION 90-2100  
 IN ARTICLE 11, DIVISION 11

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 11, Division 2, Section 90-1203 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-424B 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 or changes due to public infrastructure constraints, to the Zoning District Map shall require a full site plan/ sketch plan.
- C. Public Infrastructure Departures. The City Planner may, at the request of the applicant, waive certain building type standards or frontage type standards as outlined in Table 90-1203c. The intent of allowing these departures is to permit sites intersecting or adjacent to public infrastructure and utility easements to be fully utilized and prevent them from being unbuildable or not economically viable.
- D. Findings for Code Departures. The applicable reviewing body shall find that a departure 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.

**TABLE 90-1203a MINOR FORM-BASED CODE DEPARTURES**

Minor Departures*	Minor Modification Allowed	Comments/Required Findings
<b>Form-Based Code Context Areas</b>		
1. Minor changes as described in the City of Wyoming Zoning Ordinance, Section 90-1005.	Per Section 90-506	
2. Area/Boundary of Context Area	No more than a 15% increase or decrease in the area.	Measurement shall include the area of the applicable parcel. When possible, boundaries shall follow parcel lines.
<b>Building Types Standards</b>		
1. Building Height	n/a	
2. Façade Composition	n/a	
3. Site Dimensional Requirements	a. Up to 5' for setbacks b. 10% increase to site coverage c. 5% reduction in façade width requirements	a. and b. Existing development on adjacent parcels on the same block face is greater or less than the required setback 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
<b>Form-Based Code Context Areas</b>		
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, boundaries shall follow parcel lines.
<b>Building Types Standards</b>		
1. Building Height	n/a	
2. Façade Composition	n/a	
3. Site Dimensional Requirements	a. Up to 10' for setbacks b. 20% increase to site coverage c. 10% reduction in façade width requirements	a. and b. Existing development on adjacent parcels on the same block face is greater or less than the required setback 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 90-1203c PUBLIC INFRASTRUCTURE FORM-BASED CODE DEPARTURES**

Public Infrastructure Departures	Public Infrastructure Modification Allowed	Comments/Required Findings
<b>Building Types Standards</b>		
3. Site Dimensional Requirements	a. Up to 75' for build-to lines, build-to zones, and setbacks b. 60% reduction in façade width requirements	Public infrastructure constraints and/or utility easements prohibit strict application of minimum requirements.
* Note that departures from the build-to-line and required build-to-zone shall not be permitted.		

Section 2. That Chapter 90, Article 11, Division 11, Section 90-2100 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 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.

**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.

#### 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.

#### 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.

#### DEFINITIONS “D”

*Departure:* A Minor, Major, or Public Infrastructure modification to selected Form Based Code requirements, refer to Division 2, Tables 90-1203a, 90-1203b, and 90-1203c.

*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.

#### DEFINITIONS “E”

*Eave*: The projecting overhang along the sloped edge of a pitched roof.

#### 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 of the City Zoning Ordinance) that is designated as Form Based Code Districts. 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.

#### 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.

#### 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.

#### 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.

#### DEFINITIONS “J”

No definitions for this section.

#### DEFINITIONS “K”

No definitions for this section.

#### 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.

#### 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.

#### 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.

#### 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.

#### 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 Infrastructure:* Facilities owned and operated by a unit of federal, state, or local government.

*Public Realm:* The area between the façade of a building and the corresponding façade of the building across the street.

## **DEFINITIONS “Q”**

No definitions for this section.

## **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.

## **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.

## 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.

**DEFINITIONS “U”**

*Utility Easement:* A private easement given to a public utility as per Michigan's Land Division Act.

**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.

**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.

**DEFINITIONS “X”**

No definitions for this section.

Section 3. This ordinance shall take effect on \_\_\_\_\_, 2022.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Kelli A. VandenBerg  
Wyoming City Clerk

Ordinance No. 18-22

August 30, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Proposed Zoning Ordinance Text Amendment to FBC Departures and Definitions  
(Sections 90-1203 and 90-2100)

Recommendation: To approve the subject Zoning Ordinance amendment

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on August 16, 2022. A motion was made by Arnoys, supported by Hall, to recommend to the City Council adoption of revised Sections 90-1203 Form Based Code Departures and 90-2100 Applicability text amendments which would permit planning staff to allow common sense departures from form based code site dimensional requirements. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following, please find some general information.

The City's Form Based Zoning Code establishes regulations that emphasize the physical character of developments by building type. For each building type, there are build-to lines, build-to zones, or setbacks as well as site coverage and façade width requirements. Public infrastructure could make some sites unbuildable or nonviable if staff are not authorized to allow reasonable departures from site dimensional requirements. Staff has identified those standards and recommended limitations on staff authority to allow departures from those standards. Additionally, staff identified typos in the minor and major departure tables that warrant correction.

In the past year, staff worked with several applicants in Form Based Code districts as they navigated the site dimensional requirements of the Code and easements on their properties. In some context areas, all building types are required to be built at their frontage lines with no setback and the Code does not allow for departures from this standard. In the other context areas, the code may allow for greater setbacks, but easements can still create conflicts. In Kent County, the average easement width is greater than 11 feet. The majority of these easements run adjacent to roadways and would be located along either a primary or secondary frontage. Permitting staff to allow common sense departures would allow for more efficient development of properties in the City of Wyoming and streamline the development review process.

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

Marissa Postler

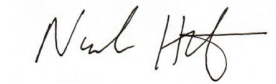
Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**

During the public hearing no members of the public spoke on the proposed ordinance. The proposed zoning code text amendment is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Nicole Hofert, Director  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

restaurants already go through health inspections and it allows the city to use lighter regulation. For someone wanting to sell food out of a gas station parking lot, we would have to check to ensure that they had the proper licensing similar to food trucks.

Hall said that he is not a fan of the food truck ordinance. Hall said that if a business owner wanted to be able to sell their food the city should be more receptive to encourage that and the fact that food trucks have to jump through hoops here that they don't have to in neighboring communities doesn't reflect the city of vision and progress and it makes him uncomfortable. Hall said that it is a free country so someone should be able to set up a smoker in their front yard and sell ribs. He would hope that we would fall on the side of leniency and permissiveness versus saying no and regulating it and he thinks this ordinance has crossed over into that and that is why he is uncomfortable.

Smith clarified that if someone were to set up a smoker and sell food in a location that didn't have a food truck licensing ordinance, they would violate the health code so the city is just checking to make sure that they have already received approval from the health department.

Hall asked if an outdoor cooker could be set up at Rogers Plaza as long as they have approval from the health department.

Smith explained that they would have to be set up as a food truck to be permitted.

Hall said that to him the city is limiting options for small businesses which makes him uncomfortable.

A vote on the motion that Planning Commission adopt the proposed text amendment to Zoning Code Sections 90-402B, 90-408B, 90-413B, 90-332, and 90-508; and recommend the same to City Council passed with the vote count being 8 of the commissioners voting yes and 1 against. Arnoys, Gilreath-Watts, Randall, VanDuren, Weller, Zapata and Micele voted in favor. Hall voted against.

## AGENDA ITEM NO. 2

### Request to amend Form Based Code Sections 90-1203 (Form Based Code Departures) and 90-2100 (Applicability) (Wyoming Planning Staff).

Smith spoke about the City's Form Based Zoning Code saying that it establishes regulations that emphasize the physical character of developments by building type. For each building type, there are build-to lines, build-to zones, or setbacks as well as site coverage and façade width requirements. Smith said that public infrastructure could make some sites unbuildable or nonviable, if staff are not authorized to allow reasonable departures from site dimensional requirements. Staff has identified those standards and recommended limitations on staff

authority to allow departures from those standards. Smith said that additionally, staff identified typos in the minor and major departure tables that warrant correction.

Smith explained that in the past year, staff worked with several applicants in Form Based Code districts as they navigated the site dimensional requirements of the Code and easements on their properties. In some context areas, all building types are required to be built at their frontage lines with no setback and the Code does not allow for departures from this standard. In the other context areas, the code may allow for greater setbacks, but easements can still create conflicts.

Smith shared that in Kent County, the average easement width is greater than 11 feet. The majority of these easements run adjacent to roadways and would be located along either a primary or secondary frontage. Within the Corridor Center and Corridor Urban context areas, these easements commonly create a conflict with the Form Based Code. In other context areas, easements still create occasional conflicts that require accommodations.

Smith asked the board to consider the example of a restaurant built as a Retail Building on a corner parcel in the Corridor Edge context area. The code calls for a primary build-to line of between 5 and 50 feet and a secondary build-to line of up to 15 feet. There is a utility easement that passes through the corner of the parcel. It would be possible to meet both of these requirements while respecting the easement, but the code requires all parking to be in rear yards and the building would be pushed back so far on the site as to impossible to provide sufficient parking for its occupancy. Smith said that planning staff recommended that the building be built to a 15 foot primary build-to line and a 35 foot secondary build-to line, which allowed it to clear the easement and also provided room for sufficient parking.

Smith acknowledged that façade width requirements create similar conflicts with easements. Several building types require that the façade stretch for 90% of the frontage. An easement that passes through a corner of the parcel at the frontage can make the parcel unbuildable if departures are not allowed.

Smith said that while easements are the most common conflict, larger public infrastructure projects can create other site dimensional issues. Consider a hypothetical pedestrian bridge that ran down the secondary frontage of a commercial property. Smith explained that the form based code might require a build-to line that does not accommodate the bridge and the necessary maintenance easements might conflict with façade width requirements.

Smith explained that in each of these examples, the easements and public infrastructure are relatively compact. In researching easements in Kent County, staff found several examples of combined utility easements of 65 feet or wider. As currently written, the form based code does not allow for departures to accommodate easements of this size. The proposed language creates a separate departure table in section 90-1203 for parcels with public infrastructure conflicts and inserts the necessary definitions to support that new table into section 90-2100.

Smith stated that while researching the allowable departures in the form based code, staff noticed that the minor and major departure tables allow for reductions of site coverage requirements. There are no minimum site coverage requirements in the form based code, but there are maximum site coverage limits. Staff suggests correcting these typos to allow for increases in site coverage maximums at the currently listed percentages.

Smith said that the Development Review Team recommends that Planning Commission adopt the recommended text amendment to Zoning Code Sections 90-1203 and 90-2100 and recommends the same to City Council.

Micele opened the public hearing at 7:32 PM. There was no public comment and the public hearing was closed.

A motion was made by Arnoys, supported by Hall, to adopt the recommended text amendment to Zoning Code Sections 90-1203 and 90-2100 and recommends the same to City Council.

Randall asked if staff were to make common sense modifications during the review process would those modifications be noted in their reports to Planning Commission.

Smith confirmed that they would be included in their staff reports.

A vote on the motion passed unanimously.

### AGENDA ITEM NO. 3

Request to amend Zoning Code Section 90-203 (Definitions "C") (Wyoming Planning Staff).

Smith explained that since its adoption, staff has been working to better align the City's Zoning Code with current practices and terminology to make the Zoning Code easier to understand. Smith said that through this review process, staff has identified the "Building official" definition as needing clarification.

Smith said that in the past, staff has received inquiries from property owners and City staff as to whether the terms "building official" and "building inspector" refer to the same person. Throughout the Zoning Code, these terms are used interchangeably. Smith stated that while the current definition for building official does state that the term "building official" includes designees administering and enforcing the Building Codes, the definition does not clearly establish that "building inspector" may be used interchangeably. The proposed language merely clarifies that these two terms refer to the same person and is not intended to change the meaning of these two terms as currently used in the Zoning Code.

**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 90-502 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 90-502 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 90-503 through 90-506 of the City of Wyoming Zoning Ordinance. Full site plan/sketch plan required data shall adhere to Table 90-504 of the City of Wyoming Zoning Ordinance, unless waived or required by the City's Planner per section 90-504.
- 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 90-505 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 90-504.
  - 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 90-507 of the City of Wyoming Zoning Ordinance. Specific standards for special land uses are determined by Context Area and Use, see section 90-508 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 or changes due to public infrastructure constraints, to the Zoning District Map shall require a full site plan/ sketch plan.*
- C. Public Infrastructure Departures. *The City Planner may, at the request of the applicant, waive certain building type standards or frontage type standards as outlined in Table 90-1203c. The intent of allowing these departures is to permit sites intersecting or adjacent to public infrastructure and utility easements to be fully utilized and prevent them from being unbuildable or not economically viable.*
- D. Findings for Code Departures. The applicable reviewing body shall find that a departure 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.

**90-1204 ADOPTION AND AMENDMENT DATE**

- A. City of Wyoming
  - 1. Adoption Date. The City of Wyoming Form Based Code was adopted at a regular meeting of the Wyoming City Commission on December 16, 2013.
  - 2. Amendment Date. The City of Wyoming Form Based Code was amended at a regular meeting of the Wyoming City Commission on August 1, 2016 (to include properties along Division Avenue).
  - 3. Amendment Date. The City of Wyoming Form Based Code was amended at a regular meeting of the Wyoming City Commission on June 4, 2018 (to include properties along Burton Street).

1	2	3	4	5	6
Introduction	Title, Purpose & Scope	Applicability & Procedures	General Provisions	Context Areas & Use	Subdivision & Access
7	8	9	10	11	
Private Frontages	Thoroughfare Guidelines	Off-Street Parking	Sign Standards	FBC Definitions	City of Wyoming Zoning Ordinance

**TABLE 90-1203a MINOR FORM-BASED CODE DEPARTURES**

Minor Departures*	Minor Modification Allowed	Comments/Required Findings
<b>Form-Based Code Context Areas</b>		
1. Minor changes as described in the City of Wyoming Zoning Ordinance, Section 90-1005.	Per Section 90-506	
2. Area/Boundary of Context Area	No more than a 15% increase or decrease in the area.	Measurement shall include the area of the applicable parcel. When possible, boundaries shall follow parcel lines.
<b>Building Type Standards</b>		
1. Building Height	n/a	
2. Facade Composition	n/a	
3. Site Dimensional Requirements	a. up to 5' for setbacks b. 10% increase to site coverage c. 5% reduction in façade width requirements	a. and b. Existing development on adjacent parcels on the same block face is greater or less than the required setback 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
<b>Form-Based Code Context Areas</b>		
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.
<b>Building Type Standards</b>		
1. Building Height	n/a	
2. Facade Composition	n/a	
3. Site Dimensional Requirements	a. up to 10' for setbacks b. 20% increase to site coverage c. 10% reduction in façade width requirements	a. and b. Existing development on adjacent parcels on the same block face is greater or less than the required setback 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 90-1203c PUBLIC INFRASTRUCTURE FORM-BASED CODE DEPARTURES**

Public Infrastructure Departures	Public Infrastructure Modification Allowed	Comments/Required Findings
<b>Building Type Standards</b>		
3. Site Dimensional Requirements	a. Up to 75' for build-to lines, build-to zones, setbacks b. 60% reduction from facade width requirements	Public infrastructure constraints and/or utility easements prohibit strict application of minimum requirements.

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.

**DEFINITIONS**

*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, Major, or Public Infrastructure modification to selected Form Based Code requirements, refer to Division 2, Tables 90-1203a, 90-1203b, and 90-1203c.

*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 of the City Zoning Ordinance) that is designated as Form Based Code Districts. 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 Infrastructure:** Facilities owned and operated by a unit of federal, state, or local government.

**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.

**DEFINITIONS**

**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”**

*Utility Easement:* A private easement given to a public utility as per Michigan’s Land Division Act.

**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.

ORDINANCE NO. 19-22

ORDINANCE TO AMEND CHAPTER 90 OF THE CITY CODE BY AMENDING SECTIONS  
90-202 AND 90-204 IN ARTICLE 2

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 2, Section 90-202 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-202 DEFINITIONS “B”**

*Basement:* That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. Figure 90-202-1.

*Boardinghouse:* A dwelling where meals or lodging are provided for compensation to two or more persons for periods of one week or more.

*Berm:* A manmade mound of earth that is graded and shaped to a specified height and slope and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

*Block:* The property, abutting one side of a street lying between the two nearest intersecting streets or between an intersecting street and a railroad right-of-way; unsubdivided acreage, river or stream; or between any of the foregoing and any other barrier to the continuity of development. Building:

(1) *Alterations:* Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

(2) *Building:* A permanent structure having a roof supported by columns, or walls, for the shelter, support or enclosure of persons, animals or possessions, is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings allowing ingress or egress of persons, each separated portion of the building shall be deemed a separate building.

(3) *Building envelope (also called "buildable area"):* The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal and any attached accessory structures (such as a garage) is permitted by the ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

(4) *Building height:* The vertical distance measured 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 (between eaves and ridges) for gable, hip, gambrel, and A-frame roofs. Figure 90-202-2.

(5) *Building permit:* An authorization issued by the chief building official to move, erect or alter a structure within the city.

*Buffer zone:* A strip of land often required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and/or noise barrier.

*Bulk:* The term used to indicate the size and setbacks of buildings and structures and their location with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation

to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area, open space, and the amount of lot area required for each dwelling unit.

Section 2. That Chapter 90, Article 2, Section 90-204 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-204 DEFINITIONS “D”**

*Density:* The number of dwelling units situated on or to be developed per net acre of land. For purposes of calculating maximum density, only 25 percent of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, or land within the 100-year floodplain elevation shall be calculated toward the total site acreage. All open bodies of water, public rights-of-way and private road easements are excluded from this calculation.

*Detention basin:* A manmade or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or manmade outlets.

*Development:* The construction of a new building or other structure, the relocation of an existing building, or a new use of open land.

*Disposal:* The final placement or destruction of either hazardous or nonhazardous substances or waste. Disposal includes placing the above substances in landfills, surface impoundments, land farms, deep well injection or underground injection wells or incineration.

*Distribution center:* A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a business.

*District:* A portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of the ordinance. Districts in the City of Wyoming include:

- (1) *Overlay district:* A district which is applied over an underlying, controlling district, except as modified or restricted by the regulations of the overlay district.
- (2) *Zoning district or district:* A portion of the City of Wyoming where certain uses of land and buildings are permitted and certain yards, open spaces, lot areas, and other requirements are established.

*Downtown development authority area:* That area bordering both sides of 28th Street between Division Avenue and Byron Center Avenue, as described in section 2-214 of this Code.

*Drive-through establishment:* A business in which all or part of the business consists of providing goods and services from a drive-through window to patrons in motor vehicles.

*Dumpster or waste receptacle:* Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the capacity of at least one cubic yard. Exterior compactors shall be considered to be dumpsters or waste receptacles for the purposes of screening regulations.

*Dwelling:*

(1) *Manufactured home*: A dwelling which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located and transported to the building site on its own wheels or a flatbed trailer.

(2) *Multiple-family*: A building, or portion thereof, used or designed as residences for three or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided. Multiple-family buildings without a second floor common hallway are termed townhouses.

(3) *Single-family*: A detached building or manufactured home designed exclusively for the complete living accommodations of one family, and containing one dwelling unit only.

(4) *Single-family, attached*: A single-family dwelling erected side by side to another similar unit in a single building, each unit being separated from the adjoining unit by an uninterrupted wall extending from the basement floor to the roof, and having a separate exterior entrance.

(5) *Site built*: A dwelling which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwellings also include those constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

(6) *Two-family*: A detached building, designed for or occupied exclusively by two families living independently of each other. May also be termed as a duplex.

*Dwelling unit*:

(1) *Dwelling unit*: A building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, trailer coach, garage, automobile chassis, portable building or tent be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the applicable provisions relative to dwellings. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

(2) *Efficiency unit*: An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than 350 square feet of floor area.

Section 2. This ordinance shall take effect on \_\_\_\_\_, 2022.

Kelli A. Vandenberg  
Wyoming City Clerk

Ordinance No.19-22

September 28, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Proposed Zoning Ordinance Text Amendment to Definitions “B” and “D” (Sections 90-202 and 90-204)

Recommendation: To approve the subject Zoning Ordinance amendment

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on September 20, 2022. A motion was made by DeLange, supported by VanDuren, to recommend to the City Council adoption of revised Sections 90-202 Definitions “B” and 90-204 Definitions “D” text amendments which would update two antiquated definitions to match current usage. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following, please find some general information.

In the past year, City staff have received several inquiries about converting hotels or single-family homes into small multifamily developments that may not include kitchen and bathroom facilities for each unit. Currently, the zoning code contains two antiquated definitions that create some confusion as to where these types of developments would be permitted. City staff recommend updating the definitions of boardinghouse and dwelling unit to match current usage in the planning profession to clarify the intent of the zoning code on this issue.

Within the planning profession, a boardinghouse is an owner-occupied dwelling that also provides lodging or food for short-term lodgers. The zoning code’s current definition fails to require owner occupancy, which makes a boardinghouse indistinguishable from an extended stay hotel. While hotels are restricted to commercial zones, boardinghouses are treated like small multifamily developments and permitted in residential zones. By requiring owner occupancy, these short-term rental properties would have at least one occupant invested in the well-being of the neighborhood.

The zoning code intends to define dwelling unit so that it is easily recognizable as a home. Several temporary or portable living situations (e.g. tents, motor homes, trailers) are called out as specifically not being dwelling units. Likewise, hotels are specifically excluded from the multifamily dwelling unit definition. By specifying that dwelling units include kitchen and full

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CITY COUNCIL

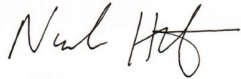
Sheldon DeKryger   John Fitzgerald   Kent Vanderwood   Marissa Postler   Robert Postema   Sam Bolt

**Jack A. Poll, Mayor**

bathroom facilities, the code can be clarified and brought into alignment with commonly accepted planning terminology. This will also align the terminology with the Building Code definition of “Dwelling unit” helping to avoid any confusion.

During the public hearing one member of the public asked a question about the proposed ordinance. The proposed zoning code text amendment is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicole Hofert, Director  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

for the business, the first is located in Comstock Park. Mets said that he is available for comment.

A motion was made by Zapata, supported by Weller, to grant special use approval for the proposed drive-through service station at 740 Linden Avenue SE.

Randall asked the owner to explain the storage capacity of the propane and the safety measures that are in place.

Mets explained that there is a 1,000 water capacity tank located on site and they are permitted by the State of Michigan Licensing and Regulatory Affairs (LARA) to fill 800 gallons of propane in the tank because of expansion. There are guidelines from LARA that permits the location of the tank, which is 25 feet from the building. Mets said that there are bollards around the tank that protects it from vehicles.

There was a conversation regarding canopies and Mets stated that they would like a canopy and if they decide to erect one it will comply with any height requirements.

DeLange commented saying that the site looks tight if they have a lot of stacking and asked the owner if they plan to service school buses or a larger fleet.

Mets said that he would love that kind of business and it was shown on the drawing to show what would happen if they were very busy. Mets said that he doesn't anticipate that kind of business since it isn't like a gas station. Mets said that traffic is staggered because they strive to fill a tank within a minute.

Micele asked how many employees will be on site.

Mets stated that there will be one operator on site but beyond that he doesn't anticipate more than 2 or 3 working at one time if they were busy. He only has one tank and one hose but if he does have more demand there is room to accommodate another lane and another tank.

A vote on the motion passed unanimously.

A motion was made by Hall, supported by Zapata, to grant site plan approval for the proposed drive-through service station at 740 Linden Avenue SE

A vote on the motion passed unanimously.

**AGENDA ITEM NO. 4**

**Request to amend Zoning Code Sections 90-202 (Definitions "B") and 90-204 (Definitions "D") (Wyoming Planning Staff).**

Smith explained that since its adoption, staff has been working to better align the City's Zoning Code with current practices and terminology to make the Zoning Code easier to understand. Through this review process, staff has identified the "Boardinghouse" and "Dwelling Unit" definitions as needing updating to match current usage.

Smith said that in the past year, City staff have received several inquiries about using residential and commercial properties for small multifamily developments that may not include kitchen and bathroom facilities for each unit. Currently, the zoning code contains two antiquated definitions that create some confusion as to where these types of developments would be permitted. City staff recommend updating the definitions of boardinghouse and dwelling unit to match current usage in the planning profession to clarify the intent of the zoning code on this issue.

Smith noted that within the planning profession, a boardinghouse is an owner-occupied dwelling that also provides lodging or food for short-term lodgers. The zoning code's current definition fails to require owner occupancy, which makes a boardinghouse indistinguishable from an extended stay hotel. While hotels are restricted to commercial zones, boardinghouses are treated like small multifamily developments and permitted in residential zones. Smith explained that for residential zones, the code prefers that an occupant have a connection to the property, whether that is ownership or a lease. By requiring owner occupancy, these short-term rental properties would have at least one occupant invested in the well-being of the neighborhood.

Smith said that the zoning code intends to define dwelling unit so that it is what a layperson would call a home. Several temporary or portable living situations (e.g. tents, motor homes, trailers) are called out as specifically not being dwelling units. Likewise, hotels are specifically excluded from the multifamily dwelling unit definition. By specifying that dwelling units include kitchen and full bathroom facilities, the code can be clarified and brought into alignment with commonly accepted planning terminology.

Smith said that the Development Review Team recommends that Planning Commission adopt the recommended text amendment to Zoning Code Sections 90-202 and 90-204 and recommends the same to City Council.

Micele opened the public hearing at 7:44 PM. There was no public comment and the public hearing was closed.

Jim Davis, Family Promise, asked staff if the owner was an organization or business would a 24/7 presence of someone from that organization or business be adequate to meet that standard of being occupied by the owner. He presented a scenario asking if an organization like family promise had a staff member present 24/7, along with other families sharing kitchen and bathroom amenities would that meet the standard of owner-occupied.

Micele closed the public hearing at 7:45 PM.

A motion was made by DeLange, supported by VanDuren, to adopt the recommended text amendment to Zoning Code Sections 90-202 and 90-204 and recommends the same to City Council.

Randall asked staff about garages that have been converted into a residence and wanted to know if that would be considered an assessor dwelling

Hofert explained that if a garage were to have a dwelling unit inside that would be typically referred to as an accessory dwelling unit (ADU) Hofert said that in Wyoming ADU's are only permitted in certain form based code districts.

Randall said that staff indicated that a site could be posted if it didn't meet the accessory dwelling unit standard regarding a full kitchen and at least one full bathroom facility and asked for more detail on what that process would be like. Randall said that people who are temporarily living in situations due to experiencing homelessness may be residing in a tent or a trailer and those units aren't spelled out in the code so she is concerned that we would be going down a path of criminalizing homelessness.

Hofert said that is not the intent but it is important to distinguish between saying that the ability to post a property does not fall within the zoning or planning department, it falls within the building inspections department and their ability to enforce the state building code. Hofert said that there is a process in place, the priority is working with individuals to help them find housing to move into and then work to bring the structure up to code.

Micele asked staff if Smith can address Jim Davis' question.

Smith said that the answer is no and explained that traditionally boarding houses have been single-family homes that also provide food and lodging so the owner would be the occupant of the property.

A vote on the motion passed unanimously.

OLD BUSINESS

NEW BUSINESS

**Article 2 – Definitions**  
**CITY OF WYOMING ZONING ORDINANCE**

*Animals:*

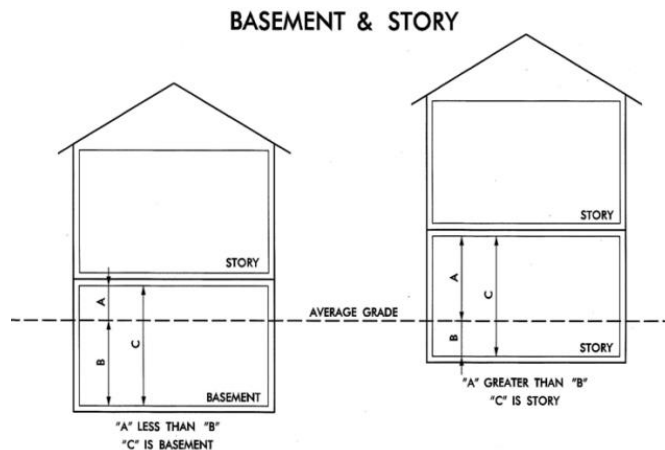
- (1) *Domestic:* Any animal customarily kept by humans for companionship, including, but not limited to, dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.
- (2) *Exotic:* Any species of animal not considered domestic or livestock, including, but not limited to, snakes, lizards and potbellied pigs.

*Athletic training facility.* A specialized indoor facility provided for the training needs and related activities of athletes. Unlike a health club, these facilities are primarily for the prearranged use of specific teams and programs, rather than for general public walk-in use. This use includes specialized sports facilities, such as ball courts, hockey rinks, gymnasiums, gymnastics, and pools, and may include weight rooms, classrooms and meeting space. Activities may include training sessions, practices and competitive events.

(Ord. No. 5-11, § 2, 8-1-11; Ord. No. 12-13, § 1, 9-3-13)

**Sec. 90-202 DEFINITIONS "B"**

*Basement:* That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. Figure 90-202-1.



*Boardinghouse:* An owner-occupied dwelling where meals or lodging are provided for compensation to two or more persons for periods of one week or more.

*Berm:* A manmade mound of earth that is graded and shaped to a specified height and slope and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

*Block:* The property, abutting one side of a street lying between the two nearest intersecting streets or between an intersecting street and a railroad right-of-way; unsubdivided acreage, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

*Building:*

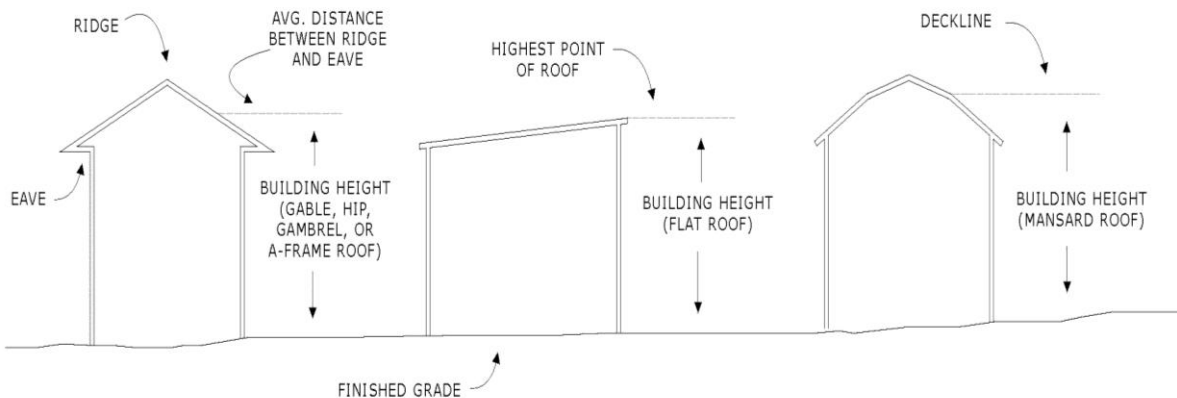
- (1) *Alterations:* Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 2 – Definitions**  
**CITY OF WYOMING ZONING ORDINANCE**

- (2) *Building*: A permanent structure having a roof supported by columns, or walls, for the shelter, support or enclosure of persons, animals or possessions, is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings allowing ingress or egress of persons, each separated portion of the building shall be deemed a separate building.
- (3) *Building envelope* (also called "buildable area"): The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal and any attached accessory structures (such as a garage) is permitted by the ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.
- (4) *Building height*: The vertical distance measured 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 (between eaves and ridges) for gable, hip, gambrel, and A-frame roofs. Figure 90-202-2.

**BUILDING HEIGHT**



- (5) *Building permit*: An authorization issued by the chief building official to move, erect or alter a structure within the city.

*Buffer zone*: A strip of land often required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and/or noise barrier.

*Bulk*: The term used to indicate the size and setbacks of buildings and structures and their location with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area, open space, and the amount of lot area required for each dwelling unit.

(Ord. No. 5-11, § 2, 8-1-11)

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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Use Table	Zoning Map				

**Article 2 – Definitions**  
**CITY OF WYOMING ZONING ORDINANCE**

Compiled Laws, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

*Curb cut:* An opening from the public street to a private driveway or public drive serving an individual site or group of sites.

(Ord. No. 5-11, § 2, 8-1-11)

**Sec. 90-204 DEFINITIONS "D"**

*Density:* The number of dwelling units situated on or to be developed per net acre of land. For purposes of calculating maximum density, only 25 percent of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, or land within the 100-year floodplain elevation shall be calculated toward the total site acreage. All open bodies of water, public rights-of-way and private road easements are excluded from this calculation.

*Detention basin:* A manmade or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or manmade outlets.

*Development:* The construction of a new building or other structure, the relocation of an existing building, or a new use of open land.

*Disposal:* The final placement or destruction of either hazardous or nonhazardous substances or waste. Disposal includes placing the above substances in landfills, surface impoundments, land farms, deep well injection or underground injection wells or incineration.

*Distribution center:* A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a business.

*District:* A portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of the ordinance. Districts in the City of Wyoming include:

- (1) *Overlay district:* A district which is applied over an underlying, controlling district, except as modified or restricted by the regulations of the overlay district.
- (2) *Zoning district or district:* A portion of the City of Wyoming where certain uses of land and buildings are permitted and certain yards, open spaces, lot areas, and other requirements are established.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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**Article 2 – Definitions**  
**CITY OF WYOMING ZONING ORDINANCE**

*Downtown development authority area:* That area bordering both sides of 28th Street between Division Avenue and Byron Center Avenue, as described in section 2-214 of this Code.

*Drive-through establishment:* A business in which all or part of the business consists of providing goods and services from a drive-through window to patrons in motor vehicles.

*Dumpster or waste receptacle:* Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the capacity of at least one cubic yard. Exterior compactors shall be considered to be dumpsters or waste receptacles for the purposes of screening regulations.

*Dwelling:*

- (1) *Manufactured home:* A dwelling which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located and transported to the building site on its own wheels or a flatbed trailer.
- (2) *Multiple-family:* A building, or portion thereof, used or designed as residences for three or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided. Multiple-family buildings without a second floor common hallway are termed townhouses.
- (3) *Single-family:* A detached building or manufactured home designed exclusively for the complete living accommodations of one family, and containing one dwelling unit only.
- (4) *Single-family, attached:* A single-family dwelling erected side by side to another similar unit in a single building, each unit being separated from the adjoining unit by an uninterrupted wall extending from the basement floor to the roof, and having a separate exterior entrance.
- (5) *Site built:* A dwelling which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwellings also include those constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- (6) *Two-family:* A detached building, designed for or occupied exclusively by two families living independently of each other. May also be termed as a duplex.

*Dwelling unit:*

- (1) *Dwelling unit:* A building or portion thereof having full kitchen facilities (i.e. oven/range, refrigerator, kitchen sink, and food storage) and at least one full bathroom facility, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, trailer coach, garage, automobile chassis, portable building or tent be considered a dwelling.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
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**Article 2 – Definitions**  
**CITY OF WYOMING ZONING ORDINANCE**

In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the applicable provisions relative to dwellings. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

- (2) *Efficiency unit:* An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than 350 square feet of floor area.

(Ord. No. 5-11, § 2, 8-1-11)

**Sec. 90-205 DEFINITIONS "E"**

*Easement:* A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of land, to reserve and hold an area for open space, recreation, drainage or access purposes.

*Erected:* Includes built, constructed, reconstructed, moved upon, and/or physical operations on the premises required for the building.

*Essential services and public utility:*

- (1) *Essential services:* The erection, construction, alteration, or maintenance of public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electrical, cable TV, fuel, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, transformers, splice boxes, police call boxes, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith but not including buildings or storage yards, other than such buildings as are primarily enclosures or shelters of the above essential service equipment reasonably necessary for furnishing adequate service to the City of Wyoming and immediate surrounding territory. Essential services shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communication network.
- (2) *Public utility:* Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telephone lines, transportation, water services or sewage disposal.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
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ORDINANCE NO. 20-22

ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF THE CITY OF  
WYOMING BY ADDING SUBSECTION 135 TO REZONE 4500, 4520, 4546, 4570,  
AND 4586 BURLINGAME AVENUE SW FROM R-1 TO R-3

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is amended by adding subsection 135 to read as follows:

(135) “4500, 4520, 4546, 4570, and 4586 Burlingame”:

(a) To rezone the following described properties at 4500 Burlingame Avenue SW (parcel number 41-17-27-230-002), 4520 Burlingame Avenue SW (parcel number 41-17-26-101-002), 4546 Burlingame Avenue SW (parcel number 41-17-26-101-003), 4570 Burlingame Avenue SW (parcel number 41-17-26-101-004), and 4586 Burlingame Avenue SW (parcel number 41-17-26-101-037) from R-1 Residential District to R-3 Residential District:

**PARCEL NUMBER 41-17-27-230-002, AS SURVEYED:**

PT NW 1/4 SEC 26 & PT NE 1/4 SEC 27 COM 1155 FT W & 545.75 FT S OF NE COR NW 1/4 NW 1/4 SEC 26 TH W 468.65 FT TO CL BURLINGAME AVE TH SELY ALONG SD CL 658.5 FT TH E 233.65 FT TO A PT 1155 FT W OF E LINE NW 1/4 NW 1/4 SEC 26 TH N 603.2 FT TO BEG EX S 330 FT SEC'S 26 & 27 T6N R12W 3.55 A.

**PARCEL NUMBER: 41-17-26-101-002, AS SURVEYED:**

Y1017C: PART NW 1/4 SEC 26 & PART NE 1/4 SEC 27 COM 1155 FT W & 918.95 FT S OF NE COR OF NW 1/4 NW 1/4 SEC 26 TH N 100 FT TH W 362.22 FT M/L TO CL OF BURLINGAME AVE TH SELY ALONG SD CL 108.6 FT M/L TO A PT W OF BEG TH E 323.26 FT M/L TO BEG SEC'S 26 & 27 T6N R12W 0.79 ACRES

**PARCEL NUMBER: 41-17-26-101-003, AS SURVEYED:**

Y1017B: PART NW 1/4 SEC 26 & PART NE 1/4 SEC 27 COM 1155 FT W & 1018.95 FT S OF NE COR OF NW 1/4 NW 1/4 SEC 26 TH N 100 FT TH W 323.26 FT M/L TO CL OF BURLINGAME AVE TH SELY ALONG SD CL 108.6 FT M/L TO A PT W OF BEG TH E 248.4 FT M/L TO BEG SEC'S 26 & 27 T6N R12W 0.66 ACRES

**PARCEL NUMBER: 41-17-26-101-004, AS SURVEYED:**

PT NW 1/4 SEC 26 & PT NE 1/4 SEC 27 COM 1155 FT W & 1018.95 FT S OF NE COR OF NW 1/4 NW 1/4 OF SEC 26 TH S 130 FT TH W 233.65 FT TO CL OF BURLINGAME AVE TH NWLY ON SD CL TO A PT W OF BEG TH E TO BEG \* SEC'S 26 & 27 T6N R12W 0.75 A.

**PARCEL NUMBER: 41-17-26-101-037, AS SURVEYED:**

PART NW 1/4 NW 10/ COM AT NW COR OF S 5 A. OF NW 1/4 NW 1/4 TH E ALONG N LINE OF S 5 A. OF NW 1/4 NW 1/4 305.82 FT TH SWLY 117.67 FT TO A PT 49 FT N & 277 FT E FROM SW COR OF NW 1/4 NW 1/4 TH W 277 FT TO A PT ON W SEC LINE WHICH IS 49 FT N FROM SW COR OF NW 1/4 NW 1/4 TH N TO BEG \* SEC 26 T6N R12W 0.74 A.

Section 2. That this ordinance shall take effect on \_\_\_\_\_, 2022.

Ordinance No. 20-22

September 28, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Request to Rezone 4500, 4520, 4546, 4570, and 4586 Burlingame Avenue SW from R-1 Single-Family Residential to R-3 Two-Family Residential (Section 27) (Wyoming Planning Staff)

Planning Commission Recommendation: To approve the subject rezoning request.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on September 20, 2022. At the meeting, a motion was made by Hall, supported by Arnoys, to approve the request for rezoning at 4500, 4520, 4546, 4570, and 4586 Burlingame Avenue SW from R-1 Single-Family Residential to R-3 Two-Family Residential and recommend the same to City Council. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

Planning Staff had been recently contacted by a local developer with interest in converting a single-family home into a duplex at 4500 Burlingame Avenue SW. The parcel is currently zoned for single-family use only and would need to be rezoned to R-3 residential to allow for two-family usage. Upon further investigation, staff found that the property along with a number of adjacent, contiguous properties along Burlingame Avenue (4520, 4546, 4570, and 4586 Burlingame Avenue SW) would also be suitable for a rezoning to R-3.

Rezoning the subject parcels to allow for two-family usage would align with the Master Plan's vision for introducing mild-density housing types within suburban residential contexts. A focus for this vision is placed upon properties located along major thoroughfares and near commercial nodes. The allowance of two-family usage at these sites would also work towards the Master Plan's goal of diversifying housing types across residential settings throughout the community.

During the public hearing, no comments were received regarding the request. Affected property owners were mailed a letter notifying them of the proposed rezoning. No comments were received from these property owners.

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Nicole Hofert, Director  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

opportunity to use transitional housing types in the community isn't just to group them in a downtown district but to consider buffering districts, good neighbor contracts, and transit. Davis asked the Commissioners to consider how certain opportunities scattered throughout the community could meet the need of the transitional housing type. Davis commented on the September 12, 2022, City Council work session meeting again saying that the first recommendation that was brought before the city council permitted transitional housing types by right in all zoning districts. Davis said that while that would work perfectly in a perfect world, he doesn't it is what the City would want. Davis said that the second recommendation was that transitional housing would be allowed with special land use approval in commercial and downtown districts, but we missed out on the residential communities. He asked the board to consider all zone districts as well as special use considerations during this conversation phase of transitional housing so that Planning Commission and City Council can decide on what is best for the community.

Ryan VerWys, ICCF Community Homes, introduced himself as the CEO of ICCF Community Homes and said that the organization is a Christian housing organization working in West Michigan to address the needs of families in our community facing homelessness and home ownership. VerWys addressed the board saying that he wanted to express his gratitude that the city is looking for ways of incorporating transitional housing and other types of housing in the zoning ordinance. He said that housing is a regional issue and spoke about "Family Haven" which is a 6-unit transitional housing located in a neighborhood in Grand Rapids. VerWys thanked the board for considering the least restrictive approach to transitional housing. He spoke about a shelter that is located in a residential neighborhood in California saying that it served the families with dignity and respect. VerWys said that oftentimes shelters are pushed into commercial corridors that are not intended to be neighborhoods. The families who are experiencing the need for transitional housing are at a point of crisis and are looking for a place to live for a short time period. He is asking that the Commissioners keep an open mind to different neighborhoods that could serve those families and not restrict the use to a commercial area.

Micele closed the public comment period at 7:06 PM.

## NEW BUSINESS

### AGENDA ITEM NO. 1

Request for Rezone from R-1 Residential to R-3 Residential at 4500, 4520, 4546, 4570, and 4586 Burlingame Avenue SW (Wyoming Planning Staff).

Meagher explained that the existing sites are currently zoned R-1 Single-Family Residential and are being used as single-family homes, with one site being used as an existing nonconforming fourplex.

Meagher said that Planning Staff has been working to process rezonings and text amendments to align the City's land use policies with the recently adopted Wyoming [re]Imagined Master Plan. One of the Master Plan's goals is to encourage greater housing choice, affordability, accessibility, and livability within all of Wyoming's neighborhoods.

Meagher explained that staff was recently contacted by a local developer with interest in converting a single-family home into a duplex at 4500 Burlingame Avenue SW. The parcel is currently zoned for single family use only, and would need to be rezoned to R-3 residential to allow for two-family usage. Upon further investigation, staff found that the property could be suitable for a rezoning to R-3, and also found that a number of adjacent, contiguous properties along Burlingame Avenue (4520, 4546, 4570, and 4586 Burlingame Avenue SW) could also be suitable for a rezoning to R3.

Meagher noted that outside of two-family residential usage, the R-1 and R-3 zoning districts have the same list of permitted and special uses. The subject parcels also meet the minimum dimensional standards of the R-3 district. If the properties are to be rezoned, existing property owners would have the ability to maintain single-family usage, pursue two-family residential conversions, or new builds.

Meagher explained that unlike other zoning procedures such as special use approval, site plan review, or planned unit development, ordinance amendments and rezonings are legislative decisions, not tied to specific standards listed in the ordinance. However, certain factors are commonly considered with respect to rezonings, including:

- a. *Consistency with the adopted master plan;*  
The City's Master Plan, Wyoming [re] Imagined was adopted in 2021. The future land use map identifies these parcels as future "Suburban Residential". The Suburban Residential designation states that "higher density residential should be prioritized along major roadways as well as around Neighborhood Commercial Centers while maintaining the character of predominantly single-family detached neighborhoods". The parcels' location along Burlingame Avenue and proximity to the neighborhood commercial node at 44th Street and Burlingame Avenue aligns with the Master Plan's future land use vision by providing mild density to the corridor.
- b. *Compatibility of the allowed uses with existing and future land uses;*  
The Suburban Residential future land use designation calls for mild density housing along major thoroughfares when located near commercial nodes. The proposed rezoning to R-3 would allow for this mild density suburban housing type while still keeping in character with adjacent single-family neighborhoods to the south.
- c. *Capability of the property to be served by public services;*  
The properties can be served by public utilities.

- d. *Ability of the property to be used as currently zoned;* and the property's current R-1 zoning only permits single-family usage. A rezoning to R-3 zoning would allow both two-family and single-family usage at the sites.
- e. *Appropriateness of all uses allowed within the proposed district at the property location.* Besides two-family residential, the R-1 and R-3 zoning districts have the same list of permitted and special uses. It is expected that these uses would remain appropriate at the subject sites.

Meagher said that the Development Review Team recommends that the Planning Commission recommend to City Council approval of the rezoning request from R-1 Single-Family Residential to R-3 Two-Family Residential at 4500, 4520, 4546, 4570, and 4586 Burlingame Avenue SW.

Micele opened the public hearing at 7:12 PM. There was no public comment and the public hearing was closed.

A motion was made by Hall, supported by Arnoys, to recommend to City Council approval of the rezoning request from R-1 Single-Family Residential to R-3 Two-Family Residential at 4500, 4520, 4546, 4570, and 4586 Burlingame Avenue SW.

DeLange asked if the existing fourplex was granted a special use or a variance in the past or if it is illegal non-conforming.

Meagher said that it is staff's understanding that the fourplex is existing non-conforming and that there have been rental certificates issued for the property in the last ten years. Meagher said that staff can do some research on whether or not the structure was illegally converted into a fourplex. He said if this parcel remains R-1 or is rezoned to R-3 it will still be considered existing non-conforming.

DeLange said that his concern is that the structure is illegal non-conforming and just because it has rental certificates it doesn't mean it was legally converted. DeLange asked for a report back from staff.

Meagher confirmed that staff will look into whether or not the fourplex was illegally converted.

Randall asked if the existing property owners that did not request the rezone were notified of this request.

Meagher confirmed that all properties within 600 ft were notified of this request which is standard practice for rezone requests and individual letters were sent separately to these residents letting them know of the request and how to contact staff for any questions. Meagher noted that staff has received no comments opposed to the rezoning from the owners who's parcels are

proposed to be rezoned.

A vote on the motion passed unanimously.

AGENDA ITEM NO. 2

Request for Preliminary Plat- Tentative Approval at 3322 56th Street SW (Section 32)  
(Josh Sanders)

Smith explained that the site is currently zoned ER Estate Residential, and is currently utilized as a single-family lot. Smith outlined the various uses of the surrounding land.

Smith said that the applicant is requesting to develop an existing single-family lot into a new residential subdivision. The site will include 8 new single-family lots that will be served by a public cul-de-sac road and public utilities.

Smith stated that the platting of property is a three-step review by both the Planning Commission and City Council. The first step is Preliminary Plat – Tentative Approval which authorizes the basic lot sizes, orientation, and street layout with preliminary engineering.

The second step is Preliminary Plat – Final Approval, which provides full engineering detail for the construction of the plat.

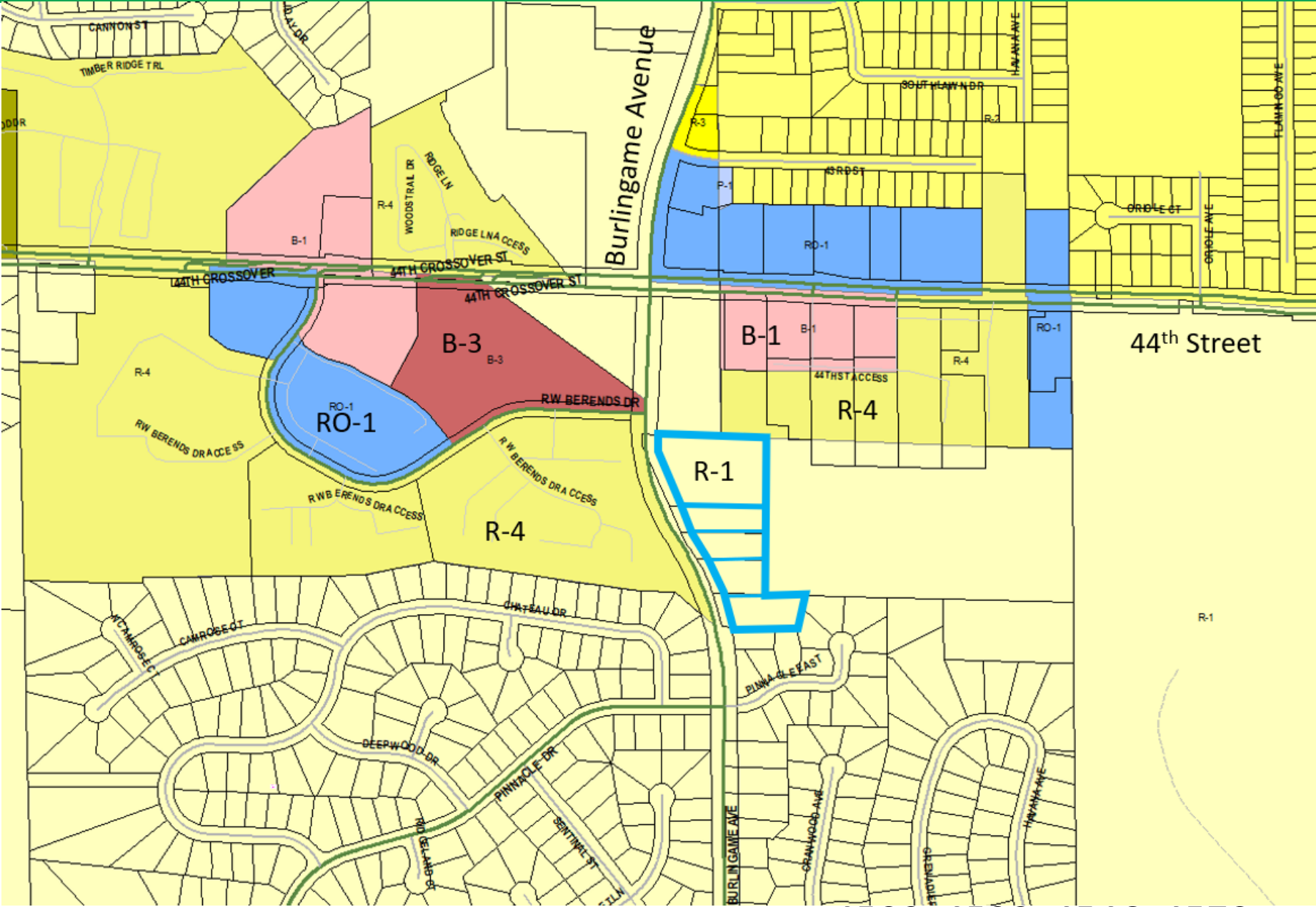
The third step is Final Plat Approval, which generally occurs after the plat is completed with the City accepting the development.

The proposed lots have been developed to R-1 zoning standards. Minimum dimensional requirements for the R-1 District are:

	<b>Required</b>	<b>Provided</b>
Lot Area	10,000 sf	10,000 sf – 13,670 sf
Lot Width	75 ft.	75 ft.
Front Setback	35 ft.	35 ft.
Rear Setback	35 ft.	35 ft.
Side Setback (each)	8 ft.	10 ft.
Side Setback (total)	20 ft.	20 ft.

Smith explained that the Development Review Team recommends the Planning Commission

# Zoning Map



4500, 4520, 4546, 4570, and 4586 Burlingame Ave SW