

Oak Park

City Council Agenda

February 21, 2022





AGENDA
REGULAR CITY COUNCIL MEETING
39th CITY COUNCIL
OAK PARK, MICHIGAN
February 21, 2022
7:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

- A. Regular City Council Meeting Minutes of February 7, 2022
- B. Special City Council Meeting Minutes of February 7, 2022
- C. Request to approve an agreement with Berkley School District to collect their 2022 Summer Tax Levy
- D. Planning Commission Meeting Minutes of January 10, 2022
- E. Request to approve proposed change order No. 1 in the amount of (\$3,844.00) and payment application No. 1 (final) in the amount of \$26,207.00 to Transformer Inspection Retrofill for the Transformer Replacement Project, M-723
- F. Library Board Meeting Minutes of January 12, 2022
- G. Licenses New and Renewals submitted for February 21, 2022

6. RECOGNITION OF VISITING ELECTED OFFICIALS

7. SPECIAL RECOGNITION/PRESENTATIONS:

- A. 2021 Employee of the Year - Kevin Yee
- B. Dog Park Presentation

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES: None

11. ACCOUNTING REPORTS:

- A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$12,103.84

12. BIDS: None

13. ORDINANCES:

- A. Second reading and adoption of an ordinance to amend Chapter 14, Animals, Article I, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 14-7 thereof. (The amendment removes reference to the one-year pilot program and allows the keeping of domestic chickens)

- B. Second reading and adoption of an ordinance to amend Chapter 38, Environment, Article III, Division 2, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 38-72 thereof. (The amendment allows for the use of the Ringelmann Smoke Chart as published by the United States Geological Survey for smoke measurement to ensure consistency with provisions of the zoning ordinance)
- C. First reading of proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 1, Division 2; Article 2, Division 2; Article 2, Division 3; Article 3, Division 1; Article 3, Division 2; Article 4, Division 1; and Article 4, Division 3; Article 4, Division 4; Article 5, Division 3; Article 5, Division 4; Article 6, Division 1; Article 6, Division 2 (The proposed zoning amendments pertain to a variety of improvements that incorporate clarifications, additions, and/or deletions to specific sections of the ordinance)

14. CITY ATTORNEY:

15. CITY MANAGER:

Administration

- A. COVID-19 Update
- B. Fiscal Year 2022-23 Budget Calendar
- C. End of Year Strategic Plan Report
- D. Request to approve a Shared Micromobility (E-Scooter) Pilot Program Request for Proposals

Recreation

- E. Request to approve a contract with Skerbeck Family Carnival Inc. for riding devices, midway shows, and food and game concessions at the SummerBlast Event on June 17 thru June 19, 2022

16. CALL TO THE AUDIENCE

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

17. CALL TO THE COUNCIL

18. ADJOURNMENT

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
February 7, 2022
7:00 PM**

MINUTES

The meeting was called to order at 7:00 PM by Mayor McClellan in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor ProTem Edgar, Council Member Burns, Council Member Radner, Council Member Whitehead

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Krause

APPROVAL OF AGENDA:

CM-02-029-22 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the agenda as presented.

Voice Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-02-030-22 (AGENDA ITEM #5A-H) CONSENT AGENDA - APPROVED

Motion by Edgar, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the Consent Agenda consisting of the following items:

- A. Regular City Council Meeting Minutes of January 18, 2022 **CM-02-031-22**
- B. Public Safety Activity Summary for November 2021 **CM-02-032-22**
- C. Library Board Meeting Minutes of December 21, 2021 **CM-02-033-22**
- D. Parks and Recreation Commission Meeting Minutes of November 17, 2021 **CM-02-034-22**
- E. Request to approve Payment Application No. 1 to DVM Utilities, Inc. for the 2021 Sewer & Catch Basin Cleaning and TV Inspection Project M-728 in the amount of \$35,505.13 **CM-02-035-22**
- F. Request to advertise for bids for the Nine Mile Linear Park Landscaping Project, M-739 **CM-02-036-22**
- G. Corridor Improvement Authority Board Meeting Minutes of December 16, 2021 **CM-02-037-22**
- H. Licenses New and Renewals submitted for February 7, 2022 **CM-02-038-22**

MERCHANT'S LICENSES – February 7, 2022
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
UNIQUE GIFTS BY ANGELLETTIA	22101 COOLIDGE HWY	\$150.00	RETAIL
<u>RENEWALS (2022)</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
FORMTECH PLASTICS	10030 CAPITAL AVE	\$150.00	CUSTOM FABRICATION
EATON STEEL CORPORATION	10221 CAPITAL AVE	\$150.00	MANUFACTURING
MIDWEST RECYCLING	10800 CAPITAL AVE	\$150.00	TRANSPORTATION/HAULING
MIDWEST RECYCLING	11000 CAPITAL AVE	\$150.00	RECYCLING SERVICES
TURF TENDERS	13100 CLOVERDALE AVE	\$150.00	LANDSCAPING
CHETS RENT ALL	20800 COOLIDGE # 20760	\$150.00	EQUIPMENT REPAIR
CHIROPRACTIC WORKS	21790 COOLIDGE UPPR	\$150.00	CHIROPRACTIC CLINIC
TRADEFIRST.COM	23200 COOLIDGE	\$150.00	BARTER COMPANY
SASSY NAILS	24750 COOLIDGE	\$150.00	NAIL SALON
CONGREGATION AISH HATORAH	25725 COOLIDGE	\$150.00	RELIGIOUS USE - NON-PROFIT
HONORE HOLDINGS	21400 COOLIDGE HWY	\$150.00	
OAK LIQUOR & WINE	13700 EIGHT MILE	\$150.00	LIQUOR STORE
PARTY TIME RENTAL	12980 W EIGHT MILE RD	\$150.00	PARTY SUPPLIES
GONZALEZ PRODUCTION	13200 W EIGHT MILE RD	\$150.00	AUTOMOTIVE SUPPLIER
SOUTHFIELD QUALITY CARS II	13900 W EIGHT MILE RD	\$150.00	RETAIL
CUSTOM CONCEPT COLLISION	14051 ELEVEN MILE	\$150.00	AUTO BODY SHOP
PLASKEY PAINTERS	14669 W ELEVEN MILE RD	\$150.00	
KOALA INSULATION	15101 W ELEVEN MILE RD	\$150.00	INSULATION
ROYAL OAK STORAGE	15255 W ELEVEN MILE RD	\$150.00	DOCUMENT STORAGE
MONAGHAN'S TOWING	21680 FERN AVE	\$150.00	TOWING
HER CHIC APPEAL	21700 GREENFIELD # 105	\$150.00	WOMENS CLOTHING
METROPOLITAN REHAB CLINICS	21700 GREENFIELD # 130	\$150.00	ADDICTION & REHAB CLINIC
JOHN & KARON'S HAIR AFFAIR	21700 GREENFIELD # 250	\$150.00	HAIR SALON
AURA DIAMOND AND JEWEL	21700 GREENFIELD # 347	\$150.00	JEWELERS
TRUST JEWELERS	21700 GREENFIELD # 361	\$150.00	JEWELERS
PRECIOUS STONES	21700 GREENFIELD # 374	\$150.00	JEWELRY REPAIR
PRINCE JEWELERS	21700 GREENFIELD # 447	\$150.00	JEWELERS
K & S DESIGN JEWELRY	21700 GREENFIELD # 477	\$150.00	JEWELRY REPAIR & SALES
ALL ABOUT U MASSAGE	25900 GREENFIELD # 205	\$150.00	MASSAGE THERAPY
JEWISH FAMILY SERVICE	25900 GREENFIELD # 405	\$150.00	NON-PROFIT
MICHIGAN AMBULATORY SURGICAL CENTER	22000 GREENFIELD RD	\$150.00	SPECIALTY SURGICAL CENTER
GLR OF OAK PARK	26500 HARDING AVE	\$150.00	ELECTRONIC RECYCLING
HAIR UNIQUE	8138 NINE MILE	\$150.00	HAIR SALON
ONYX MARKET	10850 NINE MILE	\$150.00	RETAIL
LM STUDIO	8104 W NINE MILE RD	\$150.00	GRAPHIC DESIGN
WING'S GARDEN	8410 W NINE MILE RD	\$150.00	RESTAURANT
COOLIDGE CAFÉ	13400 W NINE MILE RD	\$150.00	RESTAURANT
HAIR ROCK CAFÉ	15454 TEN MILE	\$150.00	HAIR SALON
U WASH DEVELOPMENT	15450 W TEN MILE RD	\$150.00	CAR WASH
NATIONAL TIME & SIGNAL	21800 WYOMING AVE	\$150.00	INSTITUTIONAL CLOCKS
UNIQUE FURNITURE	21820 WYOMING PL	\$150.00	FURNITURE SALES

**MASSAGE FACILITY
RENEWAL February 7, 2022**

(Subject to All Departmental Approvals)

<u>MERCHANT</u>	<u>ADDRESS</u>	<u>FEES</u>
ALL ABOUT U MASSAGE	25900 GREENFIELD	\$125.00

Voice Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(Agenda Item #7A) Tax Foreclosure Prevention Presentation – Oakland County

Oakland County Treasurer Robert Wittenberg presented information regarding Tax Foreclosure prevention.

(Agenda Item #7B) 9 Mile Linear Park Design Presentation – OHM

Chris Riggert from OHM Advisors presented concept designs for the 9-Mile Linear Park Landscape Project

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS: None

BIDS:

CM-02-039-22 (AGENDA ITEM #12A) REQUEST TO AWARD THE BID FOR THE 2022 SEWER & CATCH BASIN CLEANING AND TELEVISION INSPECTION PROJECT, M-730 TO INSITUFORM OF CHESTERFIELD, MO, FOR THE TOTAL AMOUNT OF \$365,768.70 - APPROVED

Motion by Burns seconded by Radner, CARRIED UNANIMOUSLY, to award the bid for the 2022 Sewer & Catch Basin Cleaning and Television Inspection Project, M-730 to Insituform of Chesterfield, MO, for the total amount of \$365,768.70.

Roll Call Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

ORDINANCES:

CM-02-040-22 (AGENDA ITEM #13A) FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 14, ANIMALS, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 14-7 THEREOF. (The amendment removes reference to the one-year pilot program and allows the keeping of domestic chickens) - APPROVED

Motion by Radner seconded by Whitehead, CARRIED, to approve the first reading of an ordinance to amend Chapter 14, Animals, Article I, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 14-7 thereof.

Roll Call Vote:	Yes:	McClellan, Edgar, Radner, Whitehead
	No:	Burns
	Absent:	None

MOTION DECLARED ADOPTED

CM-02-041-22 (AGENDA ITEM #13B) FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 38, ENVIRONMENT, ARTICLE III, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 38-72 THEREOF. (The amendment allows for the use of the Ringelmann Smoke Chart as published by the United States Geological Survey for smoke measurement to ensure consistency with provisions of the zoning ordinance) - APPROVED

Motion by Edgar seconded by Radner, CARRIED UNANIMOUSLY, to approve the First reading of an ordinance to amend Chapter 38, Environment, Article III, Division 2, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 38-72 thereof.

Roll Call Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

Department of Public Works/Engineering

CM-02-042-22 (AGENDA ITEM #15A) REQUEST TO APPROVE A PROPOSAL FROM OHM ADVISORS TO PROVIDE ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE EIGHT MILE BOOSTER STATION REHABILITATION PROJECT, M-732, FOR THE HOURLY, NOT TO EXCEED COST OF \$41,800.00 - APPROVED

Motion by Edgar, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve a proposal from OHM Advisors to provide Engineering Design and Construction Support Services for the Eight Mile Booster Station Rehabilitation Project, M-732, for the hourly, not to exceed cost of \$41,800.00.

Roll Call Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

**CM-02-043-22 (AGENDA ITEM #15B) REQUEST TO APPROVE THE
RESIDENTIAL AND COMMERCIAL STORMWATER CREDIT
PROGRAM - APPROVED**

Motion by Edgar, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the Residential and Commercial Stormwater Credit Program.

Roll Call Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

Communications and Public Information

**CM-02-044-22 (AGENDA ITEM #15C) REQUEST TO APPROVE A SALES
AGREEMENT WITH REVIZE WEB SERVICES FOR \$6,310
ALONG WITH A BUDGET AMENDMENT REFLECTIVE OF
THE COSTS, TO ALLOW FOR THE CITY'S WEBSITE TO BE
UPDATED AND UPGRADED - APPROVED**

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve a sales agreement with Revize Web Services for \$6,310.00 along with a budget amendment reflective of the costs, to allow for the City's website to be updated and upgraded.

Roll Call Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

(AGENDA ITEM #15D) Event and Activity Update

Communications Director Flynn reported upcoming activities and events for the month of February.

Finance/Assessing

(AGENDA ITEM #15E) Quarterly Investment Report for period ending 12/31/2021
Deputy Finance Director Winters presented the second quarter investment report.

Second Quarter Fiscal 2021/2022 Investment Report

The State of Michigan Public Act 213 of 2007 requires the City's investment officer to provide a written report quarterly to the governing body concerning the investment of all funds of the City that fall under Public Act 20. Public Act 20 governs how non-pension and non-OPEB funds can be invested. The attached report details the cash and investments (citywide for all funds) held by the City at December 31, 2021. The report includes a description of each investment by type, market and book values, current and yield to maturity interest rates and the number of days to maturity.

The Second quarter investment report shows total citywide cash and investments of \$38,619,149 (market value) including cash in the operating account of \$632,973 (excluding outstanding checks and other adjustments), short-term investments in the Oakland County Investment Pool of \$35,924,686, money market of \$16,675 and long-term investments total \$2,044,815. The City has maximized investment return on short-term cash by utilizing the Oakland County Investment Pool and minimizing the amount maintained in the checking and daily depository accounts however, the rate of return in this pool has fallen substantially and is now only .17%. Going forward we will be looking to move the majority of the funds from the County Investment Pool into 3-5 year securities as it's no longer prudent to keep the funds in this low yielding instrument. Investment income for the months of October through December 2021 totaled \$31,195.

During the second quarter overall investment returns are still at the same very low levels as in the last couple quarters; as Economists predicted. The return for the second quarter was approximately 0.31% primarily due the Federal Reserve (Fed) rates continue to be nearly zero. There have been discussions by the Fed about raising rates several times in the near term to offset the rising inflation which has started the rise in interest rates. Interest rates for the next quarter are expected to begin to slowly rise as the fed interest rate hikes are implemented.

(AGENDA ITEM #15F) Quarterly Financial Report for period ending 12/31/2021
Deputy Finance Director Winters presented the second quarter financial report.

GENERAL FUND

REVENUES

Total revenues for the through the second quarter total approximately \$18.9 million, representing approximately 80% of the annual amended budget. Overall revenues are on track with budget with the following items of note:

- Property Tax Revenue – City property tax levies are billed July 1 and payable in full without penalty by August 31, 2021. As of the end of the second quarter approximately 96% of the taxes billed had been paid. Any unpaid real property taxes will be purchased from the City by Oakland County in May 2022. Property tax revenue is the primary reason the overall revenues are at 80% to date.
- Intergovernmental Revenue (State Revenue Sharing) – The City receives six bi-monthly payments annually for state-shared revenue. The second quarter report reflects two payments as the August 31, 2021, payment by statute is included as part of the June 30, 2021 revenues. The City will receive the remaining payments on February 28, April 30, June 30 and August 31 (2022) related to the current fiscal year. The estimated annual revenue included in the budget totals \$3,610,991.
- Fines and forfeiture revenue received from the 45th District Court is budgeted for a total of \$1,300,000 of which \$539,333 or 41% was received in through the second quarter. Overall court revenue continues to be less than prior year and less than budget due to COVID-19 and the reduced number of drivers on the road and tickets written. The court has done a good job reducing their costs to offset some of the lost revenue. The revenue received is used to offset a portion of the court's operating costs. Finance will continue to monitor both the court revenue and expenditure budgets and amended as necessary.
- Federal grants revenue is higher than originally anticipating by \$34,571 as the City is receiving the FEMA federal CARES funds passed through the State of Michigan which was requested during last fiscal year but not received until the current year. During the second quarter the City did receive the budgeted ARPA federal funds totaling \$1,450,000 passed through the state of Michigan Department of Treasury.

EXPENDITURES

Total expenditures through the second quarter total approximately \$12.0 million, representing approximately 49% of the annual amended budget. Overall departmental expenditure budgets are on track with the following items of note (departments over 50%):

- Inspections and Technical and Planning Admin departments are at 65% and 53%, respectively, of their amended budgets due to the increased costs of their self-insured health insurance. A budget amendment has been presented to address the cost increase.
- The K-9 and Public Safety Departments are at 55% and 58%, respectively, of their amended budget primarily due to approximately 80% of their annual DB pension contribution has been made during the first six months. The pension contribution will be adjusted over the last six months of the year to get in line with the budget.
- The Outdoor Activities department is slightly over budget primarily due to their costs being seasonal in nature as a significant part of their budget includes summer programming (consistent with the first quarter). The overall budget is in line with the current annual projections.

The Fiscal Year End 2020-21 surplus included various projects that were budgeted and not completed. A rollover Budget Amendment was passed for these funds which adjusted the original budget of \$0 to a use of fund balance of \$658,746. Overall, the General Fund operations are in line with the annual budget. The projected fund balance remains at the targeted level of 20% of annual expenditures.

CM-02-045-22 (AGENDA ITEM #15G) BUDGET AMENDMENT #2022-2 FOR PERIOD ENDING DECEMBER 31, 2021 - APPROVED

Motion by Edgar, seconded by Burns, CARRIED UNANIMOUSLY, to adopt the following resolution approving Budget Amendment #2022-2 for period ending December 31, 2021 as follows:

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the following
Budget Amendment #2022-2 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
INTERGOVERNMENTAL	\$ 171,116
CHARGES FOR SERVICES	-
FINES	-
INTEREST INCOME	\$ (3,855)
TOTAL REVENUES	167,261
EXPENDITURES	
CITY COUNCIL	-
CITY MANAGER	-
HUMAN RESOURCES	13,146
COMMUNITY & ECONOMIC DEVELOPMENT	-
INFORMATION TECHNOLOGY	10,000
CITY CLERK - ELECTIONS	(60,000)
CITY CLERK	-

FINANCE	25,000
CITY ATTORNEYS - CIVIL AND LABOR	
PROSECUTING ATTORNEY	-
TECHNICAL AND PLANNING	47,000
PUBLIC SAFETY	135,000
PUBLIC WORKS	-
PUBLIC INFORMATION	-
NON-DEPARTMENTAL	(22,885)
PUBLIC INFORMATION	20,000
TOTAL EXPENDITURES	<u>167,261</u>

Net Increase to Fund Balance	<u><u>\$ -</u></u>
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LIBRARY AUTHORITY FUND

REVENUES	
PROPERTY TAXES	\$ -
INTERGOVERNMENTAL	-
CHARGES FOR SERVICES	(10,000)
INTEREST INCOME	(5,000)
OTHER REVENUE	-
TOTAL REVENUES	<u>(15,000)</u>

EXPENDITURES	
SALARIES	-
FRINGES	-
SUPPLIES, MAINTENANCE AND REPAIRS	-
OPERATIONS	(30,000)
TRANSFER OUT – GENERAL FUND	-
TOTAL EXPENDITURES	<u>(30,000)</u>

Net Increase to Fund Balance	<u><u>\$ 15,000</u></u>
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DEBT SERVICE FUND

REVENUES	
INTEREST INCOME	-
STATE GRANT	-
TRANSFER IN	\$ (22,885)
TOTAL REVENUES	<u>(22,885)</u>

EXPENDITURES	
PRINCIPAL	(15,000)
INTEREST	(7,785)
AGENT FEES	(100)
TOTAL EXPENDITURES	<u>(22,885)</u>

Net Increase to Fund Balance \$ -

RISK MANAGEMENT INTERNAL SERVICE FUND
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REVENUES

CHARGES TO OTHER FUNDS	-
INTEREST EARNINGS	-
CHARGES FOR SERVICES	(62,000)
TOTAL REVENUES	(62,000)

EXPENDITURES

INSURANCE – WORKERS COMPENSATION	(62,000)
INSURANCE – LIABILITY AND PROPERTY	-
TOTAL EXPENDITURES	(62,000)

Net Increase to Fund Balance \$ -

Roll Call Vote:	Yes:	McClellan, Burns, Edgar, Radner, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-02-046-22 (AGENDA ITEM #15H) RATE OF COMPENSATION FOR THE BOARD OF REVIEW MEMBERS AND THE 2022 MEETING DATES AND TIMES – APPROVED

Motion by Burns, Seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the rate of compensation for the Board of Review at \$120.00 for a full day and \$60.00 for a half day of service and the following dates and times for the 2022 Board of Review Meetings to be held at City Hall:

Monday	March 14, 2022	9:00 am to 1:00 pm & 3:00 pm to 7:00 pm
Tuesday	March 15, 2022	6:00 pm to 8:00 pm
Monday	March 28, 2022	9:00 am to 1:00 pm & 2:00 pm to 4:00 pm

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Edgar, Whitehead
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

The City Charter (Section 10.6) states that the rate of compensation for the Board of Review shall be established by City Council and (Section 10.7) states that the Board of Review shall meet on the second and fourth Monday in March for the purpose of hearing tax assessment appeals. The Assessing Department is requesting to schedule one additional date with the option to add additional dates if needed.

(AGENDA ITEM #15I) Annual Audit Presentation - Rehmann Robson

Daniel Clark from Rehmann Robson presented the Fiscal Year Ended June 30, 2021 Oak Park Comprehensive Annual Financial Report and the Independent Auditor's Communication.

CALL TO THE AUDIENCE:

Ken Sherman, 23840 Jerome St., discussed the snow emergency and encouraged everyone to shovel their sidewalks when it snows

Brian Meter, 24231 Majestic, expressed concerns regarding his water bill and difficulty receiving assistance through OLHSA.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:48 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
February 7, 2022
6:00 PM**

MINUTES

Mayor McClellan called the special meeting to order at 6:00 p.m. in the Executive Conference Room of Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor ProTem Edgar, Council Member Burns, Council Member Radner, Council Member Whitehead

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Krause

SPECIAL BUSINESS:

(AGENDA ITEM A) Alcoholic Liquor License discussion

Economic Development Director Marrone discussed with Council the possibilities of making changes to the zoning, licensing procedure and general code as it relates to alcoholic liquor. There was consensus to proceed with ordinance changes that would then come before Council for approval.

(AGENDA ITEM B) Marihuana Policy discussion

Economic Development Director Marrone provided an update on Recreational Marihuana and discussed with Council if they would like to revisit their position on “opting out” to consider allowing recreational marihuana in Oak Park. There was consensus to remain as an “opt out” city.

CALL TO THE AUDIENCE:

There were no members of the public who wished to speak.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 6:55 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 21, 2022

SUBJECT: Agreement with Berkley Schools to collect their 2022 Summer Property taxes.

DEPARTMENT: Finance

SUMMARY: The City of Oak Park annually enters into an agreement with the Berkley School District to collect their property taxes. A one percent (1%) fee is collected for this service.

FINANCIAL STATEMENT: None

RECOMMENDED ACTION: Approve the agreement with the Berkley School District to collect their 2022 property tax levy and transfer the collected funds as required by State Statute.

APPROVALS:

City Manager: _____ *ET* _____

Department Director: _____ *SC* _____

Director of Finance: _____

Budgeted: ☐

EXHIBITS: Berkley letter, Agreement, Resolution



BERKLEY SCHOOLS

ENGAGE INSPIRE ACHIEVE

WWW.BERKLEYSCHOOLS.ORG

February 02, 2022

Ms. Marian McClellan, Mayor
City of Oak Park
14000 Oak Park Boulevard
Oak Park, MI 48237

Dear Mayor McClellan:

As in previous years, the Berkley School District wishes to collect summer property taxes for the 2022 levy. Authority to levy summer taxes was established via Board action in 1983 and continues by this action until revoked by the Board of Education. It is the intent to levy summer taxes for the upcoming year to continue a tax collection process that has served the District well for some time. Please accept this communication as a request on behalf of the Berkley School District for the City of Oak Park to facilitate the collection and payment of summer taxes for the 2022 levy. The City's cooperation in this matter greatly assists the school district in efficiently and effectively collecting a material amount of budgeted revenues.

In an effort to coordinate this arrangement for the 2022 levy, attached you will find a proposed agreement between the school district and the City with terms and conditions similar to last year's contents. Please have the appropriate city official execute this agreement and return a signed copy for District records. Should you have any questions or concerns on this matter, please contact me at Lawrence.gallagher@berkleyschools.org or (248)837-8029.

This communication is necessary to comply with relevant legal requirements. You should be aware that, according to law, if the parties are unable to reach agreement within 30 days of the date of this letter, other collection measures would have to be negotiated with the County Treasurer. Thank you for your cooperation and attention to this matter.

Sincerely,

Lawrence J. Gallagher

Deputy Superintendent

Finance, Facilities and Operations

c: Scott Francis, Superintendent
Erik Tungate, City Manager
Steve Lukasik, Deputy Treasurer

**Berkley School District
Berkley, Michigan**

Resolution for Summer Tax Collection

At the Organizational Meeting of the Berkley School District Board of Education, Oakland County, Michigan (hereinafter called Board) duly called and held on the 10th day of January, 2022, the Trustees:

Keith Logsdon, Sheryl Stoddard, Roger Blake and Mitchell Moses

constituting a quorum, being present, the following Preamble and Resolution were adopted:

WHEREAS, the Board, on January 10, 1983 adopted a Resolution to impose a summer property tax levy throughout the entire school district, which Resolution remains in effect, and

WHEREAS, it is necessary that a suitable collection arrangement be negotiated with the cities of Berkley, Huntington Woods, Oak Park and Royal Oak,

NOW, THEREFORE BE IT RESOLVED that the Board reaffirm its intentions to collect the 2022-23 tax levy in the summer of 2022.

FURTHER, RESOLVED that collection arrangements be negotiated and entered into with each municipality to collect the summer tax levy.

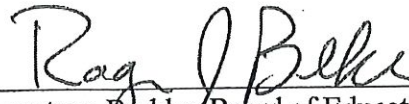
FURTHER, RESOLVED that the Deputy Superintendent of Finance, Facilities and Operations shall forward a copy of this Resolution to the cities of Berkley, Huntington Woods, Oak Park and Royal Oak and request that the local units agree to collect the summer tax levy for the Berkley School District.

FURTHER, RESOLVED that, failing to reach agreement with the local municipalities, alternate means necessary to secure summer tax collection throughout the entire school district as set forth in 1982 Public Act No. 333, as amended, be pursued.

I, Roger J. Blake, Secretary of the Berkley School District Board of Education, Oakland County, Michigan, have compared the following Preamble and Resolution with the original thereof as recorded in the Meeting Minutes of said Board and do certify that the same is a

correct and true transcript thereof and of the whole of said original Preamble and Resolution which were adopted by said Board at a meeting hereof held on the date specified above.

Given under my hand and seal of the Berkley School District in the County of Oakland in the State of Michigan, this 10th day of January, 2022.


Secretary, Berkley Board of Education

Berkley School District Tax Collection Agreement

THIS AGREEMENT made this 2nd day of February, 2022 by and between the BERKLEY SCHOOL DISTRICT and the CITY OF OAK PARK.

WHEREAS, 1982 Public Act 333 authorizes a school district to impose and collect a summer property tax levy; and

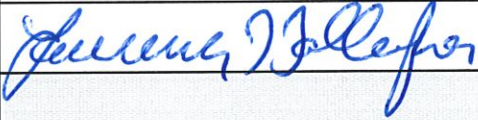
WHEREAS, in a resolution dated January 10, 1983, the Board of Education of the Berkley School District determined to impose a summer property tax levy throughout the School District, including that portion of the School District situated in the City of Oak Park until revoked; and

WHEREAS, the City of Oak Park is willing to collect the School District's 2022 summer tax levy in the City of Oak Park upon the terms and conditions set forth below;

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions hereinafter expressed, the parties hereto agree as follows:

605143496. The City of Oak Park will collect the 2022 summer property tax levy for the Berkley School District in the City of Oak Park at no direct cost to the School District. The school taxes shall, however, be subject to penalties, late payment interest, and collection charges, including a property tax administration fee, pursuant to applicable State laws.

605143497. The City of Oak Park will transfer collected school tax funds to the school district at least ten (10) business days after every 1st and 15th of the month as required by State Statute, Section 43(3)(a) [MCL 211.43(3)(a)] of the General Property Tax Act

Berkley School District	Signature	Date
By: Lawrence J. Gallagher		2/2/22
City of Oak Park		
By:		

**CITY OF OAK PARK PLANNING COMMISSION
REGULAR MEETING, WEDNESDAY, JANUARY 10, 2022
MINUTES**

The meeting was called to order at 7:00 p.m. in the City Council Chambers, 14000 Oak Park Blvd, Oak Park, MI 48237, by Commissioner Tungate and roll call was made.

PRESENT: Commissioner Burns
Commissioner McClellan
Commissioner Seligson
Commissioner Tkatch
Commissioner Tungate
Commissioner Walters-Gill

ABSENT: Chairperson Torgow
Vice Chairperson Brown
Commissioner Eizelman

OTHERS PRESENT: Community & Economic Development Director, Kim Marrone
City Planner, Salam Habhab
Deputy City Clerk, Lisa Vecchio

3. APPROVAL OF AGENDA OF JANUARY 10, 2022:

MOTION by McClellan, SECONDED by Seligson, to approve the agenda of January 10, 2022.

VOTE: Yes: All
No: None

MOTION CARRIED

4. APPROVAL OF MINUTES OF NOVEMBER 10, 2021:

MOTION by Seligson, SECONDED by McClellan, to approve the meeting minutes of November 10, 2021.

VOTE: Yes: All
No: None

MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE:

A. Administrative Approval – Site Plan Review. Body Art Studio – 24687 Coolidge Hwy.

The Planning Department has given administrative approval for the Site Plan submitted by Body Art Studio, 24687 Coolidge Hwy, provided the following conditions are met:

- I. The body art establishment shall meet the inspection criteria and standard operating procedures established by the Oakland County Health Division and hold a OCHD Body Art practitioner permit at all times.
- II. The use shall not operate before 9 a.m. or after 10 p.m.
- III. The facility shall have no more than **two (2) operator stations** for microblading, eyelash extension, tattoo, piercing, or other services. This condition is due to the size of the

building and the limited amount of parking in the area. If the applicant desires to have more additional stations, the applicant may satisfy the off-street parking requirements through the provision of shared off-street parking agreement with adjacent properties, in accordance with Article 4, Division 1 of the Zoning Ordinance.

- IV. All proposed or existing roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- V. Any existing or proposed exterior lighting should be shielded and downward casting to eliminate the possibility of nuisance to the adjoining properties.
- VI. No signs are approved as part of the Administrative Approval review. A separate permit must be requested for the inclusion of any signs at this site.
- VII. This review is from the Economic Development and Planning Department only. The Site Plan shall comply with the requirements of the City of Oak Park Building and Fire Departments.

6. PUBLIC HEARING:

- A. Public Hearing to consider proposed amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 1, Division2; Article 2, Division 2; Article 2, Division 3; Article 2, Division 4, Article 3, Division 1; Article 3, Division 2; Article 4, Division1; and Article 4, Division 32; Article 4, Division 4; Article 5, Division 4; Article 6, Division 1; Article 6, Division 2.

Commissioner Tungate opened the public hearing at 7:03pm. There were no members of the public present to speak. Commissioner Tungate closed the public hearing at 7:03pm.

- A. Planning Commission action regarding proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 1, Division2; Article 2, Division 2; Article 2, Division 3; Article 2, Division 4, Article 3, Division 1; Article 3, Division 2; Article 4, Division1; and Article 4, Division 32; Article 4, Division 4; Article 5, Division 4; Article 6, Division 1; Article 6, Division 2.

Director Marrone informed the board that another public hearing will need to be held at the next meeting on February 14, 2022 given that the City Attorney did not have time to review these changes. A new public hearing will be held, followed then by a vote of the Planning Commission on the proposed text amendments to the Oak Park Zoning Ordinance.

7. CONSENT AGENDA: None

8. MATTERS FOR CONSIDERATION:

- A. OLD BUSINESS – none
- B. NEW BUSINESS
 - 1) Site Plan Review. Savvy Sliders – Greenfield Rd. Parcel ID #52-25-31-326-012

Commissioner Tungate referenced Director Marrone's and City Planner Habhab's report dated January 6, 2022, below is a summary of the report:

The property of 2.983 acres is a vacant parcel adjacent to the existing Footlocker along Greenfield Road. The property has two existing driveways/accesses on Greenfield Road; currently, the south access is a two-way movement shared with the existing Footlocker development and the north access is a two-way movement shared with the existing Taco Bell restaurant development.

The proposed development comprises a 1-story building consisting of approximately 3,034 sq. ft. restaurant space with a drive-through facility and a 2,169 sq. ft. restaurant space situated at the center of the property. The drive-through facility will be located at the north side of the building. The remainder of the property will comprise a parking space area and associated landscaping. The proposed development will comprise approximately half of the parcel, while the remainder will be vacant land which includes an existing stormwater detention basin that serves the existing Footlocker development and will be serving this development as well. There is a chain link fence to the east of the property and a masonry wall along portions of the northeast property line that are proposed to remain. There is a small gap in the wall that will be closed by adding a masonry wall in its place

The immediate adjacent properties to the south and northwest are zoned B-2, General Business District, to the northeast is RM-1, Multi-Family Residential District, and to the east is LI, Light Industrial District. To the west is Greenfield right-of-way then the City of Southfield. Conditional Land Use Article 5, Division 3 states that if the conditions of Sec. 544. j (557. f) Drive-through Window Facilities for Banks, Restaurants or other Permitted Uses are met, the use is permitted by right, subject to the provisions of Site Plan Review approval process. The Economic Development and Planning Department finds that the Site Plan is in compliance with these conditions, except for subsection 557. f. 4 which requires only one (1) ingress/egress driveway to be permitted on any single street. The property has two existing driveways along Greenfield Road shared with adjacent commercial developments. Any modifications to the access on Greenfield Road shall require obtaining permits/approval from the Oakland County Road Commission and the City of Oak Park Engineering Department.

The Site Plan meets and exceeds the required front, rear, and side setbacks and building height standards. The Site Plan meets the required off-street parking and stacking spaces.

The Landscape Plan does not meet the landscape plant materials requirements of the Zoning Ordinance, as demonstrated in Table 3, above. A revised Landscape Plan shall be submitted to depict full compliance with the landscape provisions as required by the Zoning Ordinance; also, the following notes shall be included:

- I. Irrigation. The landscape plan indicates "irrigation contractor to provide a design for an irrigation system separating planting beds from lawn area, prior to construction." All landscaped areas shall be provided with functional underground irrigation system as per the provisions of the Zoning Ordinance or shall demonstrate or provide data to confirm that irrigation is not needed for survival, when drought resistant species are proposed.*
- II. Maintenance. The revised landscape plan shall indicate the following: "Landscaped areas and plant materials shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan/landscape plan. If any plant*

material dies or becomes diseased, it shall be replaced with 30 days written notice from the City or within an extended time period as specified in said notice.

Upon the findings of this report and the analysis herewith, it is the recommendation of the Economic Development and Planning Department to approve the Site Plan for Savvy Sliders Oak Park located along Greenfield Road, property ID 52-25-31-326-012 with the twelve (12) conditions, as specified in the report.

MOTION by McClellan, SECONDED by Burns, to approve the site plan for Savvy Sliders, Greenfield Rd, property ID 52-25-31-326-012, with the following conditions:

1. Any modifications to the access on Greenfield Road shall require obtaining permits/approval from the Oakland County Road Commission and the City of Oak Park Engineering Department.
2. If issues arise in the future, the egress/ingress movements of each driveway shall be evaluated and re-configured to demonstrate a safe, integrated vehicular circulation for the entire site and adjacent commercial developments, consistent with the Zoning Ordinance.
3. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
4. Revised building elevations shall be submitted to depict a minimum of 35% fenestrations for the primary façade (west).
5. The Site Plan shall indicate a concrete curb at each parking space in compliance with the Zoning Ordinance.
6. A revised Site Plan shall be submitted to indicate the location of the existing masonry wall fence and add a new masonry wall (in place of the small gap) to ensure full screening for the multi-family residential where it adjoins the subject property.
7. A revised Landscape Plan shall be submitted to depict full compliance with the landscape provisions as required by the Zoning Ordinance; also, the following notes shall be included:
 - i. Irrigation. All landscaped areas shall be provided with functional underground irrigation system as per the provisions of the Zoning Ordinance or shall demonstrate or provide data to confirm that irrigation is not needed for survival, when drought resistant species are proposed.
 - ii. Maintenance. The revised landscape plan shall indicate the following:

“Landscaped areas and plant materials shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan/landscape plan. If any plant material dies or becomes diseased, it shall be replaced with 30 days written notice from the City or within an extended time period as specified in said notice.
8. A revised Site Plan shall include a detailed plan for the proposed waste receptacle and enclosure showing the design, building material, and any relevant details to demonstrate compliance with the Zoning Ordinance.
9. Any existing or proposed exterior lighting should be shielded and downward casting to eliminate the possibility of nuisance to the adjoining properties in compliance with the provision of *Article 4, Division 5 Lighting Standards*.

10. All mechanical equipment, including transformers, shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
11. No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.
12. The Site Plan shall comply with the requirements of the City of Oak Park Building and Fire Departments.

VOTE: Yes: Burns, McClellan, Seligson, Tkatch, Tungate, Walters-Gill
 No: None

MOTION CARRIED

9. PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only:

Commissioner Tungate noted that with approval and completion of the Savvy Sliders site plan, the Armory Site will be 100% developed. This is a huge feat for the city and thanked Director Marrone and the Economic Development department for all of the hard work this took to complete.

10. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING: None

11. ADJOURNMENT

There being no further business, Commissioner Tungate adjourned the meeting at 7:12 p.m.

Lisa Vecchio, Deputy City Clerk



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 21, 2022

AGENDA #

SUBJECT: Proposed Change Order No. 1 and Payment Application No. 1 (final) for the 2021 Transformer Replacement Project, M-723.

DEPARTMENT: Public Works / Facilities - DED

SUMMARY: Attached are proposed Change Order No. 1 and Payment Application No. 1 (final) for the 2021 Transformer Replacement Project, M-723. The proposed Change Order is an overall reduction of the project costs of \$3,488.00 due to availability and utilization of reconditioned transformers.

FINANCIAL STATEMENT:

Original Contract Amount:	\$30,051.00
Proposed Change Order No. 1:	(\$3,844.00)
Final Contract Amount:	<u>\$26,207.00</u>
Total Completed to Date:	\$26,207.00
Payments to Date:	<u>\$0</u>
Amount Due to Transformer Inspection Retrofill:	\$26,207.00

RECOMMENDED ACTION: It is recommended that proposed Change Order No. 1 for the 2021 Transformer Replacement Project, M-723, to Transformer Inspection Retrofill be approved for the amount of (\$3,844.00). It is further recommended that Payment Application No. 1 (final) for the same be approved for \$26,207.00. Funding is available in the Building Maintenance, Repairs and Maintenance Fund (101-148.265-930.000) for the expenditure.

APPROVALS:

City Manager: ET

Department Director: DED

Finance Director: _____

Budgeted: ☐

Legal: _____

EXHIBITS: Change Order No. 1 and Payment Application No. 1 (final)

CHANGE ORDER

PROJECT: 2021 Transformer Replacement Project

OWNER: City of Oak Park, Michigan

CONTRACTOR: Transformer Inspection Retrofill
2704 Normandy Road
Royal Oak, MI 48073

JOB NUMBER: M-723

CHANGE ORDER NO.: 1

PAGE: 1

TO THE CONTRACTOR:

You are hereby directed to comply with the changes/extras to the contract documents.
This change order reflects work completed or anticipated. Further documentation supporting these changes is on file with the City Engineer.

THE FOLLOWING ITEMS AND OR CONTRACT UNITS PRICES SHALL BE SUBTRACTED FROM THE CONTRACT AMOUNT

Item	Description	Original Bid Quantity	Unit	Unit Price	Decreased Quantity	Quantity to Date	Total Decrease
ALT-B	Deduction for utilizing reconditioned transformer (For Transformer Serial No. 73V8739)	0	LSUM	(\$1,743.00)	1.00	0.00	-\$1,743.00
ALT-C	Deduction for utilizing reconditioned transformer (For Transformer Serial No. 73V8740)	0	LSUM	(\$2,101.00)	1.00	0.00	-\$2,101.00

TOTAL DECREASE: **-\$3,844.00**

SUMMARY

Total Decrease -\$3,844.00

Total for Change Order No.1:

-\$3,844.00

Contract Amount

\$30,051.00

Change Order No. 1:

-\$3,844.00

New Contract Amount:

\$26,207.00

Don Kern

Don Kern (Feb 15, 2022 14:56 EST)

Transformer Inspection Retrofill

Date

DI De

David DeCoster, City of Oak Park

Date

PAYMENT APPLICATION

PROJECT: 2021 Transformer Replacement Project

OWNER: City of Oak Park, Michigan

CONTRACTOR: Transformer Inspection Retrofill
2704 Normandy Road
Royal Oak, MI 48073

JOB NUMBER: M-723

APPLICATION NO.: 1 (FINAL)

PERIOD ENDING: 2/11/2022

ITEM	DESCRIPTION	ORIGINAL	UNIT	UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	Remove and Replace Transformer Serial No. 73V8739	1	LSUM	\$13,469.00	1.00	\$13,469.00	1.00	\$13,469.00
2	Remove and Replace Transformer Serial No. 73V8740	1	LSUM	\$16,582.00	1.00	\$16,582.00	1.00	\$16,582.00
ALT-B	Deduction for utilizing reconditioned transformer (For Transformer Serial No. 73V8739)	0	LSUM	(\$1,743.00)	1.00	(\$1,743.00)	1.00	(\$1,743.00)
ALT-C	Deduction for utilizing reconditioned transformer (For Transformer Serial No. 73V8740)	0	LSUM	(\$2,101.00)	1.00	(\$2,101.00)	1.00	(\$2,101.00)

	Period Amount:	\$26,207.00	Total:	\$26,207.00
Original Contract Amount:	\$30,051.00	Earnings This Period:	\$26,207.00	
Change Order No: 1	-\$3,844.00	Total Earnings to Date:	\$26,207.00	
New Contract Amount:	\$26,207.00	Less Retainage:	\$0.00	
		Net Earned:	\$26,207.00	
		Deductions:	\$0.00	
		Balance:	\$26,207.00	
		Payments to Date:	\$0.00	

Amount Due to Transformer Inspection Retrofill: \$26,207.00

Accepted By:  Don Kern
Don Kern (Feb 15, 2022 14:56 EST)

Transformer Inspection Retrofill

Date: _____

Approved By: 

David DeCoster, City of Oak Park

Date: _____

Oak Park Public Library Board Meeting

01/12/2022

Minutes taken by Noson Daitchman

1. Call to Order
 - a. Called to Order at 6:32 PM
2. Roll Call
 - a. Zakiya Hollifield - Present
 - b. Cheryl Daniel - Present
 - c. Noson Daitchman- Present
 - d. Kenneth Sherman - Present
 - e. Alburn Elvin – Absent
 - f. Leslye Richie– Absent
 - g. Shaun Whitehead - Present
3. Approval of Agenda
 - a. Noson moves for approval of agenda. 2nd by Ken.
 - i. Motion passes unanimously
4. Approval of minutes
 - a. Ken moves to approve December 21 minutes. 2nd by Cheryl.
 - i. Motion passes unanimously
5. Library Director Report
 - a. Bills
 - i. Library Director goes over the bills.
 - ii. Noson has question about quarterly payment.
 - iii. Noson moves to approve bills. 2nd by Cheryl.
 1. Zakiya Hollifield - Yes
 2. Cheryl Daniel - Yes
 3. Noson Daitchman- Yes
 4. Kenneth Sherman - Yes
 5. Shaun Whitehead - Yes
 - b. Statistics
 - i. LD goes over some statistics
 - ii. Noson has questions about the numbers the LD mentioned
 - iii. Zakiya inquires about Universal Class that the library offers.
 - c. Events/Library happening
 - i. ARPA fund
 1. \$5000 of equipment for electronic resources. 5 computers that will be used for patrons. \$2000 for ebooks. Ken asks how long we plan to loan computers. Library Director says maybe a week.
 - ii. Library Director talks about various other programs. Some events will have to be cancelled, replaced, or go virtual due to COVID.
6. Old Business
 - a. Library Closure 3:00 – 4:00 PM

- i. Ken asks if we will continue this after students return to high school. Library Director says yes.
- ii. Noson asks about computer class. Library Director says she is setting it up. Perhaps this could be a use for the computers.
- iii. Shaun asks about security. Library Director says due to the rise in cases, we should stick with the closure for now and maybe talk about this at the next meeting.
- iv. Library Director mentions that before the closure, drug activity among the teens was a concern.

7. New Business

a. Scanning Document Station Purchase

- i. Library Director talked to Auburn hills about the company and equipment they use. They love them (had them for 5 years). Library Director doesn't like the current company we use (they aren't responsive). Had a new quote with slight differences. 5 annual payments of \$1782. Took off coin operation and credit card acceptor.
- ii. Library Director mentions as an aside that we don't have anything in bylaws that specify which expenses need approval by the board. We should look to clarify that.
- iii. Noson moves to purchase Document Scanning station for the 5 annual payments of \$1782. 2nd by Ken
 - 1. Zakiya Hollifield - Yes
 - 2. Cheryl Daniel - Yes
 - 3. Noson Daitchman- Yes
 - 4. Kenneth Sherman - Yes
 - 5. Shaun Whitehead – Yes
- iv. Shaun asks how long it would take to get. Library Director says around 3 weeks.

b. Library Budget 2nd Quarter Update

- i. Library Director shows budget so far. We might have to adjust the budget later on. Likely will have to add to money from fund balance to offset costs.

c. Protocol for Covid-Related Closures

- i. Library Director was able to secure laptops from the city for the full time staff in case Library has to close.
- ii. Staff will strategically work from home when it makes sense and doesn't impact service.
- iii. Stewart's old office has been turned into a multi-purpose space. If there are less than 3 staff (due to COVID), they could work in the building (while it is closed). If only one staff member, they wouldn't be able to work in the Library.
- iv. Library Director goes over the order people will be informed if a Library closure occurs.
- v. If closure extends more than one day, Library Director will discuss with city manager whether to extend closure to 5-7 days.
- vi. Ken asks about cloth masks. Library Director talks about program to distribute testing kits. Oak Park was not given any to distribute.

- d. Library Board Bylaws
 - i. 2 changes are gone over. Vote is not possible at the moment, so we will vote on it in February.
- 8. Friends of the Library Report
 - a. Movie to Go was a hit.
- 9. Public Comment
 - a. None
- 10. Adjournment
 - a. Noson move for adjournment at 7:46 PM. 2nd by Ken.
 - i. Vote passes unanimously.

MERCHANT'S LICENSES - FEBRUARY 21ST, 2022

(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEES	BUSINESS TYPE
RENEWALS FOR 2022			
FISHER AUTO PARTS	13380 CAPITAL	\$150.00	WHOLESALE/RETAIL AUTO PARTS/ACCESSORIES
ERNIE'S MARKERT	8500 CAPITAL AVE	\$150.00	RESTAURANT, SANDWICH SHOP
DISTINCTIVE CUSTOM FURNITURE	8575 CAPITAL AVE	\$150.00	MANUFACTURE CUSTOM CABINETS & FURNITURE
PERSONAL UNIFORM SERVICE	10100 CAPITAL AVE	\$150.00	UNIFORM SERVICE
GREAT LAKES LANDSCAPE DESIGN	10631 CAPITAL AVE	\$150.00	LANDSCAPING
MICHIGAN DESSERT CORP	10750 CAPITAL AVE	\$150.00	
MIDLAND EQUIPMENT CO. OF MICHIGAN	12900 CAPITAL AVE	\$150.00	WAREHOUSE- RENTAL AND REPAIR OF INDUSTRIAL CONSTRUCTION EQUIPMENT
BIBA INTERNATIONAL	13220 CLOVERDALE A	\$150.00	WHOLESALE
DOLLAR GENERAL	22100 COOLIDGE	\$150.00	RETAIL
CITI TRENDS #580	22106 COOLIDGE	\$150.00	RETAIL FAMILY CLOTHING STORE, URBAN FASHION APPAREL, SHOES AND ACCESSORIES
VALUE WORLD	22130 COOLIDGE	\$150.00	THRIFT STORE
KAMILLION BEAUTY	25595 COOLIDGE	\$150.00	HAIR SALON BOUTIQUE
HAGOPIAN CLEANING SERVICES	14000 EIGHT MILE	\$150.00	RUG CLEANING, REPAIRS, IN HOME CARPET CLEANING
BERKLEY COFFEE	14661 ELEVEN MILE STE 500	\$150.00	COFFEE ROASTING AND SERVING, OTHER NON-ALCOHOLIC BEVERAGES, LIGHT FOOD, LIVE MUSIC STAGE.
BOLLINGER MOTORS	14925 ELEVEN MILE	\$150.00	OFFICE
GEM CORPORATION	21600 GREENFIELD # 106	\$150.00	FINE JEWELRY, GEM STONES AND FINDINGS
CONSULTANTS IN OPHTHALMOLOGY	25900 GREENFIELD # 239	\$150.00	MEDICAL OFFICE
CHIC SWEETS BOUTIQUE	25900 GREENFIELD # 241	\$150.00	OFFICE
AYZERTECH INC	25900 GREENFIELD # 276	\$150.00	
SUNOCO	25000 GREENFIELD RD	\$150.00	GAS STATION
WHITE CASTLE	26500 GREENFIELD RD	\$150.00	RESTAURANT
PAPER GOODS PLUS	15310 LINCOLN	\$187.50	RETAIL PARTY SUPPLY STORE; SPECIALIZING IN DISPOSABLE PARTY PLATES AND CUPS.
WOODSHED STUDIOS OAK PARK	8130 NINE MILE	\$187.50	
SALIENT SIGN STUDIO	8720 NINE MILE	\$150.00	SIGNS AND GRAPHICS
JAMES TAILORING AND ALTERATIONS	8236 W NINE MILE RD	\$150.00	TAILORING AND ALTERATIONS
KNIGHT LIGHT CANDLE	10332 W NINE MILE RD	\$150.00	RETAIL CANDLE STORE
COMMUNITY FAMILY DENISTRY	10470 W NINE MILE RD	\$150.00	DENTIST
CSL PLASMA	13770 W NINE MILE RD	\$150.00	MANUFACTURER OF HUMAN BLOOD PLASMA
STATE FARM INSURANCE	10841 TEN MILE	\$150.00	INSURANCE

RENEWALS FOR 2021	ADDRESS	FEES	BUSINESS TYPE
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DISCOVERED OPERATING WITHOUT A BL	ADDRESS	FEES	BUSINESS TYPE
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1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 581695

February 8, 2022

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: City of Oak Park

*Client 7406
Matter 1*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Monday, January 31, 2022

\$12,083.34

Fee Total

Costs Advanced:

Date	Description	Amount
01/25/22	Fee to Oakland County Register of Deeds for Updated title search for Laurentian Village	20.50
Total Costs Advanced		\$ 20.50

Total Fees and Disbursements: \$12,103.84

Invoices for legal services are due upon receipt. To ensure proper application of your payment, Please indicate our invoice number and client/matter number on your remittance.

[Proposed 2-7-22]

**CITY OF OAK PARK
RESOLUTION REGARDING SECOND READING OF PROPOSED
AMENDMENT TO SECTION 14-7 TO CHAPTER 14, ARTICLE I, OF THE CODE OF
ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, February 21, 2022 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City of Oak Park desires to amend section 14-7 of Chapter 14 of the Code of Ordinances to remove reference to the one year pilot program and allow the keeping of domestic chickens.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Oak Park, Oakland County, Michigan, that:

1. The second reading of the proposed amendments to Section 14-7 is hereby approved in substantially the form attached hereto.

Roll Call Vote: Yes,
 No,
 Absent,

RESOLUTION DECLARED ADOPTED

T. Edwin Norris, City Clerk

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-

AN ORDINANCE TO AMEND CHAPTER 14, ANIMALS, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 14-7 THEROF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 14, Animals, Article 1, Section 14-7, domestic chickens, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 14-7- Domestic Chickens. The City having successfully permitted the keeping of domestic chickens as part of a one (1) year pilot program without significant complaints or administrative difficulty hereby permits the keeping of chickens subject to this chapter.

(a) Definitions.

Backyard means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single family structure and extending to the side lot lines.

Chickens means common domestic fowl (*Gallus gallus domesticus*) including all hens/egg-laying hens.

Fowl means a bird of any kind.

Owner means a person or a group of persons that owns, controls, harbors, keeps, or has a property interest in any animal.

Person means an individual, employee, corporation, partnership or association.

Rooster means an adult male domestic chicken.

- (b) Generally. Any person residing in a single-family detached dwelling on residential zoned one family dwelling district property (R-1), after obtaining an annual permit from the city, may keep, per household, not more than three hen (female) chickens for personal use only and not for any business or commercial use. Chickens may be kept as family pets or to lay eggs for personal consumption only. Slaughtering of any chickens on the property is prohibited.

(c) Licensing and inspections.

1. Completed permit applications shall be submitted to the department of technical and planning along with the fee which shall be established by city council resolution. The application shall include any drawings or other information required by the department. Approved permit holders shall schedule an inspection within 30 days of permit issuance. Failure to schedule an inspection shall result in an automatic suspension of the permit. If an inspection identifies noncompliance with any of the requirements set forth in this article, the permit holder shall have 14 days after being served with written notice of non-compliance to achieve compliance with the requirements, or the department of technical and planning may revoke the permit or cite the violation as a municipal civil infraction.
2. No permit shall be issued to a person unless the owners of all residentially zoned adjacent properties consent in writing to the permit.
3. Permits shall be valid for up to one year, shall be non-transferable, site-specific and shall expire on December 31 of the next calendar year. A person who wants to continue keeping chickens must obtain a new permit prior to expiration of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements applicable at the time a person applies for a new permit.
4. After an initial inspection, permitted coops shall be inspected at least one additional time during the permit term.

(d) Private restrictions. Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, leases, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

(e) Requirements. A person who keeps chickens shall comply with the following requirements:

- (1) Keep no more than three hen chickens at any time; and
- (2) Roosters or male chickens or any other type or class of fowl or poultry are prohibited.
- (3) Slaughtering of any chickens at the property is prohibited.
- (4) Chickens shall be maintained in a fully enclosed structure or a fenced enclosure at all times. Fully enclosed and fenced enclosures are subject to all fence provisions and restrictions contained in section 1703 of appendix A of this Code. Enclosed structures shall be constructed of permanent materials and shall be properly maintained in accordance with the International Property Maintenance Code most recently adopted by the city. Fenced enclosures may be wire mesh with openings no larger than one-quarter inch.

- (5) No enclosed structure or fenced enclosure shall be located within any front yard, side yard, and must comply with section 1600 and 1703 of appendix A of this Code. An enclosed structure or fenced enclosure shall not be located closer than 30 feet to any residential structure on adjacent property.
- (6) All structures and enclosures for the keeping of chickens shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure. A zoning or building permit will be required.
- (7) All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
- (8) Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to egg laying chickens, as amended, except as otherwise provided in this section.
- (f) Violation. Any violation of any of these provisions may be prosecuted as provided in section 14-55 of this Code.
- (g) Limitation on permits. The city will limit the number of annual permits issued and outstanding to a maximum of five, and permits will be available on a first-come-first-served basis.

SECTION 2. Severability. No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 3. Effective Date.

This Ordinance shall take effect ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 21st day of February, 2022.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on February 21, 2022.

T. EDWIN NORRIS, City Clerk

ARTICLE I.- In General

Division 1. – Generally

Sec. 14-7- Domestic Chickens. The City having successfully permitted the keeping of domestic chickens as part of a one (1) year pilot program without significant complaints or administrative difficulty hereby permits the keeping of chickens subject to this chapter.

(a) Definitions.

Backyard means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single family structure and extending to the side lot lines.

Chickens means common domestic fowl (*Gallus gallus domesticus*) including all hens/egg-laying hens.

Fowl means a bird of any kind.

Owner means a person or a group of persons that owns, controls, harbors, keeps, or has a property interest in any animal.

Person means an individual, employee, corporation, partnership or association.

Rooster means an adult male domestic chicken.

- (b) *Generally.* Any person residing in a single-family detached dwelling on residential zoned one family dwelling district property (R-1), after obtaining an annual permit from the city, may keep, per household, not more than three hen (female) chickens for personal use only and not for any business or commercial use. Chickens may be kept as family pets or to lay eggs for personal consumption only. Slaughtering of any chickens on the property is prohibited.

(c) Licensing and inspections.

1. Completed permit applications shall be submitted to the department of technical and planning along with the fee which shall be established by city council resolution. The application shall include

any drawings or other information required by the department. Approved permit holders shall schedule an inspection within 30 days of permit issuance. Failure to schedule an inspection shall result in an automatic suspension of the permit. If an inspection identifies noncompliance with any of the requirements set forth in this article, the permit holder shall have 14 days after being served with written notice of non-compliance to achieve compliance with the requirements, or the department of technical and planning may revoke the permit or cite the violation as a municipal civil infraction.

2. No permit shall be issued to a person unless the owners of all residentially zoned adjacent properties consent in writing to the permit.
3. Permits shall be valid for up to one year, shall be non-transferable, site-specific and shall expire on December 31 of the next calendar year. A person who wants to continue keeping chickens must obtain a new permit prior to expiration of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements applicable at the time a person applies for a new permit.
4. After an initial inspection, permitted coops shall be inspected at least one additional time during the permit term.

(d) *Private restrictions.* Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, leases, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

(e) *Requirements.* A person who keeps chickens shall comply with the following requirements:

- (1) Keep no more than three hen chickens at any time; and
- (2) Roosters or male chickens or any other type or class of fowl or poultry are prohibited.
- (3) Slaughtering of any chickens at the property is prohibited.
- (4) Chickens shall be maintained in a fully enclosed structure or a fenced enclosure at all times. Fully enclosed and fenced enclosures are subject to all fence provisions and restrictions contained in section 1703 of appendix A of this Code. Enclosed structures shall be constructed of permanent materials and shall be properly maintained in accordance with the International Property Maintenance Code most recently adopted by the city. Fenced enclosures may be wire mesh with openings no larger than one-quarter inch.
- (5) No enclosed structure or fenced enclosure shall be located within any front yard, side yard, and must comply with section 1600 and 1703 of appendix A of this Code. An enclosed structure or fenced enclosure

shall not be located closer than 30 feet to any residential structure on adjacent property.

- (6) All structures and enclosures for the keeping of chickens shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure. A zoning or building permit will be required.
- (7) All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
- (8) Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to egg laying chickens, as amended, except as otherwise provided in this section.
- (f) *Violation.* Any violation of any of these provisions may be prosecuted as provided in section 14-55 of this Code.
- (g) Limitation on permits. The city will limit the number of annual permits issued and outstanding to a maximum of five, and permits will be available on a first-come-first-served basis.
- ~~(h) **Domestic chicken pilot program. A pilot program is hereby established which shall continue for a pilot period of one year from the effective date of the ordinance from which this section derived. Unless the city council takes legislative action to amend or extend this article before the end of the pilot period, the provisions of this article shall be automatically repealed on August 3, 2021.**~~

[Proposed 2-7-22]

**CITY OF OAK PARK
RESOLUTION REGARDING SECOND READING OF PROPOSED
AMENDMENT TO SECTION 38-72 TO CHAPTER 38, ARTICLE III, DIVISION 2 OF THE
CODE OF ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, February 21, 2022 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City of Oak Park desires to amend section 38-72 of Chapter 38 of the Code of Ordinances to allow for the use of the Ringelmann Smoke Chart as published by the United States Geological Survey for smoke measurement to ensure consistency with provisions of the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Oak Park, Oakland County, Michigan, that:

1. The second reading of the proposed amendments to Section 38-72 is hereby approved in substantially the form attached hereto.

Roll Call Vote: Yes,
 No,
 Absent,

RESOLUTION DECLARED ADOPTED

T. Edwin Norris, City Clerk

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-

AN ORDINANCE TO AMEND CHAPTER 38, ENVIRONMENT, ARTICLE III, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 38-72 THEROF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 38, Environment, Article III, Division 2, Section 38-72, smoke measurement, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 38-72- Smoke measurement.

For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be the standard of observation and comparison, and smoke shall be considered and hereby is deemed to be "dense" when it is of a degree of density of No. 3 of said chart or greater, for more than six minutes in any one hour, from any smoke stack, chimney or other structure for the purpose of emitting smoke, whether such period of time is consecutive or not. A copy of such chart shall be kept at all times in the office of the City Clerk and shall be open to public inspection at reasonable hours.

SECTION 2. Severability. No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 3. Effective Date.

This Ordinance shall take effect ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 21st day of February, 2022.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on February 7, 2022.

T. EDWIN NORRIS, City Clerk

Chapter 38, Art. III Nuisances, Division 2- Smoke

Sec. 38-72. - Smoke measurement.

~~For the purpose of determining by comparison, the degree of darkness of smoke and/or the ingredients thereof, which shall constitute a prohibited density under this division, a color scale of measurement is hereby adopted, as follows: One thickness of gray glass of sufficient capacity to cut off 60 percent of the light from a flame having the lighting power of 16 candles, shall be taken as the basis of the scale, and four thicknesses of such glass shall be known and designated as No. 1 scale. The so-called "Standard Smoke Tester" or "Umbrascopes," which complies with these requirements, is hereby adopted as a standard measurement for comparison of the degree of the darkness of smoke. Smoke of a greater degree of darkness than the No. 1 scale, shall be considered and held to be "dense smoke" as the term is used in this division.~~

For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be the standard of observation and comparison, and smoke shall be considered and hereby is deemed to be "dense" when it is of a degree of density of No. 3 of said chart or greater, for more than six minutes in any one hour, from any smoke stack, chimney or other structure for the purpose of emitting smoke, whether such period of time is consecutive or not. A copy of such chart shall be kept at all times in the office of the City Clerk and shall be open to public inspection at reasonable hours.



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 21, 2022

AGENDA #

SUBJECT: First reading of proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 1, Division 2; Article 2, Division 2; Article 2, Division 3; Article 3, Division 1; Article 3, Division 2; Article 4, Division 1; and Article 4, Division 3; Article 4, Division 4; Article 5, Division 3; Article 5, Division 4; Article 6, Division 1; Article 6, Division 2.

DEPARTMENT: Economic Development and Planning

SUMMARY: At the February 14, 2022 meeting, the Planning Commission conducted a Public Hearing regarding proposed changes to the City of Oak Park Zoning Ordinance. The proposed zoning amendments deal with a variety of improvements that incorporate clarifications, additions, and/or deletions to specific sections of the Zoning Ordinance.

The Economic Development and Planning Division started to implement the new zoning ordinances that were adopted last May. Through implementation of the new zoning ordinance there have been simple numbering, spelling, formatting errors corrected; a few minor adjustments to better assist code enforcement in their efforts; and add clarifications with new definitions. The Economic Development and Planning Division plan to continue reviewing the zoning ordinance on a quarterly basis and bringing any changes needed in a timely fashion.

At the Planning Commission meeting on February 14, 2022 the Planning Commission voted to approve and recommend to the City Council adoption of the proposed zoning text amendments.

RECOMMENDED ACTION: The City Council conduct the first reading of the proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 1, Division 2; Article 2, Division 2; Article 2, Division 3; Article 3, Division 1; Article 3, Division 2; Article 4, Division 1; and Article 4, Division 3; Article 4, Division 4; Article 5, Division 3; Article 5, Division 4; Article 6, Division 1; Article 6, Division 2.

ATTACHMENT: The Zoning Ordinance Text Amendment Resolution

APPROVALS

City Manager: _____ET_____

Director: _____KM_____

Finance Director: _____

Budgeted:

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND ARTICLE 1, DIVISION 2: DEFINITIONS; ARTICLE 2, DIVISION 2: RESIDENTIAL DISTRICTS; ARTICLE 2, DIVISION 3: COMMERCIAL/ MIXED-USE/ OFFICE DISTRICTS; ARTICLE 3, DIVISION 1: GENERAL PROVISION; ARTICLE 3, DIVISION 2: ARCHITECTURAL BUILDING STANDARDS; ARTICLE 4, DIVISION 1: OFF-STREET PARKING; ARTICLE 4, DIVISION 3: LANDSCAPE STANDARDS AND TREE REPLACEMENT; ARTICLE 4, DIVISION 4: SIGNS; ARTICLE 5, DIVISION 3: CONDITIONAL LAND USE; ARTICLE 5, DIVISION 4: SPECIAL LAND USE; ARTICLE 6, DIVISION 1: NON-CONFORMING USES, STRUCTURES, AND LOTS; ARTICLE 6, DIVISION 2: ADMINISTRATION AND ENFORCEMENT OF APPENDIX A - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article 1, Division 2, Definitions of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended and re-alphabetized the remaining listed definitions, as followed:

SEC. 109 Definitions A-B

Add the following:

Animal, Farm animals or livestock. Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Wild, vicious or exotic animals shall not be considered livestock.

Delete the following:

Building Face: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

SEC. 110 Definitions C-D

Amend the definition of “Deck” to read the following:

Deck: A platform, commonly constructed of wood, which may or may not be attached to a house and which used for outdoor leisure activities.

SEC. 112 Definitions G-H

Amend “Home Occupation” provision (b) to read the following:

Home Occupation:

- b. The use shall be conducted entirely within a dwelling and shall be carried on by no more than two employees who are family members and/or occupants of the dwelling, and no others.

SEC. 114 Definitions K-L

Delete the following:

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Wild, vicious or exotic animals shall not be considered livestock.

SEC. 116 Definitions O-P

Add the following:

Portable Structures: Trailers, moving pods, or similar type of structures designated and used for hauling and/or storing inventory, merchandise or equipment and not designated to be a permanent structure. Other portable structures are used for temporary or seasonal all-weather shelters, such as canopies or tents (under 400 Sq. Ft.), auto carports or garages, Sukkot (Succah, Sukkah) used during religious holidays, or any similar type of structures able to be easily carried or moved and not designated to be permanent structures.

SEC.117 Definitions Q-R

Add the following

Regulated uses. Any establishment, other than adult entertainment regulated uses, that are declared to be potentially detrimental and to have the possible effect of downgrading and blighting the surrounding neighborhood, particularly when concentrated in one area. For the purpose of this Ordinance, the types of regulated uses are the following:

- a. Pawnbrokers or pawnshops.
- b. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission.

SEC. 118 Definitions S-T

Add the following:

Studio or Music Recording Studio: Any use of a studio for a motion picture, television, video, sound, computer, and other communications or media production. The operation of a motion picture, television or recording studio must account for a majority of gross revenues. These facilities include the following types.

- a. Indoor support facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.
- b. Soundstages. Warehouse-type facilities providing space for the construction and use of indoor sets.

SECTION 2. Article 2, Division 2: Residential Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 214 Schedule of Regulations

Amend the table to read the following:

	Height				Setbacks (feet)				Lot		
	Min.		Max.		Front	Sides (min.)		Rear	Area	Width	Coverage
	stories	Ft.	stories	Ft.	Min.	Least 1	Total 2	Min.	Sq. Ft. (min.)	Ft (min.)	Max. %
R-1	-	-	2	27	25	4 (b)	14	30	6,000	50 (a)	35
R-2	-	-	2	27	25	4 (b)	14	30	4,000	60	35
RM-1	-	-	4	45	10	10	20	40	3,000 per d.u.	-	35
RM-2	4	40	15	150	Equal to height of building				1,500 per d.u. (c)	-	20

- Does not apply to lots platted and of record prior to the passage of Ordinance No. 54, adopted March 3, 1952.
- If the building is located on a corner lot, the side yard setback on the street side shall be 15 feet.
- In RM-2 districts, any building five stories or higher, the minimum lot area per dwelling unit may be reduced by 50 square feet per unit for every story above the fourth level; however, in no case shall the minimum lot area per dwelling unit be less than 1000 square feet per dwelling unit.

SECTION 3. Article 2, Division 3: Commercial / Mixed-Use/ Office Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 224 Building Design Standards

Amend Drive-through building type to read the following:

Commercial/Mixed-Use Building Types	B-1	B-2	O	PTRED	PCD	MX-1	MX-2	See Section
Drive-through		x						356 357.D

SECTION 4. Article 3, Division 1: General Provision of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended and re-order the remaining provisions, as the following:

SEC. 300 Accessory Buildings, Structures and Uses

Amend Table 3.1, the rear yard setback of standard (b) to read the following:

- Locations for Detached Accessory Buildings

Table 3.1 Accessory Building Locations and Setbacks	
Locations Permitted	Minimum Setback from Lot Line
Rear Yard	6 feet from rear lot line

	<u>2</u> feet from side lot line 6 feet from alley
--	---

Amend standard (c) to read the following:

- c. Rear Yard Lot Coverage Limit. A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district, found in Article 2 and shall not exceed 35% of the required rear yard.

Add the following standards and re-order the remaining provisions:

- d. Number of Accessory Structures. In the R-1 and R-2 districts a maximum of one accessory structure or building, not including detached garages, are permitted subject to the size, setback, and additional criteria in this article. Detached garages cannot exceed 600 square feet.

Amend standard (h) to read the following:

- i. Carports and garages in non-single-family developments shall have a maximum height of thirteen (13) feet, measured from the grade to the midpoint of the roof. Carports shall be enclosed or obscured at least twenty-five percent (25%) along sides visible from public streets, residential districts or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the Planning Commission.

SEC. 308 Fences, Walls, and Other Protective Barriers

Amend standard (e.2) to read the following:

2. Where a public alley separates the nonresidential use from the residential use, the planning commission and/or the City Planner; in the case of Administrative Approval review procedure, shall determine the location of the wall so as to best protect the residential district.

SEC. 313 Home Occupations

Amend standards (a. 2) and (a.10) to read the following:

2. The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
10. The home occupation shall be conducted entirely within the confines of the dwelling.

SEC. 314 Intersection Visibility

Amend to read the following:

- a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of thirty (30) inches and eight feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.
- b. The thirty (30) inches and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

SEC. 315 Keeping Animals

Amend to read the following:

- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle and wild, vicious and exotic animals, is prohibited in all zoning districts except the temporary keeping of live poultry by any lawfully established live poultry market incidental to the normal course of business, or as permitted by Sec. 14-7 of the Code of Ordinances. However, no more than three (3) dogs or cats, or any combination thereof of six (6) months of age or over without first obtaining a kennel license. No person shall in any combination (not including domestic chicken), have a total of more than three (3) animals, to be kept or housed in or at one (1) dwelling unit.
- b. The keeping of more than three (3) dogs on one premises shall be deemed to be a kennel and must follow the regulations set forth in Article 5, Division 4 Special Land Uses.
- c. Domestic Chicken. Any person residing in a single-family detached dwelling on residential zoned one family dwelling district property (R-1), after obtaining an annual permit from the city, may keep, per household, not more than three hen (female) chickens for personal use only and not for any business or commercial use. Chickens may be kept as family pets or to lay eggs for personal consumption only, as permitted by Sec. 14-7 of the Code of Ordinances. Slaughtering of any chickens on the property is prohibited.

SEC. 318 Mechanical Equipment and utilities

Amend standard (b) to read the following:

- b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the commercial and industrial districts.

SEC. 319 Outdoor Dining

Amend standard (a.2) to read the following:

- 2. Outdoor dining areas proposed to be added to an existing restaurant with no other building or significant site modifications, shall submit a site development plan to the department of Economic Development and Planning for review and administrative approval.

- a. The following information is required on the site development plan:

- i. A completed application.
- ii. A detailed plan showing the design, relevant details and location of all permanent and temporary structures such as decks, awnings, planters, landscaping, railings, tables, chairs, umbrellas, electrical outlets or appliances, hydrants, all ingress and egress, lighting and other equipment. The site development plan shall be submitted on a sheet no smaller than 11 inches x 17 inches at a scale showing detail sufficient for proper review.
- iii. The applicant's entire property and adjacent properties on a location map with streets for a distance of at least 25 feet.

SEC. 320 Performance Standards

Delete the table of standard (c) and amend to read the following:

c. Noise. At no point on the lot line shall the sound pressure level of any operation on the lot exceed seventy (70) dB(A). Operations or activities which exceed the maximum sound intensity level shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer. The following sources of noise are exempt:

- a) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- b) Temporary construction activity between 7:00 a.m. and 7:00 p.m. Monday through Saturday
- c) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
- d) Noises resulting from authorized public activities such as parades, fireworks display, sports events, musical productions, and other activities that have the approval of the City Council or its designee.

SEC. 323 Recreational Equipment and Vehicle Parking and Storing

Amend standards (a) and (f) to read the following:

- a. The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property in the R-1 and R-2 Districts to promote the public health, safety, and welfare and to preserve property values.
- f. Occupation of Stored Recreational Vehicles. At no time, except in conformance with Section 323(g) below, shall any stored, parked, or placed recreational vehicles and/or recreational equipment be occupied or used for living purposes. At no time shall any such recreational vehicle and/or equipment have fixed connections to water, gas, or a sanitary sewer. At no time shall any such recreational vehicles and/or equipment be stored, parked, or occupied or used for living purposes other than those granted a temporary use permit in conformance with Section 323(g) below.

SEC. 327 Solar Panel Energy System

Amend standard (9) to read the following:

- 9. Electrical and construction permits are required.

SEC. 331 Temporary Buildings, Structures, and Uses

Amend to read the following:

Temporary or portable buildings, structures, and uses may be permitted, subject to the following conditions:

- 1. Construction sites:
 - a. Temporary construction, buildings, and structures/office, which are necessary to facilitate construction on any site, shall be permitted and conform with all applicable provisions of this ordinance. Temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
 - b. Temporary construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Official or Zoning Administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
 - c. The placement of temporary construction buildings and structures shall be in conformance with the requirements of Article 5, Division 1: Site Plan Review and any necessary permits required for the completion of the project.

2. Commercial and industrial zoning districts:
 - a. Portable storage containers or moving pods used for a seasonal or temporary use are allowed in the B-2, General Business and Industrial Zoning districts for up to thirty (30) days, once per year. A Zoning Permit is required with a sketch plan detailing the loading/unloading area and the dedicated parking space to ensure safe vehicular circulation is provided within the site. Extensions can be granted by the Zoning Administrator upon submitting a written extension request provided a good cause is shown and demonstrated. Extensions may be permitted up to two times, not to exceed thirty (30) days for each time. Portable storage containers or moving pods are permitted with a permit including extensions for a maximum of ninety (90) days per year. The storing or parking of storage containers or moving pods shall be on a paved surface, in the rear or non-required side yards, not visible from a public street; unless otherwise approved by the Zoning Administrator.
 - b. Portable storage containers used for long-term, on-site outdoor storage shall be permitted in the B-2, General Business and Industrial zoning districts in conformance with the requirements of Article 5, Division 4: Special Land Use review procedure and any necessary permits required for erection of the project.
 - c. Sukkots shall be permitted in the B-2, General Business and O, Office Zoning Districts for up to thirty (30) consecutive days in the observance of religious festivals and holidays. A Zoning Permit is required as described above in subsection 331.2. (a).
 - d. No temporary or portable building or structure shall be used for dwelling purposes.
3. Residential zoning districts:
 - a. Moving pods are allowed without a permit for up to thirty (30) days.-Moving pods must be placed upon a hard surface such as a driveway. Moving pods are prohibited in the right-of-way.
 - b. Portable or temporary auto carports or garages are prohibited including portable weather-resistance auto structures made of aluminum structure and canvas covering or any similar materials.
 - c. Portable tents or canopies (under 400 Sq. Ft.) are permitted, without a permit, in the rear yards and non-required side yards for a period not to exceed seven (7) consecutive days. Sukkots (also Known as a Sukkah or Succah) are permitted for thirty (30) consecutive days in observance of religious festivals or holidays.
 - d. Outdoor patio gazebos made of durable weather-resistance materials are permitted, without a permit, in the rear yards and non-required side yard.

Table 331.a Types of Temporary or Portable Buildings or Structures			
Use	Zoning District	Example of Illustrations	Notes
Temporary Construction, Buildings, and Structure/Office	All Zoning Districts		Permitted with a Site Plan Review approval and any necessary permits required for the construction of the project
Moving Pods for Temporary Use	Residential Zoning Districts		Permitted for 30 days. No permit is required
Outdoor Storage Containers; short-term, seasonal, temporary use	B-2 and Industrial Zoning Districts		Permitted for 30 days. A Zoning Permit is required. Extensions may be granted up to two times for 30 days each
Outdoor Storage Containers; on-site, long-term	B-2 and industrial zoning districts		Permitted with Special Land Use approval and any necessary permits required for the erection of the project
Seasonal and Temporary Auto Carports or Garages	Residential Districts		Not permitted
Tents or Canopies; under 400 Sq. Ft.	Residential Districts		Permitted in the rear yard and non-required side yard for up to seven (7) consecutive days. No permit is required
Sukkot; during religious festivals and holidays	Residential, B-2, and O, Zoning Districts		Permitted for thirty (30) consecutive days. Zoning Permit is required in the B-2 and O districts. No permit is required in the residential zoning districts.

Table 331.a Types of Temporary or Portable Buildings or Structures			
Use	Zoning District	Example of Illustrations	Notes
Patio Gazebos	Residential Zoning Districts		Permitted in the rear yards or non-required side yards. No permit is required

SEC. 333 Waste Receptacles and Enclosure

Amend standard (e) to read the following:

- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear and side lot lines, or non-required side yard, unless otherwise approved by the Planning Commission and/or the City Planner; in the case of Administration Approval review procedure, and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure; the wall shall be of non-combustible material, meet the fire code, and not located on a neighboring property.

SECTION 5. Article 3, Division 2: Architectural Building Standards of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 351 Applicability

Amend the drive-through building type of Table 351.2 Applicable Building Types by District as the following:

Table 351.2 Applicable Building Types by District													
	R-1	R-2	RM-1	RM-2	B-1	B-2	O	PTR ED	MX-1	MX-2	LI	IF	See Section
Commercial/Mixed-Use Building Types (Sec.357)													
Drive-through						X							356 357.D

SEC. 353 General Architectural Standards

Amend standard (d. 4.c) to read the following:

- c) Glass Block (not to exceed 25% of façade)

Amend standard (d.5) to read the following:

5. In commercial and industrial districts, primary exterior building materials shall be of subtle, neutral, or earth tone colors.

SEC. 354 Residential Architectural Standards

Amend the “Allowed building material - Secondary Façade and up to 50% of Primary Façade” and “Garage/carports” items in Table 354.1 to read the following:

Table 354.1 residential General Building Standards		
Allowed Building Material	Secondary Façade and up to 50% of Primary Façade	Architectural Metal Panel (insulated, composite) Decorative cast concrete screens Glass block (not to exceed 25% of façade)
Garage/Carports		Attached garages or carports may only occupy a maximum of 40% of the front façade. Temporary carports are not permitted. See also Sec. 300 Accessory Structures Garages or carports shall not extend further into the front yard than the rest of the front façade.

SEC. 356 Commercial and Mixed-use Architectural Standards

Amend “fenestration” item in Table 356.1 to read the following:

Table 356.1. Commercial and Mixed-use Buildings General Standards	
Fenestration	The Primary Façade shall have a minimum of 35% comprised of windows and doorways with no less than 40% of the ground floor windows and doorways.

SECTION 6. Article 4, Division 1: Off-Street Parking and Loading Standards of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 401 General Requirements

Amend standards (a.1) & (a. 2) to read the following:

1. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, carport, garage, or combination thereof, and shall be located on the premises they are intended to serve.
2. No parking shall be permitted in yards on lawns or other unpaved areas on residential lots.

SEC. 404 Barrier-Free Parking Requirements

Amend to read the following:

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with the State Building Code and the 2010 ADA Standards for Accessible Design.

Compliance is mandatory whenever a business, state or local government restripes parking spaces in a parking lot or parking structure. The required number of accessible parking spaces must be calculated separately for each parking facility, not calculated based on the total number of parking spaces provided on a site. One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible. (See 2010 Standards 208.2).

SEC. 407 Off-Street Loading and Unloading Requirements

Amend standard (a) to read the following:

- a. General Applicability. On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods by commercially licensed vehicles. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

Amend standard (c.1) to read the following:

1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street. Unless otherwise approved by the Planning Commission and/or the City Planner; in the case of Administrative Approval review procedure.

Amend standard (d) to read the following:

- d. Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50). Unless otherwise approved by the Planning Commission or the City Planner; in the case of Administrative Approval review procedure.

SECTION 7. Article 4, Division 3: Landscape Standards and Tree Replacement of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 445 Design Standards

Amend standard (a) to read the following:

- a. Greenbelts. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:
 1. The width of the greenbelt shall be ten (10) feet.
 2. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
 3. Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
 4. The greenbelt shall contain a minimum of one (1) canopy tree and six (6) upright shrubs per thirty (30) linear feet, or fraction thereof, of street frontage including any openings for driveways,

pathways, or easements. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses.

5. Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
6. Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities, and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials so as long as the design intent is met.
7. Greenbelts are not required in the B1 and MX1 Districts.
8. In the commercial and industrial districts, in cases where existing conditions do not permit the provision of a ten (10)-foot wide greenbelt, the City Manager may permit the greenbelt requirements to be met through the provision of street trees and shrubs within the public right-of-way curblin in compliance with Chapter 78 of the City's Code of Ordinance,

Amend standard (d) to read the following:

d. Interior Site Landscaping. For any development that requires a building permit from the City, except in R-1 and R-2 residential districts, interior landscaping areas shall be provided, equal to at least at least ten percent of the total lot area (inclusive of the greenbelt and parking lot landscaping). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, service areas or adjacent to fences, walls, or rights-of-way. All interior landscaping shall be designed to the following general design standards, subject to planning commission approval:

1. One two-inch caliper deciduous tree, or one five-foot high evergreen tree, for every 400 square feet of required interior landscaping area.
2. Two eighteen-inch high or wide shrubs shall be required for every 400 square feet of required interior landscaping area.
3. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.

Delete standard (f):

f. Right-of-Way Landscaping. Public rights-of-way shall be planted with grass or other suitable living plant material and maintained by the owner or occupant of the property. Trees and shrubs may be planted within the right-of-way with

permission from the appropriate authority with jurisdiction over the street.

SEC. 446 Specifications for Screen walls, Berms, and Landscape Improvements.

Amend to read the following:

This section is intended to define the various types of screening and landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

- a. Required minimum screening and landscaping. The following table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties.

	Zoning of Adjacent Parcel									
Zoning or Use of Subject Parcel	R-1	R-2	RM-1 RM-2	B-1, MX-1 MX-2	B-2	LI, IF	O	PTRED	PCD	Adjacent Road Right-of-Way*
Single Family Res.	None	None	None	None	None	None	None	None	None	None
Two Family Res.	None	None	None	None	None	None	None	None	None	None
Multiple Family Residential	A, B, or C	A, B, or C	D	B or D	B or D	B or D	D	D	B or D	D
Neighborhood Business Mixed Use Districts	A, B, or C	A, B, or C	A, B, or C	None	None	None	None	None	None	D
General Business	A, B, or C	A, B, or C	A, B, or C	None	None	None	None	None	None	D
Light Industrial, Industrial Flex	A or C	A or C	A or C	C	C	None	None	None	C	D
Office	A, B, or C	A, B, or C	A, B, or C	D	D	D	D	D	D	D
Technical, Research, Public Buildings Educational Inst.	A, B, or C	A, B, or C	A, B, or C	D	D	D	D	D	D	D
Planned Corridor	A, B, or C	A, B, or C	A, B, or C	None	None	B or D	None	None	None	
Outdoor Storage	See Section 557m									
Parking Lots	A, B, or C	A, B, or C	A, B, or C	D 5 feet wide	D 5 feet wide	None	None	None	D 5 feet wide	D

- A) Landscaped berm (See section 446.c)
- B) Landscaped buffer (See section 446.d)
- C) Screen wall or fence (See section 446.b)
- D) Greenbelt (See subsection 445.a)

- b. Screen walls. Wherever a nonresidential use adjoins a residential district, and wherever a parking lot of eight or more spaces adjoins a single-family residential district, a screen wall shall be provided by the nonresidential use. (For purposes of this section, a parking lot of eight or more spaces shall be considered a nonresidential use).
 - 1. All required screen walls shall be six feet in height, unless otherwise specified, and shall be placed along the lot line of the nonresidential use.

2. Where a public alley separates the nonresidential use from the residential use, the planning commission and/or City Planner shall determine the location of the wall so as to best protect the residential district.
 3. Required screen walls shall not be extended into a required front setback area to ensure proper visibility of pedestrians and vehicles by drivers exiting the nonresidential site.
 4. Required screen walls shall be of masonry construction, decorative in nature, of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick.
 5. The planning commission may:
 - a. Approve a partial or complete substitution of the wall(s) using existing or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening and durability;
 - b. Approve reduction or increase in wall height where a greater or lesser height is found appropriate based on consideration of topography, sight lines, and distances;
 - c. Approve variations in design standards for reasons of topography or characteristics peculiar to the site, its usage and environs contingent upon reasonable proof from the applicant that compliance with the ordinance is otherwise not feasible.
 - d. In taking such actions, the planning commission shall take into account the principal purpose of the wall(s) is to screen nonresidential activities, including parking, loading and noise, from nearby residential districts.
 - e. In such cases where the planning commission finds that there would be no substantial need for a screen wall, the requirements may be reduced or substituted in accordance with the table in subsection 446.1 above. The basis for such decision shall be recorded in the minutes of the planning commission.
 6. Walls shall be continuous except for openings for pedestrian connections as approved by the Planning Commission.
- c. Berm Standards. A landscaped berm is any combination of a raised earthen berm and plantings which forms a visual barrier that is a minimum five feet above the surrounding grade. All landform buffers shall also conform with the following:
- a) The berm shall be comprised of soil and shall be a minimum of two feet in height and a minimum of 12 feet in width.
 - b) The berm shall be a minimum 12 feet wide with a maximum side slope of 3:1.
 - c) The berm shall be covered with grass or other living or natural cover.
 - d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

- d. Buffer Standards. A landscaped buffer is a landscaped area of trees, shrubs and groundcover forming a visual barrier of a minimum five feet in height. All buffer strips shall conform with the following:
 - 1.The landscaped buffer shall be a minimum of fifteen feet wide.
 - 2.The landscaped buffer shall be covered with grass, living or natural groundcover, wood chips, natural mulch, or any combination of the above.
 - 3.Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.
- e. Plant Material. All plant material shall be hardy to the City of Oak Park, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds.
- f. Minimum Sizes and Spacing. The minimum plant sizes and spacing shall be provided in accordance with the following:

Minimum Sizes and Spacing		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Deciduous canopy trees	2½ in. caliper	25 ft. on-center
Ornamental trees	2 in. caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen trees	8 ft. height	15 ft. on-center
Narrow evergreen trees	4 ft. height	12 ft. on-center
Deciduous shrubs	3 ft. height	4 ft.-6 ft. on-center
Upright evergreen shrubs	3 ft. height	3 ft.-4 ft. on-center
Spreading evergreen shrubs	18 in.-24 in. spread	6 ft. on-center

- 1.Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.
- 2.Mixing of Species. The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
- 3.Trees Not Permitted. The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may however allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).
- 4.Topsoil. Top soil shall consist of a 4" base for lawn areas and an 8"-12" base within planting beds.

5. Proximity to Utilities. Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
 6. Lawn Grasses. Lawn grasses shall be planted in species normally grown as permanent lawns in Oakland County. Grasses may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- g. Modification of screening and landscape requirements. Recognizing that a wide variety of land uses and the relationship between them can exist, and that varying circumstances can mitigate the need for screening and landscaping, the planning commission may reduce or waive the screening and landscaping requirements of this section and approve an alternative screening plan upon finding that compliance with this section would not otherwise be feasible. The Planning commission shall find that the following standards have been met whenever it modifies any screening or landscaping requirements:
1. The screening and landscaping plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
 2. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:
 - a) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
 - b) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this article [Article 3, Division 3]. The planning commission shall require the preservation of these natural features as a condition of site plan approval.
 - c) The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

SEC. 448 Standards for Compliance for Existing Sites

Amend to read the following:

In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site

plan or is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than twenty-five percent (25%) over the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. For example, a building or parking area increase of ten percent (10%) requires forty percent (40%) compliance with the landscape standards. In cases where no increase in building and/or parking area is proposed, the City Planner may require new or revised landscaping to bring the site into greater conformity with the landscape standards.

SECTION 8. Article 4, Division 4: Signs of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 471 General Standards for permitted Signs

Amend standard (a.1) to read the following:

1. All signs, unless otherwise provided for in this article, shall be set back a minimum of five feet from any public or private street right-of-way line, access drive, or sidewalks in all zoning districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way, access drive, or sidewalk.

SEC. 472 Specific Sign Standards

Amend standard (b.2.a)

a. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way or on City-owned property.

SEC. 473 Additional Sign Standards

Amend standard (f) to read the following:

f. Sandwich board signs. Sandwich board or portable A-frame signs are permitted, after issuance of an annual permit, in the B-1, B-2, PCD and MX-1 Districts at the customer building entrances to businesses subject to the following requirements:

1. One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
3. Each sign shall not exceed an overall height of 42 inches and an overall width of 24 inches.
4. The sign must be located adjacent to the building; no more than ten feet from the customer entrance to the business, be a minimum of

two feet from the edge of the curb, and be located so that at least a five foot wide sidewalk is maintained.

5. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
6. All signs must be constructed or weather-proof, durable material and kept in good repair.
7. The sign shall not be illuminated in any manner.
8. Sandwich board signs within the public right-of-way and/or placed on City owned property may be moved/removed by the city.

SEC 474 Prohibited Signs

Amend standard (a) to add the following provision:

19. Any sign placed on City owned property, unless placed by the City itself.

SEC. 476 Dangerous, Unsafe, abandoned, and Illegally Erected Signs

Amend standard (c) to read as the following

- c. Obsolete or abandoned signs. Permanent signs applicable to a business suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least 30 consecutive days. An abandoned sign shall be removed by the owner or lessee of the premises within ten days after written notice from the city building official.

SEC. 477 License and Insurance

Amend to read as the following and create Section 478 for Administration, Enforcement, Violation, and Penalties; and re-order the remaining sections:

Every person who engages in the business of erecting, altering or dismantling signs in the city shall first submit a liability insurance policy that indemnifies the city and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the city building department at least 30 days prior to the date of cancellation. The building official shall issue a permit for the sign upon determining that the proposed sign meets the provisions, standards and regulations of this article and any other applicable city ordinance and after payment of the prescribed fees and deposit.

SEC. 478 Administration, Enforcement, Violations, and Penalties

- a. Generally. The regulations of this article shall be administered and enforced by the building official.
- b. Violations. It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move, any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions, standards and regulations of this article. Each act of

violation, and on each day upon which any such violation shall occur, shall constitute separate offense.

- c. Public nuisance per se. Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this article, including the failure to remove a sign when directed under the authority of this article, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction,
- d. Municipal civil infraction. Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this article shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in this Code.
- e. Other relief.
 - 1. In addition to the remedies otherwise provided for, the city may remove and dispose of an unlawful sign on public property.
 - 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this article.
 - 3. In addition to any remedies provided for by this Code, any equitable or other remedies available may be sought and granted.

SECTION 9. Article 5, Division 3: Conditional Land Use of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 540 Purpose

Amend to read the following:

The intent of this Article is to provide standards for conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the City Planner or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

SEC. 541 Standards for Approval

Amend standard (a) to read the following:

- a. Prior to approving a conditional land use, the City Planner shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted.

SEC. 542 Requirements and Standards of Approval

Amend standard (b) to read the following:

- b. The Department of Technical and Planning Services Division of Building Inspector and/or Zoning Official shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Department of Technical and Planning Services Division of Building Inspector and/or Zoning Official to terminate the approval.

SEC. 543 Validity of Conditional Land Use Approval

Amend standard (b) to read the following:

- b. Upon written application filed prior to the termination of the eighteen (18) month period, the City Planner may authorize a single extension of the time limit for a further period of not more than 12 months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the 12-month extension.

SEC. 544 Conditional land Use Specific Requirements

Subsection c. Automobile Washes, Automatic or Self-service

Amend standard (2) to read the following:

2. Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
- a. One three-inch caliper deciduous tree per 30 feet of wall length.
 - b. Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.
 - c. Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
- A three-foot high landscaped berm within a greenbelt of at least 20 feet in width may be substituted for the required masonry wall.

Subsection d. Automobile or vehicle Dealership

Amend standards (1.a.9) and (1.a.10) to read the following:

- 9) A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall-proposed, shall be located on all property lines which abut any residential district.
- 10) Where the storage yard abuts residentially zoned property there shall be a ten-foot-wide landscaped greenbelt, between the property line and the wall. Said greenbelt shall be planted in accordance with Article 4, Division 3 Landscaping, Section 445.

Subsection q. Manufacturing, packaging, Assembly, fabrication of Products

Amend standard (3) to read the following:

3. Where the outdoor placement of an aboveground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern. The design and material of the screening to be approved by the planning commission and city council.

SECTION 10. Article 5, Division 4: Special Land Use of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 556 Special Land Use Amendments and Expansions

Amend provision (a) to read the following:

- a. Amendments. Any person or agency who has been granted a special land use approval shall notify the City Planner of any proposed amendment to the approved site plan of the special land use. The City Planner shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of Article 5, Division 1, Section 511, Deviations from Approved Site Plan. A major amendment to a special land use approval shall comply with the application and review procedures contained in this Article.

SEC. 557 Special Use Specific requirements

Subsection m. Outdoor Storage

Amend standard (8) to read as the following:

8. The storage yard shall be screened on all sides by a six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall, or a six-foot-high treated-wood or vinyl obscuring fence. In industrial districts, a fence shall be permitted up to eight (8) feet as permitted in Sec. 308 of this ordinance. The plan shall detail the location, height and type of wall/fence proposed. The Planning Commission may approve a partial or complete substitution of the screening requirement using existing or proposed topography, dense vegetation, or other natural or manmade features that would produce substantially equivalent results of screening and durability.

SECTION 11. Article 6, Division 1: Non-Conforming Uses, Structures, and Lots of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 600 Non-conforming Uses, Structures, and Lots, In General

Amend standard (e) to read the following:

- e. To avoid undue hardship, nothing in this Division shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or

amendment of this Division, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing structure has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

SEC. 601 Non-conforming Lots

Amend standard (a) to read the following:

- a. Use of Nonconforming Lots. Any lot of record existing at the effective date of the ordinance codified in this chapter that now fails to meet the requirements for area or width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this title are met, including setbacks, minimum floor area, maximum height and access requirements.

SEC. 602 Non-conforming Uses

Amend standard (c.2) to read the following:

2. The property, buildings, or grounds have fallen into disrepair and/or are declared a public nuisance. (See Chapter 18, Article V: Dangerous Buildings and Article VI: Property Maintenance Code)

SEC. 604 Non-conforming Structures

Amend standard (e) to read as the following:

- e. Should such structure be destroyed by any means to an extent greater than fifty percent (50%) of the square footage of the floor area of the structure, it shall not be reconstructed except in conformity with the provisions of this chapter.

SEC. 605 Expansion of a Non-conforming Residential Building

Amend to delete standard (a) and re-order the remaining provisions to read the following:

A non-conforming residential building may be expanded into a side or rear yard in a manner that does not comply with the setback standards with approval from the Zoning Board of Appeals. The Zoning Board of Appeals shall utilize the following standards:

- a. The expansion does not extend closer to the lot line than any existing, non-conforming part of the structure.

- b. The addition does not extend beyond the predominant existing building line along the same block.
- c. The addition retains compliance with all other setback, lot coverage, and height requirements.
- d. The addition will meet all minimum building code requirements.
- e. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
- f. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.
- g. The expansion of a residential building with a non-conforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the Zoning Board of Appeals (ZBA).

SEC. 606 Continuance of Non-conforming Uses of Structures and Land

Amend standard (e) to read the following:

- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located; structures occupied by seasonal uses shall be excepted from this provision. These provisions may be waived, as determined by the City Manager, upon substantiation that there is intent to continue the nonconformity.

SECTION 12. Article 6, Division 2: Administration and Enforcement of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

Amend Section 620 to read the following:

SEC. 620 Enforcement Authority

Except where herein otherwise stated, the provisions of this section shall be administered by the Department of Technical and Planning Services, Division of Building Inspector. The Division of Building Inspector shall have the power to:

- a. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- b. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.
- c. Issue a certificate of compliance when the requirements of this Ordinance have been met.
- d. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

SEC. 621 Planning Commission

Amend standard (L.7) to read the following:

7. Review and make recommendations to City Council regarding proposed public works projects, including the removal, location, widening, narrowing, vacating, abandonment, change of use, or extension of streets, alleys, grounds, open spaces, building, public utilities and terminals;

Amend standard (o) Procedures to read the following:

o. Procedures.

1. Applicants shall appear at hearing(s) regarding their case, either personally or by designated representatives who are authorized by the applicant in writing to act on their behalf for purposes of the application. The Planning Commission may conduct the required hearing and reach a decision on all applications without the applicant being present unless the applicant, for good cause, requests a continuance in writing prior to the hearing.
2. The Planning Commission shall make no decision except in a specific case and after requiring a public hearing, if applicable.
3. The secretary of the Planning Commission shall prepare and maintain minutes of all Planning Commission proceedings. The minutes shall be the final authority on proceedings and shall be the responsibility of the secretary of the Planning Commission. The Commission shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application shall constitute the written decision.
4. The official records of the Planning Commission shall be maintained by the city clerk.
5. The Planning Commission may adopt by-laws for the conduct of its meetings and hearings.

SEC. 622 Performance Guarantees

Amend the provision to read the following:

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Department of Technical and Planning may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development and in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items.

- a. Performance guarantees shall be processed in the following manner:
1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the uncompleted required improvements, which shall then be reviewed by the Department of Technical and Planning Services. The amount of the performance guarantee shall be no greater than one hundred percent (100%) of the cost of installing the uncompleted improvements.
 2. The required performance guarantee may be in the form of a cash deposit, certified check, performance bond, or irrevocable bank letter of credit acceptable to the City. If the applicant posts a letter of credit, the credit shall require only that the City present the creditor with a sight draft and an affidavit signed by an authorized representative of the City attesting to the City's right to draw funds under the letter of credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the City whenever an authorized representative of the City presents an affidavit to the agent attesting to the City's right to receive funds whether or not the applicant protests that right. If the applicant posts a performance bond and the improvements are not complete by the time a certificate of occupancy is requested in the case of a building project, or by the time a building permit is requested on a lot in a new subdivision or condominium, then the performance bond shall be replaced by a bank letter of credit or cash escrow prior to the issuance of said certificate of occupancy or building permit.
 3. Upon receipt of the required performance guarantee, the Department of Technical and Planning Services, Division of Building Inspector may issue a temporary certificate of occupancy for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance.
 4. When all of the required improvements have been completed, the applicant shall send written notice to the Department of Technical and Planning Services, Division of Building Inspector of completion of such improvements. Thereupon, the Department of Technical and Planning Services, Division of Building Inspector shall inspect all of the improvements and shall recommend to the Planning Commission either approval or rejection of the improvements with a statement of the reasons for any rejections.
 5. The Planning Commission shall then either approve or reject the improvements. The Planning Commission shall notify the applicant in writing of the action within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.
 6. The Department of Technical and Planning Services, Division of Building Inspector, upon completion of all required

improvements, shall issue a certificate of compliance and forward it to the Building Official.

7. Upon receipt of the certificate of compliance and request of the applicant, the Department of Technical and Planning Services, Division of Building Inspector shall rebate the performance guarantee, if applicable, upon determination that the improvements for which the rebate has been requested have been satisfactorily completed.
8. Performance guarantees shall not be returned until all debts or obligations to the City are resolved.
9. A record of authorized performance guarantees shall be maintained by the Department of Technical and Planning Services, Division of Building Inspector.

Add a new Section and re-order the remaining sections

SEC. 624 PERMIT REQUIRED – ZONING; BUILDING

- A. It shall be unlawful to commence or conduct any of the following until the administrative official has issued a zoning compliance permit and a building permit has been issued for such work or change:
 1. The excavation, construction, reconstruction, repair, moving, or alteration of:
 - (a) Any building or structure for which a building permit is required by the building code, or
 - (b) Any parking lot, sign (see definition), tower, bridge, or any structure having a cost or value of more than five hundred dollars (\$500.00).
 2. A change in the use or occupancy of any building or land to a type of use or occupancy which is not expressly permitted by the district's regulations specified in this ordinance.
- B. The zoning compliance permit shall include a certificate by the Department of Technical and Planning that plans, specifications, and description of such use(s) and structure(s) do in all respects conform to the provisions of this ordinance.
- C. The application shall be made in writing to the Department of Technical and Planning on forms provided for that purpose. A record of all such applications shall be kept on file by the Department of Technical and Planning. When the Department of Technical and Planning receives an application for a zoning compliance permit which requires special land use approval, or other approval, the Department of Technical and Planning shall so inform the applicant.

SECTION 13. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 14. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 15. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this day of _____, 2022.

T. Edwin Norris, City Clerk

I, T. Edwin Norris, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on _____, 2022.

T. Edwin Norris
City Clerk

First Reading:
Second Reading:
Adopted:
Published:



CITY OF OAK PARK
DEPARTMENT OF ECONOMIC
DEVELOPMENT AND
PLANNING

MEMORANDUM

TO: Planning Commission Members DATE: February 10, 2022
FROM: Kimberly Marrone, AICP, Economic FILE: G/.../aplIncom/ORD
Development and Planning Director 2022-01 Zoning
Salam Habhab, Economic Development Amendments – PC
and Planning Specialist Memo

SUBJECT: Proposed Text Amendments to Appendix A - Zoning Ordinance of the
Code of Ordinances of the City of Oak Park, MI

Mayor McClellan, Mayor Pro Tem, City Council members, Planning Commission members, and City Manager Tungate:

In an effort to enhance the City's ability to move forward toward achieving its goals, the Planning Division started to implement the new zoning ordinances that were adopted last May. Economic Development and Planning has identified the following additional zoning ordinance changes necessary to improve the newly adopted Zoning Ordinance.

Through implementation of the new zoning ordinance there have been simple numbering, spelling, formatting errors corrected; a few minor adjustments to better assist code enforcement in their efforts; and add clarifications with new definitions. We do plan to continue reviewing the zoning ordinance on a quarterly basis and bringing any changes needed in a timely fashion.

As you are aware, a Public Hearing was scheduled for the January Planning Commission meeting to hear public comments on the proposed text amendments of the Zoning Ordinance. The discussion was tabled to the regularly scheduled February Planning Commission meeting.

The proposed text amendments deal with a variety of improvements that incorporate clarifications, additions, and/or deletions to specific sections of the Zoning Ordinance, as described below. Please note simple grammatical errors, incorrect references, document format changes, or minor typos are not outlined below.

Article 1, Division 2: Definitions

SEC. 109 Definitions A-B

Add the following:

Animal, Farm animals or livestock. Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Wild, vicious or exotic animals shall not be considered livestock.

Delete the following:

~~**Building Face:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.~~

SEC. 110 Definitions C-D

Amend to read the following:

Deck: A platform, commonly constructed of wood, which ~~is typically~~ may or may not be attached to a house and which used for outdoor leisure activities.

SEC. 112 Definitions G-H

Amend home occupation provision (b) to read the following:

Home Occupation:

- b. The use shall be conducted entirely within a dwelling ~~or permitted accessory building~~ and shall be carried on by no more than two employees who are family members and/or occupants of the dwelling, and no others.

SEC. 114 Definitions K-L

Delete the following:

~~**Livestock:** Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Wild, vicious or exotic animals shall not be considered livestock.~~

SEC. 116 Definitions O-P

Add the following:

Portable Structures: Trailers, moving pods, or similar type of structures designated and used for hauling and/or storing inventory, merchandise or equipment and not designated to be a permanent structure. Other portable structures are used for temporary or seasonal all-weather shelters, such as canopies or tents (under 400 Sq. Ft.), auto carports or garages, Sukkots (Succah, Sukkah) used during religious holidays, or any similar type of structures able to be easily carried or moved and not designated to be permanent structures.

SEC.117 Definitions Q-R

Add the following

Regulated uses. Any establishment, other than adult entertainment regulated uses, that are declared to be potentially detrimental and to have the possible effect of downgrading and blighting the surrounding neighborhood, particularly when concentrated in one area. For the purpose of this Ordinance, the types of regulated uses are the following:

- Pawnbrokers or pawnshops.
- Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission.

SEC. 118 Definitions S-T

Add the following:

Studio or Music Recording Studio: Any use of a studio for a motion picture, television, video, sound, computer, and other communications or media production. The operation of a motion picture, television or recording studio must account for a majority of gross revenues. These facilities include the following types.

- Indoor support facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.
- Soundstages. Warehouse-type facilities providing space for the construction and use of indoor sets.

Article 2, Division 2: Residential Districts

SEC. 214 Schedule of Regulations

Delete the “exterior” column from the table because it conflicts with “b” footnotes below:

	Height					Setbacks (feet)				Lot		
	Min.		Max.		Front	Sides (min.)			Rear	Area	Width	Coverage
	stories	Ft.	stories	Ft.	Min.	Least 1	Total 2	Exterior	Min.	Sq. Ft. (min.)	Ft (min.)	Max. %
R-1	-	-	2	27	25	4 (b) (B)	14	20	30	6,000	50 (a) (A)	35
R-2	-	-	2	27	25	4 (b) (B)	14	20	30	4,000	60	35
RM-1	-	-	4	45	10	10	20	20	40	3,000 per d.u.	-	35
RM-2	4	40	15	15	Equal to height of building					1,500 per d.u. (c) (C)	-	20

- Does not apply to lots platted and of record prior to the passage of Ordinance No. 54, adopted March 3, 1952.
- If the building is located on a corner lot, the side yard setback on the street side shall be 15 feet.

- c. In RM-2 districts, any building five stories or higher, the minimum lot area per dwelling unit may be reduced by 50 square feet per unit for every story above the fourth level; however, in no case shall the minimum lot area per dwelling unit be less than 1000 square feet per dwelling unit.

Article 2, Division 3: Commercial / Mixed-Use/ Office Districts

SEC. 224 Building Design Standards

Drive-through facilities are not permitted within the B-1, Neighborhood Business District, remove the Drive-through building types from the B-1 District:

Commercial/Mixed-Use Building Types	B-1	B-2	O	PTRED	PCD	MX-1	MX-2	See Section
Drive-through	✖	x						356 357.D

Article 3, Division 1: General Provision

SEC. 300 Accessory Buildings, Structure and Uses

Amend the rear yard setback of standard (b) to two (2) feet from lot line, rather than six (6) feet. The majority of the existing accessory structures are located two (2) feet from the side lot line, by amending the rear yard back to two (2) feet, we reduce the probability of creating non-conforming sites.

b. Location for Detached Accessory Buildings

Table 3.1 Accessory Building Locations and Setbacks	
Locations Permitted	Minimum Setback from Lot Line
Rear Yard	6 feet from rear lot line 6 2 feet from side lot line 6 feet feet from alley

Amend standard (c) to read the following:

- c. Rear Yard Lot Coverage Limit. A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district, found in Article 2- and shall not exceed 35% of the required rear yard.

Add the following provision and re-order the remaining provisions:

- d. Number of Accessory Structures. In the R-1 and R-2 districts a maximum of one accessory structure or building, not including detached garages, are permitted subject to the size, setback, and additional criteria in this article. Detached garages cannot exceed 600 square feet.

Amend standard (h) to read the following:

- i. Carports and garages in non-single-family developments shall have a maximum height of ~~fourteen~~ thirteen (13) feet, measured from the grade to the ~~peak of the structure~~ midpoint of the roof. Carports shall be enclosed or obscured at least twenty-five percent (25%) along sides visible from public streets, residential districts or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the Planning

SEC. 308 Fences, Walls, and Other Protective Barriers

Amend standard (e.2) to read the following:

2. Where a public alley separates the nonresidential use from the residential use, the Planning Commission and/or the City Planner; in the case of Administrative Approval review procedure, shall determine the location of the wall so as to best protect the residential district.

SEC. 313 Home Occupations

Amend standard (a. 2) and (a.10) to read the following:

2. The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty~~-five~~ percent (25%) of the gross floor area of the dwelling, ~~including accessory structures~~, shall be used for the conduct of the home occupation.
10. The home occupation shall be conducted entirely within the confines of the dwelling ~~or accessory structure~~.

SEC. 314 Intersection Visibility

Amend to read the following:

- a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of thirty (30) inches and eight feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.
- b. The ~~three (3) foot~~ thirty (30) inches and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

SEC. 315 Keeping of Animals

Amend to read the following:

- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle and wild, vicious and exotic animals, is prohibited in all zoning districts except the temporary keeping of live poultry by any lawfully established live poultry market incidental to the normal course of business, or as permitted by Sec. 14-7 of the Code of Ordinances. However, no more than three (3) dogs or cats, or any combination thereof six (6) months of age or over without first obtaining a kennel license. No person shall in any combination (not including domestic chicken), have a total of more than three (3) animals, to be kept or housed in or at one (1) dwelling unit.
- b. The keeping of more than three (3) dogs on one premises shall be deemed to be a kennel and must follow the regulations set forth in Article 5, Division 4 Special Land Uses.
- c. Domestic Chicken. Any person residing in a single-family detached dwelling on residential zoned one family dwelling district property (R-1), after obtaining an annual permit from the city, may keep, per household, not more than three hen (female) chickens for personal use only and not for any business or commercial use. Chickens may be kept as family pets or to lay eggs for personal consumption only, as permitted by Sec. 14-7 of the Code of Ordinances. Slaughtering of any chickens on the property is prohibited.

SEC. 318 Mechanical Equipment and Utilities

Amend standard (b) to read the following:

- b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the commercial and industrial districts.

SEC. 319 Outdoor Dining

Amend standard (a.2) to read the following:

2. Outdoor dining areas proposed to be added to an existing restaurant with no other building or significant site modifications, shall submit a site development plan to the department of community and economic development and planning for review and administrative approval.

SEC. 320 Performance Standards

Delete the table of standard (c) and amend to read the following:

- c. Noise. At no point on the lot line shall the sound pressure level of any operation on the lot exceed **seventy (70) dB(A)** ~~the decibel limits as designated in the chart below~~. Operations or activities which exceed the maximum sound intensity levels ~~defined below~~ shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; ~~and the maximum levels indicated in the following table may be exceeded by no more than five (5) decibels.~~

Maximum permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure level in Decibels (0.0002 dyne/cm ²)	
	Residential Districts	Non-Residential Districts
31.5	72	77
63	71	76
125	65	70
250	57	62
500	51	56
1,000	45	50
2,000	39	44
4,000	34	39
8,000	32	37
Source: American National Standards Institute		

~~1.~~The following sources of noise are exempt:

- a) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- b) Temporary construction activity between 7:00 a.m. and 7:00 p.m. Monday through Saturday
- c) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
- d) Noises resulting from authorized public activities such as parades, fireworks display, sports events, musical productions, and other activities that have the approval of the City Council or its designee.

SEC. 323 Recreational Equipment and Vehicle Parking and Storing

Amend standards (a) and (f) to read the following:

- a. The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property **in the R-1 and R-2 Districts** to promote the public health, safety, and welfare and to preserve property values.
- f. Occupation of Stored Recreational Vehicles. At no time, except in conformance with Section ~~328(g)~~ **323(g)** below, shall any stored, parked, or placed recreational vehicles and/or recreational equipment be occupied or used

for living purposes. At no time shall any such recreational vehicle and/or equipment have fixed connections to water, gas, or a sanitary sewer. At no time shall any such recreational vehicles and/or equipment **be stored, parked, or occupied or used for living purposes** other than those granted a temporary use permit in conformance with Section ~~328(g)~~ **323(g)** below.

- g. Permanent Special Exceptions. A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with State law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

SEC. 327 Solar Panel Energy System

Amend standard (9) to read the following:

9. ~~Zoning~~ **Electrical** and construction permits are required.

SEC. 331 Temporary Buildings, Structures, and Uses

Amend to read the following:

Temporary or portable ~~principal or accessory~~ buildings, structures, and uses may be permitted, subject to the following conditions:

1. Construction sites:

- a. Temporary construction, buildings, and structures/office, which are necessary to facilitate construction on any site, shall be permitted and conform with all applicable provisions of this ordinance. ~~With the exception of portable structures,~~ Temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
- b. Temporary **construction** buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the **Building Official or** Zoning Administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
- c. The placement of temporary **construction** buildings and structures shall be in conformance with the requirements of Article 5, Division 1: Site Plan Review. ~~A building permit for such building or structure shall be issued by the Building Official prior to installation.~~ **and any necessary permits required for the completion of the project.**

2. Commercial and industrial zoning districts:
 - a. Portable storage containers or moving pods used for a seasonal or temporary use are allowed in the B-2, General Business and Industrial Zoning districts for up to thirty (30) days, once per year. A Zoning Permit is required with a sketch plan detailing the loading/unloading area and the dedicated parking space to ensure safe vehicular circulation is provided within the site. Extensions can be granted by the Zoning Administrator upon submitting a written extension request provided a good cause is shown and demonstrated. Extensions may be permitted up to two times, not to exceed thirty (30) days for each time. Portable storage containers or moving pods are permitted with a permit including extensions for a maximum of ninety (90) days per year. The storing or parking of storage containers or moving pods shall be on a paved surface, in the rear or non-required side yards, not visible from a public street; unless otherwise approved by the Zoning Administrator.
 - b. Portable storage containers used for long-term, on-site outdoor storage shall be permitted in the B-2, General Business and Industrial zoning districts in conformance with the requirements of Article 5, Division 4: Special Land Use review procedure and any necessary permits required for erection of the project.
 - c. Sukkots shall be permitted in the B-2, General Business and O, Office Zoning Districts for up to thirty (30) consecutive days in the observance of religious festivals and holidays. A Zoning Permit is required as described above in subsection 331.2. (a).
 - d. No temporary or portable building or structure shall be used for dwelling purposes.
3. Residential zoning districts:
 - a. Moving pods are allowed without a permit for up to ~~seven (7)~~ thirty (30) days, ~~no more than twice during a calendar year and~~. Moving pods must be placed upon a hard surface such as a driveway. Moving pods are prohibited in the right-of-way.
 - b. Portable or temporary auto carports or garages are prohibited including portable weather-resistance auto structures made of aluminum structure and canvas covering or any similar materials.
 - c. Portable tents or canopies (under 400 Sq. Ft.) are permitted, without a permit, in the rear yards and non-required side yards for a period not to exceed seven (7) consecutive days. Sukkots (also Known as a Sukkah or Succah) are permitted for thirty (30) consecutive days in observance of religious festivals or holidays.
 - d. Outdoor patio gazebos made of durable weather-resistance materials are permitted, without a permit, in the rear yards and non-required side yard.

Table 331.a Types of Temporary or Portable Buildings or Structures			
Use	Zoning District	Example of Illustrations	Notes
Temporary Construction, Buildings, and Structure/Office	All Zoning Districts		Permitted with a Site Plan Review approval and any necessary permits required for the construction of the project
Moving Pods for Temporary Use	Residential Zoning Districts		Permitted for 30 days. No permit is required
Outdoor Storage Containers; short-term, seasonal, temporary use	B-2 and Industrial Zoning Districts		Permitted for 30 days. A Zoning Permit is required. Extensions may be granted up to two times for 30 days each
Outdoor Storage Containers; on-site, long-term	B-2 and industrial zoning districts		Permitted with Special Land Use approval and any necessary permits required for the erection of the project
Seasonal and Temporary Auto Carports or Garages	Residential Districts		Not permitted
Tents or Canopies; under 400 Sq. Ft.	Residential Districts		Permitted in the rear yard and non-required side yard for up to seven (7) consecutive days. No permit is required
Sukkots; during religious festivals and holidays	Residential, B-2, and O, Zoning Districts		Permitted for thirty (30) consecutive days. Zoning Permit is required in the B-2 and O districts. No permit is required in the residential zoning districts.

Table 331.a Types of Temporary or Portable Buildings or Structures			
Use	Zoning District	Example of Illustrations	Notes
Patio Gazebos	Residential Zoning Districts		Permitted in the rear yards or non-required side yards. No permit is required

SEC. 333 Waste Receptacles and Enclosure

Amend standard (e) to read the following:

- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear and side lot lines, or non-required side yard, unless otherwise approved by the Planning Commission and/or the City Planner; in the case of Administration Approval review procedure, and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure; the wall shall be of non-combustible material, meet the fire code, and not located on a neighboring property.

Article 3, Division 2: Architectural Building Standards

SEC. 351 Applicability

Amend the drive-through building type of Table 351.2 Applicable Building Types by District as the following:

Table 351.2 Applicable Building Types by District													
	R-1	R-2	RM-1	RM-2	B-1	B-2	O	PTR ED	MX -1	MX -2	LI	IF	See Section
Commercial/Mixed-Use Building Types (Sec.357)													
Drive-through					X	X							356 357.D

SEC. 353 General Architectural Standards

Amend standard (d. 4.c) to read the following:

- c) Glass Block (not to exceed 25% of façade)

Amend standard (d.5) to read the following:

5. In commercial and industrial districts, ~~P~~primary exterior building materials shall be of subtle, neutral, or earth tone colors.

SEC. 354 Residential Architectural Standards

Amend the Allowed Building material (Secondary Façade and up to 50% of Primary Façade) and Garage/carports as the following:

Table 354.1 residential General Building Standards		
Allowed building material	Secondary Façade and up to 50% of primary Façade	Stucco (traditional cementitious) Architectural Metal Panel (insulated, composite) Decorative cast concrete screens Glass block (not to exceed 25% of façade)
Garage/Carports		Attached G garages or carports may only occupy a maximum of 40% of the front façade. Temporary carports are not permitted. See also Sec. 300 Accessory Structures Garages or carports shall not extend further into the front yard than the rest of the front façade.

SEC. 356 Commercial and Mixed-use Architectural Standards

Amend the fenestration to read the following:

Table 356.1. Commercial and Mixed-use Buildings General Standards	
Fenestration	Facades The primary façade shall have a minimum of 35% comprised of windows and doorways with no less than 40% of the ground floor windows and doorways.

Article 4, Division 1: Off-Street Parking

SEC. 401 General Requirements

Amend provisions (1 & 2) to read the following:

1. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, ~~carport~~, garage, or combination thereof, and shall be located on the premises they are intended to serve.
2. No parking shall be permitted in ~~required~~ yards on lawns or other unpaved areas on residential lots.

SEC. 404 Barrier Free Parking Requirements

Amend to read the following:

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with the State Building Code and the 2010 ADA Standards for Accessible Design. Compliance is mandatory whenever a business, state or local government restripes parking spaces in a parking lot or parking structure. The required number of accessible parking spaces

must be calculated separately for each parking facility, not calculated based on the total number of parking spaces provided on a site. One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible. (See 2010 Standards 208.2).

SEC. 407 Off-Street Loading and Unloading Requirements

Amend standard (a) to read the following:

- a. General Applicability. On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods by commercially licensed vehicles. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

Amend standard (c.1) to read the following:

1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street. Unless otherwise approved by the Planning Commission and/or the City Planner; in the case of Administrative Approval review procedure.

Amend standard (d) to read the following:

- e. Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50). Unless otherwise approved by the Planning Commission or the City Planner; in the case of Administrative Approval review procedure.

Article 4, Division 2: Landscape Standards and Tree Replacement

SEC. 445 Design Standards

Amend standard (a) to read the following:

- a. Greenbelts. ~~A greenbelt shall be planted or preserved along public rights-of-way, private road easements, and designated frontage roads and access drives.~~ The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:

Amend standard (a) to add the following:

8. In the commercial and industrial districts, in cases where existing conditions do not permit the provision of a ten (10)-foot wide greenbelt, the City Manager may permit the greenbelt requirements to be met through the provision of street trees and shrubs within the public right-of-way curblane in compliance with Chapter 78 of the City's Code of Ordinance,

Amend standard (a) to read the following:

- d. Interior Site Landscaping. For any development that requires a building permit from the City, except in R-1 and R-2 residential districts, interior landscaping areas shall be provided, equal to at least at least ten percent of the total lot area (inclusive of the greenbelt and parking lot landscaping). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, service areas or adjacent to fences, walls, or rights-of-way. All interior landscaping shall be designed to the following general design standards, subject to planning commission approval:

Delete provision (f) because it conflicts with Chapter 78 of the Code of Ordinances:

- ~~f. Right-of-Way Landscaping. Public rights-of-way shall be planted with grass or other suitable living plant material and maintained by the owner or occupant of the property. Trees and shrubs may be planted within the right-of-way with permission from the appropriate authority with jurisdiction over the street.~~

SEC. 446 Specifications for Screen walls, Berms, and Landscape Improvements.

Amend to read the following:

- ~~a. Screen walls. Wherever a nonresidential use adjoins a residential district, and wherever a parking lot of eight or more spaces adjoins a single-family residential district, a screen wall shall be provided by the nonresidential use. (For purposes of this section, a parking lot of eight or more spaces shall be considered a nonresidential use).~~

This section is intended to define the various types of screening and landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

- 1.a. Required minimum screening and landscaping. The following table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties.

Zoning or Use of Subject Parcel	Zoning of Adjacent Parcel									
	R-1	R-2	RM-1 RM-2	B-1, MX-1 MX-2	B-2	LI, IF	O	PTRED	PCD	Adjacent Road Right-of-Way*
Single Family Res.	None	None	None	None	None	None	None	None	None	None
Two Family Res.	None	None	None	None	None	None	None	None	None	None
Multiple Family Residential	A, B, or C	A, B, or C	D	B or D	B or D	B or D	D	D	B or D	D
Neighborhood Business Mixed Use Districts	A, B, or C	A, B, or C	A, B, or C	None	None	None	None	None	None	D
General Business	A, B, or C	A, B, or C	A, B, or C	None	None	None	None	None	None	D
Light Industrial, Industrial Flex	A or C	A or C	A or C	C	C	None	None	None	C	D
Office	A, B, or C	A, B, or C	A, B, or C	D	D	D	D	D	D	D
Technical, Research, Public Buildings Educational Inst.	A, B, or C	A, B, or C	A, B, or C	D	D	D	D	D	D	D
Planned Corridor	A, B, or C	A, B, or C	A, B, or C	None	None	B or D	None	None	None	
Outdoor Storage	See Section 557m									
Parking Lots	A, B, or C	A, B, or C	A, B, or C	D 5 feet wide	D 5 feet wide	None	None	None	D 5 feet wide	D

- A) Landscaped berm (See section 446.c)
B) Landscaped buffer (See section 446.d)
C) Screen wall or fence (See section 446.b)
D) Greenbelt (See subsection 445.a)

1. All required screen walls shall be six feet in height, unless otherwise specified, and shall be placed along the lot line of the nonresidential use.
2. Where a public alley separates the nonresidential use from the residential use, the planning commission **and/or City Planner** shall determine the location of the wall so as to best protect the residential district.

3. Required screen walls shall not be extended into a required front setback area to ensure proper visibility of pedestrians and vehicles by drivers exiting the nonresidential site.
 4. Required screen walls shall be of masonry construction, decorative in nature, of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick. ~~If the homeowner in the adjacent residential district prefers a vinyl fence it may be allowed.~~
 5. The planning commission may:
 - a. Approve a partial or complete substitution of the wall(s) using existing or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening and durability;
 - b. Approve reduction or increase in wall height where a greater or lesser height is found appropriate based on consideration of topography, sight lines, and distances;
 - c. Approve variations in design standards for reasons of topography or characteristics peculiar to the site, its usage and environs contingent upon reasonable proof from the applicant that compliance with the ordinance is otherwise not feasible.
 - d. In taking such actions, the planning commission shall take into account the principal purpose of the wall(s) is to screen nonresidential activities, including parking, loading and noise, from nearby residential districts.
 - e. ~~If preferred by the adjacent homeowner, a vinyl fence may be allowed.~~
 - f. In such cases where the planning commission finds that there would be no substantial need for a screen wall, the requirements may be reduced or substituted in accordance with the table in subsection 446a.1 above. The basis for such decision shall be recorded in the minutes of the planning commission.
 6. Walls shall be continuous except for openings for pedestrian connections as approved by the Planning Commission.
- b. Berm Standards. ~~This subsection is intended to define the various types of screening and landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.~~ A landscaped berm is any combination of a raised earthen berm and plantings which forms a visual barrier that is a minimum five feet above the surrounding grade. All landform buffers shall also conform with the following:
- a) The berm shall be comprised of soil and shall be a minimum of two feet in height and a minimum of 12 feet in width.
 - b) The berm shall be a minimum 12 feet wide with a maximum side slope of 3:1.
 - c) The berm shall be covered with grass or other living or natural cover.
 - d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

d. Buffer Standards. A landscaped buffer is a landscaped area of trees, shrubs and groundcover forming a visual barrier of a minimum five feet in height. All buffer strips shall conform with the following:

1. The landscaped buffer shall be a minimum of fifteen feet wide.
2. The landscaped buffer shall be covered with grass, living or natural groundcover, wood chips, natural mulch, or any combination of the above.
3. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

e. Plant Material. All plant material shall be hardy to the City of Oak Park, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds.

f. Minimum Sizes and Spacing. The Minimum plant and spacing shall be provided in accordance with the following:

- ~~1. Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.~~

Minimum Sizes and Spacing		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Deciduous canopy trees	Deciduous canopy trees , 2½ in. caliper	25 ft. on-center
Ornamental trees	2 in. caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen trees	8 ft. height	15 ft. on-center
Narrow evergreen trees	4 ft. height	12 ft. on-center
Deciduous shrubs	3 ft. height	4 ft.-6 ft. on-center
Upright evergreen shrubs	3 ft. height	3 ft.-4 ft. on-center
Spreading evergreen shrubs	18 in.-24 in. spread	6 ft. on-center

1. Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.

2. Mixing of Species. The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
3. Trees Not Permitted. The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may however allow trees from this list when associated

with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).

4. Topsoil. Top soil shall consist of a 4" base for lawn areas and an 8"-12" base within planting beds.
 5. Proximity to Utilities. Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
 6. Lawn Grasses. Lawn grasses shall be planted in species normally grown as permanent lawns in Oakland County. Grasses may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- g. Modification of screening and landscape requirements. Recognizing that a wide variety of land uses and the relationship between them can exist, and that varying circumstances can mitigate the need for screening and landscaping, the planning commission may reduce or waive the screening and landscaping requirements of this section and approve an alternative screening plan upon finding that compliance with this section would not otherwise be feasible. The Planning commission shall find that the following standards have been met whenever it modifies any screening or landscaping requirements:
1. The screening and landscaping plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
 2. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:
 - a) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
 - b) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this article ~~12[XVII]~~ [Article 3, Division 3]. The planning commission shall require the preservation of these natural features as a condition of site plan approval.

- c) The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

SEC. 448 Standards for Compliance for Existing Sites

Amend to read the following:

In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than twenty-five percent (25%) over the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. For example, a building or parking area increase of ten percent (10%) requires forty percent (40%) compliance with the landscape standards. In cases where no increase in building and/or parking area is proposed, the City Planner may require new or revised landscaping to bring the site into greater conformity with the landscape standards.

Article 4, Division 4: Signs

SEC. 471 General Standards for permitted Signs

Amend provision (a.1) to read the following:

All signs, unless otherwise provided for in this article, shall be set back a minimum of five feet from any public or private street right-of-way line, access drive, or sidewalks in all zoning districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way, access drive, or sidewalk.

SEC. 472 Specific Sign Standards

Amend provision (b.2.a)

- a. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way or on City-owned property.

SEC. 473 Additional Sign Standards

Amend provision (f) to read the following:

- f. Sandwich board signs. Sandwich board or portable A-frame signs are permitted, after issuance of an annual permit, in the B-1, B-2, PCD and MX-1 Districts at the customer building entrances to businesses subject to the following requirements:

Amend provision (f.8) to read the following:

8. Sandwich board signs within the public right-of-way and/or placed on City owned property may be moved/removed by the city. ~~for municipal purposes (i.e. code enforcement, snow removal, traffic issues, maintenance, etc.)~~

SEC 474 Prohibited Signs

Amend provision (a) to add the following provision:

19. Any sign placed on City owned property, unless placed by the City itself.

SEC. 476 Dangerous, Unsafe, abandoned, and Illegally Erected Signs

Amend provision (c) to read as the following

- c. ~~Obsolete or~~ A abandoned signs. Permanent signs applicable to a business suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least ~~six months~~ 30 consecutive days. An abandoned sign shall be removed by the owner or lessee of the premises within ten days after written notice from the city building official.

SEC. 477 License and Insurance

Amend to read as the following and create Section 478 for Administration, Enforcement, Violation, and Penalties; and re-order the remaining sections:

Every person who engages in the business of erecting, altering or dismantling signs in the city shall first submit ~~proof of appropriate licenses and~~ a liability insurance policy that indemnifies the city and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the city building department at least 30 days ~~six months~~ prior to the date of cancellation. The building official shall issue a permit for the sign upon determining that the proposed sign meets the provisions, standards and regulations of this article and any other applicable city ordinance and after payment of the prescribed fees and deposit. ~~Sec.478 Administration, enforcement, violations, and penalties~~

SEC. 478 Administration, Enforcement, Violations, and Penalties

- a. Generally. The regulations of this article shall be administered and enforced by the building official.
- b. Violations. It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move, any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions, standards and regulations of this article. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

- c. Public nuisance per se. Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this article, including the failure to remove a sign when directed under the authority of this article, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction,
- d. Municipal civil infraction. Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this article shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in this Code.
- e. Other relief.
 - 1. In addition to the remedies otherwise provided for, the city may remove and dispose of an unlawful sign on public property.
 - 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this article.
 - 3. In addition to any remedies provided for by this Code, any equitable or other remedies available may be sought and granted.

Article 5, Division 3: Conditional land Use

SEC. 540 Purpose

Amend to read the following:

The intent of this Article is to provide standards for conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the ~~Zoning Administrator~~ **City Planner** or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

SEC. 541 Standards for Approval

Amend provision (a) to read the following:

- a. Prior to approving a conditional land use, ~~the City Planner~~ **Zoning Administrator** shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted.

SEC. 541 Requirements and Standards of Approval

Amend provision (b) to read the following:

- b. The Department of Technical and Planning Services Division of Building Inspector and/or Zoning Official shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Department of Technical and Planning Services Division of Building Inspector and/or Zoning Official ~~Administrator~~ to terminate the approval.

SEC. 543 Validity of Conditional Land Use Approval

Amend provision (b) to read the following:

- b. Upon written application filed prior to the termination of the eighteen (18) month period, the City Planner ~~Zoning Administrator~~ may authorize a single extension of the time limit for a further period of not more than 12 months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the 12-month extension.

SEC. 544 Conditional land Use Specific Requirements

Subsection C. Automobile Washes, Automatic or Self-service

Amend provision (2) to read the following:

2. Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. ~~The Zoning Official or Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.~~ In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:

Subsection d. Automobile or vehicle Dealership

Amend provision (1.a.9) and (1.a.10) to read the following:

- 9) A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall, ~~or a six-foot-high pressure-treated wood or vinyl obscuring fence.~~ The plan shall detail the location, height and type of wall/~~fence~~ proposed, shall be located on all property lines which abut any residential district.
- 10) Where the storage yard abuts residentially zoned property there shall be a ten-foot-wide landscaped greenbelt, between the property line and the ~~fence~~/wall. Said greenbelt shall be planted in accordance with Article 4, Division 3 Landscaping, Section 445.

Subsection q. Manufacturing, packaging, Assembly, fabrication of Products

Amend provision (3) to read the following:

3. Where the outdoor placement of an aboveground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern ~~or a treated wood obscured fence.~~ The design and material of the screening to be approved by the planning commission and city council.

Article 5, Division 4: Special land Use

SEC. 556 Special land Use Amendments and Expansions

Amend provision (a) to read the following:

- a. Amendments. Any person or agency who has been granted a special land use approval shall notify the ~~Zoning Administrator~~ **City Planner** of any proposed amendment to the approved site plan of the special land use. The **City Planner** ~~Zoning Administrator~~ shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of Article 5, Division 1, Section 511, Deviations from Approved Site Plan. A major amendment to a special land use approval shall comply with the application and review procedures contained in this Article.

SEC. 557 Special Use Specific requirements

Amend provision (m.8) to read as the following:

8. The storage yard shall be screened on all sides by a six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall, or a six-foot-high treated-wood or vinyl obscuring fence. In industrial districts, a fence shall be permitted up to eight (8) feet as permitted in Sec. 308 of this ordinance. The plan shall detail the location, height and type of wall/fence proposed. The Planning Commission may approve a partial or complete substitution of the screening requirement using existing or proposed topography, dense vegetation, or other natural or manmade features that would produce substantially equivalent results of screening and durability.

Article 6, Division 1: None-Conforming Uses, Structures, and lots

SEC. 600 Non-conforming Uses, Structures, and Lots, In General

Amend provision (e) to read the following:

- e. To avoid undue hardship, nothing in this Division shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Division, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing structure has been substantially begun ~~preparatory to~~ in

preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

SEC. 601 Non-conforming Lots

Amend provision (a) to read the following:

- a. Use of Nonconforming Lots. Any lot of record existing at the effective date of the ordinance codified in this chapter that now fails to meet the requirements for area or width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this title are met, including ~~such as~~ setbacks, minimum floor area, maximum height and access requirements.

SEC. 602 Non-conforming Uses

Amend provision (c.2) to read the following:

2. The property, buildings, or grounds have fallen into disrepair and/or are declared a public nuisance. (See Chapter 18, Article V: Dangerous Buildings and Article VI: Property Maintenance Code)

SEC. 604 Non-conforming Structures

Amend provision (e) to read as the following:

- e. Should such structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at time of destruction of the square footage of the floor area of the structure, it shall not be reconstructed except in conformity with the provisions of this chapter.

SEC. 605 Expansion of a Non-conforming Residential Building

Amend to delete standard (a) and re-order the provisions to read as the following:

A non-conforming residential building may be expanded into a side or rear yard in a manner that does not comply with the setback standards with approval from the Zoning Board of Appeals Administrator. The Zoning Board of Appeals Administrator shall utilize the following standards:

a. The expansion does not involve an additional story to the residential building.

- a. ~~b.~~ The expansion does not extend closer to the lot line than any existing, non-conforming part of the structure.
- b. ~~e.~~ The addition does not extend beyond the predominant existing building line along the same block.
- c. ~~d.~~ The addition retains compliance with all other setback, lot coverage, and height requirements.

- d. ~~e.~~ The addition will meet all minimum building code requirements.
- e. ~~f.~~ The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
- f. ~~g.~~ The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.
- g. ~~h.~~ The expansion of a residential building with a non-conforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the Zoning Board of Appeals (ZBA).

SEC. 606 Continuance of Non-conforming Uses of Structures and Land

Amend provision (e) to read the following:

- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located; structures occupied by seasonal uses shall be excepted from this provision. These provisions may be waived, as determined by the City Manager, upon substantiation that there is intent to continue the nonconformity.

Article 6, Division 2: Administration and Enforcement

Amend Section 620 to read the following:

SEC. 620 Enforcement Authority ~~or Zoning Administrator~~

Except where herein otherwise stated, the provisions of this section shall be administered by the ~~Zoning Administrator, or such other official or officials as may be designated by the City Council~~ Department of Technical and Planning Services, Division of Building Inspector. The ~~Zoning Administrator~~ Division of Building Inspector shall have the power to:

- a. ~~The Zoning Administrator or designated City official shall m-~~ Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- b. ~~The Zoning Administrator or designated City official shall i-~~ Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.
- c. ~~The Zoning Administrator or designated City official shall i-~~ Issue a certificate of zoning compliance when the requirements of this Ordinance have been met.
- d. ~~The Zoning Administrator or designated City official shall p-~~ Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

SEC. 621 Planning Commission

Amend Provision (L.7) to read the following:

7. Review and ~~approval~~ make recommendations to City Council regarding proposed public works projects, including the removal, location, widening, narrowing, vacating, abandonment, change of use, or extension of streets, alleys, grounds, open spaces, building, public utilities and terminals;

Amend provision (O) Procedures to read the following:

O. Procedures.

1. Applicants shall appear at hearing(s) regarding their case, either personally or by designated representatives who are authorized by the applicant in writing to act on their behalf for purposes of the application. The Planning Commission may conduct the required hearing and reach a decision on all applications without the applicant being present unless the applicant, for good cause, requests a continuance in writing prior to the hearing.
2. The Planning Commission shall make no decision except in a specific case and after requiring a public hearing, if applicable.
3. The ~~administrative official~~ secretary of the Planning Commission shall prepare and maintain minutes of all Planning Commission proceedings. The minutes shall be the final authority on proceedings and shall be the responsibility of the secretary of the Planning Commission. The Commission shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application shall constitute the written decision.
4. The official records of the Planning Commission shall be maintained by the ~~City Clerk. and/or the administrative official so designated.~~
5. The Planning Commission may adopt by-laws for the conduct of its meetings and hearings.

SEC. 622 Performance Guarantees

Amend the provisions to read the following:

~~a. As a condition of approval of a site plan, special land use or planned unit development~~ To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the ~~Zoning Administrator~~ Department of Technical and Planning may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development and in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items. ~~Financial guarantees~~

~~are generally required for items that cannot be completed due to weather or related delays, yet a temporary certificate of occupancy is sought.~~

- ~~b.~~ a. Performance guarantees shall be processed in the following manner:
1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the uncompleted required improvements, which shall then be reviewed by the Department of Technical and Planning Services Zoning Administrator. The amount of the performance guarantee shall be no greater than one hundred percent (100%) of the cost of installing the uncompleted improvements, ~~plus the cost of necessary consultants and a reasonable amount for contingencies.~~
 2. The required performance guarantee may be in the form of a cash deposit, certified check, performance bond, or irrevocable bank letter of credit acceptable to the City. If the applicant posts a letter of credit, the credit shall require only that the City present the creditor with a sight draft and an affidavit signed by an authorized representative of the City attesting to the City's right to draw funds under the letter of credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the City whenever an authorized representative of the City presents an affidavit to the agent attesting to the City's right to receive funds whether or not the applicant protests that right. If the applicant posts a performance bond and the improvements are not complete by the time a certificate of occupancy is requested in the case of a building project, or by the time a building permit is requested on a lot in a new subdivision or condominium, then the performance bond shall be replaced by a bank letter of credit or cash escrow prior to the issuance of said certificate of occupancy or building permit.
 3. Upon receipt of the required performance guarantee, the ~~Zoning Administrator~~ Department of Technical and Planning Services, Division of Building Inspector may issue a temporary certificate of occupancy for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance.
 4. When all of the required improvements have been completed, the ~~applicant obligor~~ shall send written notice to the Department of Technical and Planning Services, Division of Building Inspector Zoning Administrator of completion of such improvements. Thereupon, the Department of Technical and Planning Services, Division of Building Inspector Zoning Administrator shall inspect all of the improvements and shall recommend to the Zoning Administrator Planning Commission either approval or rejection of the improvements with a statement of the reasons for any rejections.
 5. The Planning Commission Zoning Administrator shall then either approve or reject the improvements. The Planning Commission Zoning Administrator shall notify the ~~obligor~~ applicant in writing of the action

within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.

6. The Department of Technical and Planning Services, Division of Building Inspector ~~Zoning Administrator~~, upon completion of all required improvements, shall issue a certificate of ~~zoning~~ compliance and forward it to the Building Official.
7. Upon receipt of the certificate of ~~zoning~~ compliance and request of the ~~obligor applicant~~, the ~~Zoning Administrator~~ Department of Technical and Planning Services, Division of Building Inspector shall rebate the performance guarantee, if applicable, upon determination that the improvements for which the rebate has been requested have been satisfactorily completed.
8. Performance guarantees shall not be returned until all debts or obligations to the City are resolved.
9. A record of authorized performance guarantees shall be maintained by the ~~Zoning Administrator~~ Department of Technical and Planning Services, Division of Building Inspector.

Add a new Section and re-order the remaining sections

SEC. 624 PERMIT REQUIRED – ZONING; BUILDING

- A. It shall be unlawful to commence or conduct any of the following until the administrative official has issued a zoning compliance permit and a building permit has been issued for such work or change:
 1. The excavation, construction, reconstruction, repair, moving, or alteration of:
 - (a) Any building or structure for which a building permit is required by the building code, or
 - (b) Any parking lot, sign (see definition), tower, bridge, or any structure having a cost or value of more than five hundred dollars (\$500.00).
 2. A change in the use or occupancy of any building or land to a type of use or occupancy which is not expressly permitted by the district's regulations specified in this ordinance.
- B. The zoning compliance permit shall include a certificate by the Department of Technical and Planning that plans, specifications, and description of such use(s) and structure(s) do in all respects conform to the provisions of this ordinance.
- C. The application shall be made in writing to the Department of Technical and Planning on forms provided for that purpose. A record of all such applications shall be kept on file by the Department of Technical and Planning. When the Department of Technical and Planning receives an application for a zoning compliance permit which requires special land use approval, or other approval, the Department of Technical and Planning shall so inform the applicant.

**City of Oak Park
Budget Calendar
Fiscal Year 2022-23**

<u>Internal</u>	<u>Date</u>
Finance compiles departmental salary and fringe benefits summaries	2/14-03/11/22
Finance enters initial three year budget estimates in BSA	2/14-03/11/22
Department summary capital needs due to Finance	3/11/2022
Departmental three year budget projects available in BSA for review	3/18/2022
Department meetings with Finance and City Manager	03/22-03/31/22
Presentation of capital plan to Planning commission	4/11/2022
Draft City Manager budget complete	4/14/2022
 <u>Public</u>	
City Manager gives Council budget update	04/18-04/21/22
City Council budget review session	04/18-04/21/22
City Council budget review session	04/26-04/29/22
City Council budget review session	04/26-04/29/22
City Council budget review session (if needed) / public hearing request	5/2/2022
Budget public hearing noticed published	5/4/2022
Budget public hearing	5/16/2022
Final budget, fee schedule and millage rate adoption	5/16/2022
First reading of Utilities and Solid Waste ordinance amendments	6/7/2022
Second reading and adoption of Utilities and Solid Waste ordinance amendments	6/21/2022

CITY OF OAK PARK

STRATEGIC PLAN

2021 - 2026

2021 End of Year Report

February, 2022



INTRODUCTION



The Strategic Plan Reports are an opportunity to share the progress the City is making on our 2021-2026 Strategic Plan.

City administration created an action plan that guides staff over the next five years in achieving the City's established goals and objectives. It is broken down into actionable items with a timeframe for completion and identifies the departments responsible for insuring their completion. The Quarterly Reports that have been delivered this year have provided a highlight of the activities that the City has carried out in the previous three months, in an effort to work toward our established objectives.

For this End of Year Report, which is reflective of the of the 2021 calendar year, it is important to highlight we that we have made significant progress in meeting our objectives, which all tie back to our goals, and ultimately our mission and vision statements for the City of Oak Park.

VISION, MISSION, VALUES



OUR VISION

The City of Oak Park will lead the region as the most dynamic city in Metropolitan Detroit, serving as a destination as a vibrant, cutting-edge community.

OUR MISSION

In the City of Oak Park, we strive to provide the highest quality of life for our residents in everything we do.

We pride ourselves on the richness of our cultural diversity and our safe and secure neighborhoods.

We actively encourage residential and business growth.

We are business minded and family-centered.

OUR VALUES

Prioritizing our public's well-being first;

Operating with integrity and maintaining the trust of our residents;

Providing the highest quality programs and services;

Serving as good stewards of our financial and physical resources;

Delivering honest, responsive government;

Attracting innovation, community development and business enterprise.

GOALS



GOAL 1:

Deepen sense of place and community identity

GOAL 2:

Foster an engaged, informed community

GOAL 3:

Cultivate organizational excellence

GOAL 4:

Provide efficient, resilient government

GOAL 5:

Ensure a safe and comfortable environment for everyone

GOAL 6:

Encourage environmentally sustainable practices

QUARTERLY REPORT



GOAL 1: DEEPEN SENSE OF PLACE AND COMMUNITY IDENTITY

Through the expansion of dynamic commercial and industrial corridors, preservation of the integrity of our neighborhoods, and events and amenities that celebrate Oak Park's diversity

Objective: Attract and retain a mixture of robust businesses into the City

- The City added 22 new businesses this year, including breweries and restaurants in the new Oak Park Water Tower Social District, several new businesses in the industrial district, and a variety of new businesses throughout the City's commercial corridor
- The City is actively involved with the new Chamber.
- Throughout the year the City hosted and promoted multiple educational workshops for businesses.
 - * Hosted an Oakland County Small Business Association workshop,
 - * Hosted a webinar and Open House for Oak Park small businesses
 - * Hosted an Urban Main all day training and discussion with local businesses
- Working on a workshop for businesses that help them create an online presence
- The Library consistently offers online courses in a variety of business/entrepreneurial topics

Objective: Encourage a mixture of robust development throughout the City

- Council adopted a substantial revision of the zoning ordinance in June this year. The revisions addressed many necessary changes to the ordinance to allow for more robust development - including the option for shared parking, and rear parking in commercial districts
- Two new districts were created in industrial district (Mixed Use 2 and Industrial Flex) to allow for mixed uses and realtors have been contacted to make sure they know about the expanded uses.

Objective: Improve the overall appearance in commercial corridors and industrial districts

- Code enforcement has been working with property owners to combat blight issues, and handed out 6,709 notices for residential and commercial properties over the year
- 994 business license inspections and re-inspections this year

Objective: Uphold the City's Redevelopment Ready Certification

- The Economic Development and Planning Department is working on the new Redevelopment Ready changes and will adopt as necessary

QUARTERLY REPORT



Objective: Combat blight issues in residential neighborhoods

- The Recycling and Environmental Conservation Commission hosted a citywide clean up day Sunday, September 12, 2021
- Code enforcement has been focusing enforcement in key areas of the City and helping residents understand the City's ordinances and handed out 6,709 notices for residential and commercial properties over the year

Objective: Preserve and increase the City's tree canopy:

- The City planted 86 trees in FY 20/21 and 30 this calendar year through our normal tree planting program
- In addition, the City planted 15 trees in Lessenger Park through a grant from ReLeaf Michigan
- The City applied for and was awarded the Oakland County OakSTEM Pilot tree grant, which assists in the cost of purchasing approximately 85 trees to be planted throughout the community and is open to requests from residents
- The City was awarded the Tree City USA designation and Tree City Growth Award again this year

Objective: Celebrate Oak Park's diversity through events and programs that attract people throughout the region

- This year, even in the midst of the pandemic, we added events and programs, including:
 - Juneteenth celebration
 - Autumnfest
 - Film Festival
- The Farmers Market had a very successful year:
 - * Hosted the Power of Produce program—for seniors and kids
 - * Hosted yoga events
 - * Health and wellness events for the community
 - * 18 vendors
 - * Live music
 - * Paid out a total of \$13,495 in food assistance
- Promotion of events early and often - including weekly ads in the Woodward Talk newspaper of the Farmers Market and Autumnfest, regular updates to website, social media, reader board and flyers, and regular outreach to local media

Objective: Offer affordable mobility options:

- The City works with MoGo on regular promotion of the bikeshare system, and to identify partnership opportunities, tour recommendations, etc.

Objective: Invest in public art experiences

- Four pieces of public art are being incorporated into the Nine Mile Linear Park in the Spring.
- ACDC was working with Oak Park High School to host a pilot mural project, but that has been put on hold due to current challenges
- The City Hall art exhibit space has consistently hosted a quarterly art exhibit throughout the year, featuring the work of local artists

QUARTERLY REPORT



Objective: Provide programming that responds to the needs of all demographics of the community

- The City (including Recreation and the Library) met consistently throughout the year with Oak Park high school leadership to discuss youth programming and engagement partnerships
 - * History of hip-hop program hosted by Oak Park Recreation in partnership with the Library and Oak Park School District
 - * Recreation and the Library is hosting drop-in Esports night at Oak Park High School
- Recreation implemented a Teen Council this year
- Toddler/Pre-K School readiness story-times started in the Library in the fall
- The Library is hiring a Teen Programming Assistant to assist in planning and implementation of teen afterschool programming
- The Library is implementing Senior Housing outreach
- Recreation received a grant to host an archery program for all ages

Objective: Foster social interaction and a sense of ownership at all of the City's public spaces

- Working to ensure all public spaces have adequate seating and shade: shade sails were added to Seneca Pocket Park, and is being made a high priority in the landscape design for Linear and Pocket parks
- Working on activating our public spaces - for instance, we held several events at the new Water Tower Social District, including one of the summer concerts and Autumn Fest

Objective: Identify best uses for City property to ensure equitable access to quality public spaces

- The City has finalized a contract with the SmithGroup to guide us through a comprehensive recreation master plan update and asset study to create a ten year vision for parks and recreation in Oak Park
- The Dog Park Committee has been meeting monthly since January. The recommendation is for a site at Lessenger Park. The Committee will be taking their ideas and suggestions to the Parks and Recreation Commission, City Administration and to City Council. Construction is expected to begin early spring 2022.

QUARTERLY REPORT



GOAL 2: FOSTER AN ENGAGED, INFORMED COMMUNITY

Through meaningful, timely communications, and ample opportunities for resident engagement with their government and each other

Objective: Ensure effective, meaningful communication with the community

- Expanded emergency text list to about 8,500 residents through working with ATC. Adding additional recipients via ConstantContact (over 100 currently)
- Utilized website, social media and eblasts to ensure residents had pertinent information about rain events, power outages, street sweeping, snow emergencies, new projects and ongoing informational campaigns regarding bike lanes, back in angled parking, and other important topics
- Working on an update and redesign of the City website
- Hosted three utility billing Town Halls
- Fall Magazine included information re:
 - * Introduction to the Resident Services Coordinator
 - * Election results—39th City Council
 - * Nine Mile Road transformation progress
 - * Street trees available to residents
 - * A reminder/review of back-in angled parking on 9 Mile
 - * Water Tower Social District
 - * Utility Bill Assistance
 - * Upcoming events, and programming

GOAL 3: CULTIVATE ORGANIZATIONAL EXCELLENCE

Through the development of a workplace culture that focuses on continuous improvement, accountability, engagement and healthy lifestyles

Objective: Provide high quality, friendly, responsive customer service

- Hired a Resident Services Coordinator—a new role dedicated to assisting residents
- Working on an update of our Citizen Request Management System

Objective: Foster a meaningful connection between staff members and the City's Strategic Plan

- Internally, the Strategic Action plan progress is tracked on a monthly basis and used to discuss our progress during staff meetings

QUARTERLY REPORT



GOAL 4: PROVIDE EFFICIENT, RESILIENT GOVERNMENT

Through a commitment to financial sustainability, innovation and best practices

Objective: Maintain financial reserves

- The City continues to maintain a 20 percent fund balance in the General Fund

Objective: Improve the City's bond rating

- The City increased its pension funding for both the Public Safety and the General pension system

Objective: Secure grants to help fund City projects and capital expenses

- Patronicity program raised \$100,000 for the Linear Park (this includes private donations and a \$50,000 match from the MEDC)
- \$50,000 grant for the Linear Park from the Community Foundation of Southeast Michigan through the Ralph C. Wilson Jr. Fund
- Secured \$1 million in grant funding for resurfacing of 9 Mile in FY 2021-22
- Secured \$69,171 through LRIP grant from Oakland County for stamped crosswalks on Coolidge
- Secured a \$436,000 Drinking Water Asset Management grant from EGLE to verify our service line material, allowing us to fulfill the EGLE requirement to perform a complete distribution system materials inventory by 2025, early.
- The Library secured a \$6,400 grant from the Michigan Humanities Council for teen cultural education
- The Library secured \$7,000 in ARPA funds for technology in the Library for public use through the Library Network

Objective: Ensure the City is effectively safeguarding its data

- Human Resources has updated policies for onboarding, termination and payroll status change to ensure secure access to BS&A and building keys
- Cybersecurity training was completed in 2020 and is scheduled again for 2022
- The City has purchased additional cybersecurity coverage

Objective: Improve efficiency of FOIA requests

- The Clerks office and Public Safety Records Department implemented new online FOIA platform—making it easier and more efficient, both internally and externally, to process and properly charge for FOIA requests

Objective: Ensure efficiency of elections

QUARTERLY REPORT



Objective: Ensure the City is effectively safeguarding its data

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Objective: Improve efficiency of FOIA requests

- The Clerks office and Public Safety Records Department implemented new online FOIA platform—making it easier and more efficient, both internally and externally, to process and properly charge for FOIA requests

Objective: Ensure efficiency of elections

- Implemented a successful election
- Shared information on how to vote, where to vote and when to vote beginning 6 weeks up to the November election through social media, the website, the magazine, flyers and post cards. Post cards were focused on providing education on the millage renewals. Millage renewal information was also shared through the mediums discussed above.

QUARTERLY REPORT



GOAL 5: ENSURE A SAFE AND COMFORTABLE ENVIRONMENT FOR EVERYONE

Through continued investment in public safety service and sustainable infrastructure throughout the City

Objective: Provide high quality public safety services

- Public Safety monitors problem areas as "selective enforcement details"
- Maintain average response time from dispatch to arrival of five minutes for Priority 1 calls

Objective: Sustain and expand a safe and comprehensive transportation network for all users

- Public Safety deploys two speed trailers daily, and follows up with selective enforcement
- The City uses the PASER rating system to strategically invest annually in the City's street network
 - * Road Reconstruction Projects this fiscal year: Northend (Coolidge-Whitmore)
 - * Road Reconstruction Projects FY 22-23: Northfield (Church-Gardner, Cloverdale (Parklawn-Greenbriar)
 - * Annual joint and crack sealing program (maintenance): \$150,000 annually
 - * Annual Concrete Repair and Replacement Program: \$500,000 this year, \$400,000 FY 22-23

Objective: Reach 100% lead free in all City and private water lines

- All private lead lines have been identified and the City worked with homeowners to have them replaced. There is only one known residential home that remains with a private line. The water has been shut off and we have been trying to reach the homeowner.

Objective: Consistent, strategic investment in water sewer infrastructure

- The City uses Water and Sewer Asset Management Study to guide strategic investment in our water and sewer infrastructure
 - * Annual sewer lining/repairs (maintenance): \$600,000 this year, \$600,000 FY 22-23, \$700,000 FY 23-24
 - * Water Main Replacements this year include: Northend (Coolidge-Whitmore), Parklawn (Kenwood-Oak Park Blvd.
 - * Water Main Replacements FY 22-23 include: Leslie (Marlow-Beverly), Sutherland (Harding-Radcliff), Oak Park Blvd. (Greenfield-Church)



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 21, 2022

SUBJECT: Shared Micromobility (E-Scooter) Pilot Program Request for Proposals

SUMMARY:

As one of City Council's objectives in the Strategic Plan is "Offer affordable mobility options," staff has been exploring ways to expand mobility options within the community. Shared e-scooters are a popular form of "micromobility" in other communities, and may be an option for expanding affordable mobility options in ours.

After researching how other communities have approached shared e-scooter programs, and considering what has worked and what has not, we believe a shared e-scooter pilot program is the best way to determine whether they are a good fit for Oak Park. We are recommending a pilot program of 12-18 months so that we may evaluate the impact of e-scooters in the community throughout the year.

Further, we are recommending a request for proposals inviting e-scooter companies to submit proposals to participate in the City's pilot program.

Throughout this process we will consistently engage residents. Public outreach will begin with a survey that will be available to the community when we release the RFP, and we will host an informational Open House in early April, so that we may gather public concerns and feedback to guide the terms of the pilot program agreement. During the pilot program the City will continue to engage the public to evaluate the impact of e-scooters on the community.

City attorneys have reviewed and approved the attached Request for Proposals. They will also be bringing forth ordinance changes to reflect the use of e-scooters in the community (these will apply to the use of both private and shared scooters).

FINANCIAL STATEMENT: N/A

RECOMMENDED ACTION: It is recommended that Council approve the attached Shared Micromobility (E-Scooter) Pilot Program Request for Proposals

APPROVALS:

City Manager: _____ *ET* _____

Department Director: _____ *CV* _____

Director of Finance: _____



Budgeted:

EXHIBITS:

Shared Micromobility Pilot Program RFP



City of Oak Park

Shared Micromobility Services Pilot

Request for Proposal

RFP Issue Date: February 22, 2022
Responses Due: March 21, 2022

<https://oakparkmi.gov>

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SECTION 1 – INTRODUCTION AND PURPOSE

This formal Request for Proposals ("RFP" or "solicitation") is an invitation by the City of Oak Park for Proposers to submit an offer for the services described herein, which may be subject to subsequent discussions and negotiations by the City and the Proposer.

The City of Oak Park will be seeking to develop a partnership with one or more organizations to provide a pilot program(s) for shared micromobility services that operate consistently and reliably for residents and visitors. Our interest is to develop a long-term relationship so we can provide high quality and continuous shared micromobility transportation that meet our community goals and values. The service(s) should also seamlessly connect with other transportation services in Oak Park like transit, parking, and MoGo bikeshare etc. Service should incorporate new technologies and business models as these forms of transportation continue to evolve.

The purpose of the expected pilot is to:

- A. Examine how the availability of e-scooter services impact travel in the City across a range of demographic groups and geographic areas.
- B. Examine how an e-scooter services and/or other shared micromobility vehicles can augment and complement the City's transit services (SMART, DDOT, and MoGo) to improve overall mobility.
- C. Test and evaluate types of e-scooters that can increase non-auto mobility for everyone including people with less confidence in their balance or otherwise challenged in using conventional bicycles.
- D. Develop one or more approaches for managing the parking of shared micromobility vehicles between trips that provide maximum convenience to system users without impeding accessible pedestrian travel or otherwise diminishing the positive uses of the sidewalk and curbside zone of the street.
- E. Provide a "safe space" for the testing of and innovation around shared non-motorized and electric assist micro mobility options such as e-scooters.

This Request for Proposal does not commit the City to award any contract, to pay any costs incurred in the preparation of a proposal under this request, or to procure a contract for services or supplies. The City reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with all qualified sources, and/or to cancel this RFP in part or in whole, if it is in the best interest of the City to do so.

All documents and submittals provided with the RFP response shall become the property of the City, and shall be subject to public inquiry and dissemination as required. Any response that is submitted in full as "confidential" or "proprietary" shall be rejected as non-responsive, no exceptions.

All information provided to the City of Oak Park in any submitted response, or any subsequent contract, is subject to the provisions of the Freedom of Information Act 1976 no. 442, as amended,

MCL 15.231 or latest revision thereof.

SECTION 2 – REQUEST FOR PROPOSAL AND PILOT SERVICE SCHEDULES

The City reserves the right to change or extend any and all dates including the due date for proposals (later) for any reason at any time, including after the due date for proposals.

Request for Proposals Schedule

<u>Activity</u>	<u>Date</u>
RFP issued	February 22, 2022
Deadline for Questions about the RFP	March 8, 2022
Answers to Written Questions Issued by the City	On/before March 15, 2022
Proposals Due to the City of Oak Park	March 21, 2022
Proposal Evaluation / Vehicle Testing / Interviews (if needed)	April 2022
City Council Action for Approval to Enter into a Contract	April/May 2022
Notice for Contract Negotiation Issued to Selected Proposer(s)	
Contract Negotiations	
Notice to Proceed with Pilot Issued	May/June 2022

Proposed Pilot Services Deployment Schedule

The City seeks to pilot shared micromobility services over an expected 12- 18-month period:

- Early 2022 – Public engagement work (City staff lead) on service including pricing/access options, proposed hub locations, additional community needs identification, etc. [Engagement activities will likely occur at several points throughout the pilot to garner feedback from the public and City staff, assess needed changes, and identify priorities for modifications to the service(s) being offered.]
- Spring 2022 – Finalize Pilot Shared Micromobility Transportation Service Plan with selected vendor(s) including final public parking hub locations, service pricing and payment options, pilot fleet size, geofencing requirements, etc.
- Spring 2022 – Develop joint communications plan(s) with selected vendor(s) including needed messaging and assets; bilingual materials; Americans with Disabilities Act (ADA) compliant website; customer service options; smartphone applications; social media approach, etc.
- Spring/Summer 2022 – City staff and/or a City contractor(s) install public hub location materials within the final pilot area.

Target Summer 2022 –Pilot bike share service(s) launch. Additional activities will include but may not be limited to:

- Assessment of current public hub locations and capacity with possible changes to public hub locations (new locations, size and/or design modifications)
- Modifications to pilot geographic area, fleet type and/or mix, fleet size, system functionality, etc.
- Revisions to the joint communications plan, community messaging and other public facing content and/or programs

SECTION 3 – PROPOSAL INSTRUCTIONS AND TERMS FOR SUBMITTAL

Proposer shall respond to this RFP with a written proposal in the format outlined below. It is expected that any company responding to this RFP copy the questions and requirements provided below in Sections 4 and 5, paste them into the submittal document, and reply to each question or requirement accordingly.

Communication Restriction:

The parties listed below shall be the sole points of contact for purposes of information concerning this RFP. From the date that this RFP is issued until the date the Contract is awarded, interested parties should not contact any official or employee of the City for additional information concerning this RFP, except in writing directed only to the contact listed herein. Any requests for clarification or additional information regarding this RFP shall be directed in writing. If a prospective Proposer engages in any unauthorized communication, the City may reject that Respondent's proposal(s).

Questions about the project or RFP: Any formal requests for clarification, questions, or additional information regarding this solicitation shall be submitted no later than 5 pm, March 8, 2022 and must be directed to all the following parties:

- Kim Marrone, Director of Economic Development and Planning,
kmarrone@oakparkmi.gov
- Salam Habhab, Economic Development and Planning Specialist
shabhab@oakparkmi.gov
- Crystal VanVleck, Deputy City Manager of Community Services,
cvanvleck@oakparkmi.gov

Any questions received after 5 pm March 8, 2022 shall not be considered. Any and all questions, requests for clarification or additional information received by the City regarding this RFP will not be considered confidential in any way, shape, or form.

Submission Deadline: all proposals shall be submitted electronically on or before 5 pm on Monday, March 21, 2022 to the parties listed above. Late proposals will not be considered.

Please note that RFP responses shall become the property of the City of Oak Park and will not be returned. Any proprietary information should be marked but everything received will be subject to the provisions of the Freedom of Information Act. 1976 no.442, as amended, MCL 15.231 or latest revision thereof. Please note that pricing methodologies, cost and fee proposals, and any other response related to pricing shall not be considered confidential information.

Non-Collusion:

By signed submittal and completion of this document, the Proposer certifies that this proposal response is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same product and that this proposal is in all respects bona fide, fair and not the result of any act of fraud or collusion with another person or firm engaged in the same line of

business or commerce. The Proposer understands collusive bidding is a violation of Federal Law and that any false statement thereunder constitutes a felony and can result in fines, imprisonment, as well as civil damages.

SECTION 4 – GENERAL SUBMITTAL INFORMATION REQUESTED FROM PROPOSING ORGANIZATION/VENDOR

RFP Cover Page/Table of Contents

Contact Information:

1. Organization/company name
2. Federal Tax Identification Number
3. Full Mailing/Operating Address
4. Web address
5. Primary service(s) offered
6. Proposal Point of Contact name and title
7. Point of Contact phone and email address

Organization/company/Team Overview:

1. Cover Letter or Executive Summary that outlines your overall capabilities and approaches for accomplishing the services specified herein.
2. Description of the organization/company
3. E-scooter services / equipment offered
4. Current organization size and ownership structure
5. Number of years the organization has been supporting this service
6. Number of full-time employees
7. All office locations (city/state, include country if outside the United States)
8. List all locations where your operating license or permit was revoked, if applicable, and the reason(s) for revocation

Conflict of Interest Form, signed or initialed as necessary

Any other information/documents that may assist the City in evaluating your proposal

References – Using the following information, please provide Reference information from at least three (3) individual implemented locations where you are currently providing equipment and/or operating services to demonstrate experience. We prefer examples of services of similar size and scope as described herein, especially from four-season cities within North America:

- Service Location (City/State or Province, university, etc.)
- Contact Name/Title
- Contact Person's Organization
- Phone Number
- Email Address
- Date of Program Launch (Month/Year)
- Local System Brand Name (if applicable)

- Fleet size(s) – include size of pilot fleet if pilot phase was conducted, size at initial deployment (if applicable), and current fleet size by type of vehicle (include all versions of the same vehicle type)
- Operating hours of the day and months of the year (note any seasonal reductions in fleet)
- Minimum age to access service(s); what dictates the minimum age (e.g., insurance, company policy, municipal requirement)? Current pricing structure for single trips and/or passes, including any special pricing or programs for certain populations (e.g., lower income persons, students)
- Payment options *including* cash and other options that do not require a cell phone
- Fees charged (if applicable) by municipality (i.e., permit or license, per vehicle and/or per ride paid, performance bond, escrow) including frequency (e.g., monthly, quarterly, annually, etc.
- Safety History – attach a summary of the service’s safety, including any vehicle recalls and failures, reported crashes involving people using the service, and workforce safety records.
- Complaint History – attach a summary of this service’s complaint history including user and non-user complaints, complaints from the municipality, etc.
- Fine History – attach a summary of fines or other reprimands assessed on your service(s) for issues like improperly parked/abandoned vehicles, vehicle maintenance, permit/contract non-compliance, etc.
- Judiciously provide other *relevant* information that would aid the City of Oak Park in reviewing the services you provide.

SECTION 5 - SCOPE OF SERVICE AND OPERATIONS SUBMITTAL INFORMATION REQUESTED FROM PROPOSING ORGANIZATION/VENDOR

A. Pilot Operations Area

The City of Oak Park is establishing a specific area to pilot e-scooter services - please refer to the Proposed Shared Micromobility Pilot Service Area Appendix C. Please note the proposed pilot service area may be modified by City staff prior to or during the planned pilot.

The City of Oak Park plans to develop and invest shared micromobility parking zones or “hubs” in designated areas, as needed, which will be used by all approved pilot vendors, in collaboration with the shared micromobility service provider(s) for more organized parking of the vehicles in between trips and improve ease of users to consistently find micromobility vehicles. These hubs can be outfitted with more formal “station” equipment, including system docks, parking racks and/or electric assist vehicle charging equipment, at a vendor’s expense.

1. If you suggested modifications to the proposed pilot service area and/or general have recommendations about shared vehicle hubs including design, size, desired density/spacing of hubs, please describe.
2. Please describe in detail the station, docking, parking and/or charging equipment you are proposing (if any) to be placed within designated shared micro mobility hubs. Provide pictures, graphics and/or schematics/drawings of the equipment and typical dimensions, space requirements and/or typical layouts of this equipment, including when the equipment is empty and when it is being used by your vehicles.

3. Describe outreach/education plans to users about both the pilot operating area and the required use of parking “hubs” (and stations if your proposed service uses traditional stations).

B. Fleet Size

The City of Oak Park is seeking to eventually establish a long-term relationship with one or more organizations/vendors to provide ongoing e-scooter services that the community can rely on as a transportation option. During the pilot, the City will be allowing one or more organizations/vendors.

1. Understanding that information plus the proposed pilot service area information (see Appendix C), please provide an overview of how fleet size is determined for a community – pilot phase and longer term – including the fleet size(s) you are proposing for Oak Park.

C. Proposed Equipment and Vehicles

1. E-Scooter:

Provide the following information for the e-scooter(s) you offer, noting what is standard or optional equipment or not available. Include one or more photographs/graphic images of each e-scooter. If there is a specification sheet that provides the following information, this should be included in your response:

- a. Height and weight ranges of persons accommodated including weight limit
- b. Ability for the user to make adjustments to enhance fit for their size
- c. Front lighting including distance visible in feet, light color(s), solid or blinking light, power source, and run time of lights when vehicle is in use but not in motion (e.g., waiting at a signal). All vehicles shall have front white solid lights (LED preferred) that are visible from at least 500’ and a rear reflector visible from 600 ft away in dusk, dawn and nighttime conditions.
- d. Reflectorized materials including wheel reflectors (white), front and rear reflectors, reflectorized wheel trim, etc.
- e. All vehicles shall be equipped with a bell on the handlebar to assist in alerting other road and trail users when passing and other similar conditions.
- f. Baskets or similar ability to carry cargo. The City’s preference is for e-scooters with this capability to respond to community input for the ability to carry cargo like groceries or other similar items.
- g. Active global positioning system (GPS) and/or RFID (radiofrequency identification) technology including the type, how it’s secured, what data is it collecting, and how is the data retrieved including frequency.
- h. Ability for the vehicle(s) to be clearly and individually/uniquely identified.
- i. User information is typically displayed on each vehicle (e.g., operator contact information, instructions on how to use the vehicle, safety information, etc.)
- j. Level of exposure of key components including brake and shift cables/housing. The City’s preference is for internally routed cabling for shifting and braking equipment to minimize safety risks to users and to reduce maintenance and vandalism costs.
- k. Theft and/or alert equipment or systems (e.g., on-board locks)
- l. Manufacture of origin
- m. Primary materials used in the vehicle(s) frame and components
- n. Weight of the vehicle(s) – standard and with added options

2. Vehicle Speeds:

In the State of Michigan, e-scooters and e-skateboards are allowed on public roadways but regulate their use on roadways depending on the posted speed limit. The City reserves the right to revise the speed limit based on collision and injury data as recommended by City public safety staff. Operator must agree to further reduce speeds within areas designated by the City, if such technology is available.

- a. Detail the operating speed range of the vehicle(s) offered including minimum and maximum operating speeds? Can this be customized?
- b. What are your desired lowest, average and highest operating speeds per e-scooter?
- c. How are the speeds of any e-scooter vehicles you offer managed?
- d. How does your organization ensure that the vehicle(s) do not exceed the maximum speed?
- e. Can vehicles be geofenced to not be allowed to travel along but able to cross certain speed roadways?
- f. Can the vehicle(s) be gradually slowed and locked if the maximum speed is exceeded?

3. Adaptive Micromobility Vehicles:

- a. Describe any adaptive e-scooters for persons with certain types of disabilities. (This could be vehicles offered directly by your organization or through a partnership with another organization.)
- b. If you do not currently provide adaptive vehicle options, please describe any plans to do so, including expected timeframe.

Note: adaptive vehicles would not be counted toward the maximum number of allowed micromobility vehicles (to be determined by City of Oak Park staff based on input from proposing organization/vendor).

4. Other Equipment

- a. Describe if and how you provide access to Consumer Product Safety Commission (CPSC) approved helmets (e.g., bicycle/scooter- and/or moped-style helmets) either on the e-scooter or through a program operated by your organization or through another vendor/partner.
- b. Do you offer system users access to any other type of equipment that supports safe and/or comfortable use of e-scooters?
- c. Describe any power requirement, charging methods, charging frequency, and any proposed use of solar power to support the system.

D. Fleet Distribution, Relocation/Removal and Rebalancing

1. System operations overview

- a. Methods and frequency of deploying, redistributing and charging e-scooters. Describe a typical daily vehicle rebalance process.
- b. Describe how improperly parked vehicles and vehicles in need of service, damaged, inoperable, abandoned or vandalized are addressed, including response times and who is involved.

- c. Describe your plan for storage of vehicles (and other equipment as appropriate) during non-operational hours (could be daily or seasonally).
- d. Describe how you will minimize potential negative impacts associated with practices related to collecting, redistributing, and recharging e-scooters.
- e. Describe how service throughout a community and how to ensure equity in areas that have been traditionally underserved. You can respond more generally and/or with a specific relevant example(s).
- f. Describe any activities to specifically address operational needs and issues related to the Americans with Disabilities Act (ADA).

2. Seasonal Operations Variations

- a. Are your e-scooters removed during the winter months?
- b. Similarly, are your proposed hours of operation expected to change seasonally?
- c. Describe your ability to close down operations (fully or partially) due to inclement weather (e.g., an official snow emergency) or other community or neighborhood emergency or significant event (s).
- d. How are individual e-scooters or the entire system/fleet that is shut down due to inclement weather or another declared emergency reflected online and on your smartphone app(s)? How quickly is this information publicly available?
- e. Do you employ any other methods for communicating area or system closures (e.g., social media, text-based push notifications, email, media releases, temporary signage at designated parking hubs, etc.)?
- f. How would you inform the City of Oak Park so we can be prepared to respond to public and/or media inquiries about these closures?

3. Special Events Protocols

The City of Oak Park frequently hosts special events year round including the annual Winterfest, Summer Blast, Independence Day Parade and other events.

- a. Describe a typical rebalance and reorganization of e-scooters before and after special major events.
- b. In some instances, it may be necessary to close some access to e-scooter parking hubs. City staff understands the importance of minimizing these impacts to service access both for users and for service providers. Describe your communication needs (from the City) and your capacities to accommodate and inform users/potential users about these closures.
- c. Provide other relevant information on how you address impacts to your service during special events.

E. Infrastructure

1. E-scooter Parking

The City of Oak Park is very focused on ensuring fully accessible pedestrian routes and minimizing vehicle “clutter” and sidewalk blockages experienced by other communities in the U.S. As such, it is requiring all e-scooters be stored in between user trips in delineated parking zones or “hubs” in specially designated zones, in the public right-of-way or on private property

without impeding accessible pedestrian travel or otherwise diminishing the positive uses of the sidewalk and curbside zone of the street.

- a. Describe your approach to ensuring that your service's e-scooters are properly parked between trips.
- b. Describe outreach/education plans to users about the proper storage and parking of e-scooters.
- c. Vendors must show all approved public shared micromobility parking zone locations on its web site and through its app.

2. **Restricted/Limited Access Areas**

Currently, the City of Oak Park permits sidewalk bicycle riding by ordinance, as described in Article XIII, Section 74-660c of the City's Code of Ordinances. City staff anticipates that Sidewalk Riding Zones may be modified to prohibit or restrict the access service area before or possibly during this pilot given public concerns expressed about sidewalk riding during various public engagement events.

The City reserves the right to adjust the restricted/limited access service area (including sidewalks) and/or modify where micromobility vehicles types will be permitted to operate within a restricted operating speed limit, at any time at its sole discretion.

- a. Provide an overview of your organization's geofencing or similar capabilities, including any ability to keep users from riding e-scooters on sidewalks or restricted/limited access areas such as City parks.
- b. Can a geofence or similar be established to reduce the operating speed of the vehicle(s) if they are traveling on the sidewalk rather than in the street?
- c. Adjacent communities, local institutions and/or business campuses may not want shared e-scooters docked/parked in their communities or on their campuses/grounds. How does your equipment and/or service geofence (or similar) to address geographic limitations? Can your vehicle(s) be used in adjacent communities (e.g., traveling through on a public road) but trips cannot be ended in a non-participating community?
- d. Describe outreach/education plans to users about any restricted use areas.
- e. Vendors shall provide information on how they will prevent e-scooters from being misplaced including any current Standard Operating Procedures (SOPs) they use in other systems for retrieval of vehicles.

3. **Providing Safer Places to Travel**

- a. Please describe any infrastructure investments to improve user access and safety you have been involved with.
- b. Detail any similar support you are or may be interested in offering for the City of Oak Park.

F. Maintenance of Equipment and Vehicles

1. Provide detailed information, including frequency/timelines, on the maintenance protocols for e-scooters and any other equipment provided (e.g., docks, parking equipment, charging equipment) – both routine and as-needed inspections and maintenance.
2. Describe how vehicles in need of repair can be remotely locked. Are they immediately blocked or removed from mobile applications and online maps showing available e-scooters?

3. Users must be provided with an easily accessible, user-friendly method, within the vendor's mobile application, to notify the vendor of any equipment safety or maintenance issue. In addition, a phone number for reporting safety or maintenance issues must be conspicuously printed on every e-scooter. Any e-scooter reported damaged or inoperable must be taken out of service immediately and remain out of service until fully repaired.
4. Are local businesses used for vehicle maintenance or are these handled by local employees and/or contract staff? Please provide Local Operator contact information, if applicable
5. Will independent contractors be used to charge e-scooters? If so, describe the incentive structure for charging e-scooters and any information provided to contractors concerning safe charging practices.
6. Oak Park is a four season climate, so provide your expected winter operations and maintenance for the e-scooter/other equipment you deploy.
7. E-scooter/Equipment Maintenance Records – what type of e-scooter/other equipment maintenance records can/will be made available to the City of Oak Park permitting entity either on schedule or upon request?
8. Equipment Replacement – please describe the typical schedule of replacement of e-scooters, support equipment and primary components for either.

G. Communications and User Interfaces

1. Web Site
 - a. The City of Oak Park requests the vendor(s) provide community specific e-scooter service web page(s).
 - b. Describe what information and services will be provided (i.e. membership sign-ups, safety guidelines, system maps, etc.).
 - c. Any web sites shall be recognized as “places of public accommodation” per Title III of the Americans with Disabilities Act (ADA) and will meet the most current Web Content Accessibility Guidelines.
 - d. Vendors shall provide real-time access to data showing the location of all their e-scooters in service.
2. Mobile Applications
 - a. Describe all mobile applications available for the system, including third party apps.
 - b. Provide information on customization options for your mobile app including language options, localization of content, etc.
 - c. Vendors shall provide real-time access to data showing the location of all their vehicles in service.
3. Describe what types of Marketing and Community Engagement will be provided, including pre-pilot launch efforts and in-service marketing and communications. Marketing and community engagement should include but not be limited to the product/service, how to use it, discounted rates and non-smartphone payment options, pricing changes, safety, system planning and expansion, special events, operational changes.
 - a. Sample content and format of informational materials.

- b. Attendance at local events (such as seasonal festivals and farmers markets) to promote the service and educate the public about safety?
 - c. Collaboration with community-based and local stakeholder organizations.
 - d. How will the service be promoted prior to launch?
 - e. What community outreach have you done or would you plan to do with stakeholder groups, business owners, and residents in the neighborhoods you are considering serving? (Include in person demonstrations, incentives, training, etc.)
 - f. How do you engage with and communicate to pedestrians, people with disabilities, older adults and traditionally underserved populations?
4. Describe ways you have educated and encouraged compliance with all applicable rules and regulations, including minimum age, proper vehicle parking (within designated shared micromobility hubs in the defined pilot area), and prohibition of riding on sidewalks.
 5. Have you developed or supported any communications to generally promote active transportation as a way to grow interest and understanding of shared micromobility transportation services, improve access and safety from the network, etc.?
 6. Safety Education for the Public

The City of Oak Park is dedicated to ensuring the safe operations of all micromobility vehicles. Please describe any safety education programs you plan to offer. Describe any information (i.e. safety, way finding) to be placed ON e-scooters and/or at docking stations (if applicable). Describe your approach to communicate to the public about driving safely around e-scooters, and how to report complaints. All vehicles shall have clearly visible text/graphics notifying the User that:

- Helmets should be worn by all persons when operating an e-scooter;
- Users must yield to pedestrians
- Users must obey the rules of the road, obey all traffic laws, and obey all applicable City of Oak Park ordinances when riding on a street, roadway or highway.

H. Customer Service, Staffing and Workforce Development

1. Customer Service Operations
 - a. Vendors shall provide a single point-of-contact (phone number and email) customer service line, available 24 hours per day, for complaints about improperly parked vehicles, maintenance issues, and other issues related to e-scooter service(s) provided.
 - b. This single point-of-contact information should be clearly shown on each e-scooter along with a unique identifying number for each vehicle.
 - c. Complaints must be addressed within 3 hours during the hours of 7:00 a.m. to 10:00 p.m. Please describe any variations to this desired service standard, including what, if any, service is provided on designated holidays.
 - d. Each complaint shall be issued a unique “ticket number” to the person who reported the problem, issue or idea.
 - e. The person who made the complaint/comment shall be notified when the “ticket” has been addressed and closed.

- f. Complaints/issues forwarded to the operator by the City of Oak Park must also be addressed in the same timelines. The vendor must also notify the person who made the complaint/comment and copy the City of Oak Park (specific contact information to be provided later) when the ticket has been addressed and is considered closed.

The City of Oak Park prefers to work with a vendor(s) that provides locally or regionally based customer service at least during normal business hours (Monday – Friday, 8 :00 a.m. to 5:00 p.m. excluding the City’s official holidays - New Year’s Day, Dr. Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Christmas Eve, Christmas Day).

- a. Do you typically maintain locally or regionally customer service staff at least during normal business hours?
- b. If you do not have local/regional customer service staff, is your customer service staff based in North America and/or your 24-hour service is provided remotely?
- c. Do you offer text-based customer service and other accessible communications for persons with hearing disabilities (e.g. video relay, accessible web site that is screen reader compatible, smartphone apps)?

2. Staffing and Workforce Development

- a. Provide a hiring and labor plan, including the number of full time, part time, seasonal and/or contract employees expected to be employed in Oak Park to launch and sustain the proposed pilot system.
- b. Vendors are encouraged to include in their hiring plan steps to identify, train and employ local residents, especially those that have been historically disadvantaged in participating fully in the local economy.

I. Pricing, Payment, Fees and Revenue Sharing

1. User Pricing

Equitable access to transportation services, including reducing the cost burden of transportation, is a stated Citywide Strategic Plan goal.

- a. Detail your proposed user pricing structure, including per trip rate, package rates (e.g., monthly pass), and/or discounted user fees for lower-income persons/families. Variable user pricing proposals will be considered but only if they are proven to increase equitable access.
- b. Provide information on any additional user pricing programs such as student fares, corporate pass options, etc.

2. Payment Options and Integration with Other Apps and Access Cards

- a. What standard payment options will be available to pay for use of your service such as single trips, frequent trip makers, and other fare structures?
- b. Detail how potential system users without a credit card would access the system or how can the system be accessible by the “unbanked”.

- c. What equipment deposit fees do you charge users (how much depending on vehicle type)? Discuss any reductions in the deposit fee
- d. The City of Oak Park prefers a vendor(s) that can initially or eventually provide integration with locally used transportation apps and integrated fare. Have you integrated payment methods and/or equipment access with other services like transit passes, parking cards, smart student identification cards, etc.?

3. System Fees and Fines

City staff is currently reviewing fee and fine structures from other City departments, other communities around the United States and will be recommending an appropriate schedule of fees and fines for City Council consideration. Possible fees and fines may include:

- Performance bond/escrow fund
- Per device fee and/per trip fee
- Operation permitting fee
- Relocation/removal fees when not adequately addressed by responsible vendor or when it is not appropriate for vendor to retrieve/remove

Staff will be balancing the City's interest in providing highly functional e-scooter transportation opportunities with the value of the use of the public realm by shared micromobility vendors when establishing this schedule of fees and fines.

4. Sponsorships, Advertising and Revenue Sharing

The City of Oak Park reserves the right to obtain possible sponsors to support shared micromobility transportation and related support elements, in partnership with an approved provider or on its own.

If you would like to propose a sponsorship structure and/or propose a revenue sharing model with the City, please describe these terms.

Vendors cannot utilize their vehicles, stations/hubs or other fixed equipment for the sale or display of third party advertising without written agreement from the City of Oak Park. If you would like to propose advertising on the vehicles and/or station/parking/fixed charging equipment used to provide your service (i.e., equipment that would be placed in the designated shared micromobility hubs), please describe your interest and approach for advertising.

J. Data, Metrics, Reporting and User Privacy

The City of Oak Park requires data be provided from all approved e-scooter providers.

1. Describe all reporting features available to the City such as system utilization, e-scooter distribution, current number of e-scooters available to the public, customer feedback, use by fare type, safety-related data, complaint-related data, etc.
 - a. Briefly describe how data quality and accuracy is ensured including method(s) for data collection, collection intervals (in seconds).
 - b. Is data typically reported on a weekly or monthly basis, or another time frame?

- c. Do you conduct or partner on user surveys like intercept surveys, user satisfaction, etc.? Please describe in detail, including format(s), frequency and any particular efforts to reach traditionally underserved or difficult to reach populations.
- d. Please include a copy of your current user agreement(s). (This does not count toward the overall proposal page limit.)

2. Safety-Related

To accomplish our strategic goals around transportation safety, safety-related data is very important to help inform current conditions, trends, strategy development and actions.

- a. How do you track user safety incidents, including what categories you use to track this data?
- b. How often do you typically provide safety-related data to entities you are working with or permitted by? The City of Oak Park requests at least quarterly provision of safety related data from its approved e-scooter partners.
- c. Vendors shall not engage in anti-competitive behavior with other approved service vendors, including sabotaging or damaging another vendor's equipment and/or services, falsifying data, etc.

3. Privacy Policy and Practices

- a. Operator must provide a Privacy Policy that safeguards Customers' personal, financial, travel information, and usage. Provide a brief overview to describe how you safeguard users' information, including personal, financial, and travel information, and/or a copy of your proposed Privacy Policy for your service(s) in Oak Park.
- b. Do you use the user's data for other commercial purposes beyond the service(s) you provide such as selling this data to third parties? If so, how are customers notified and how can they opt in or out?
- c. How are customers notified of any other types of mobile data that may be accessed (such as location services, contacts)? Operator should clearly communicate to the public and to the City what personal information is being collected about users, how it is being used, and for how long.

4. Desired Data/Information Reporting

Proposers shall outline data sharing capabilities, including, but not limited to, types of data available for City use, both real-time and monthly and/or quarterly reporting; method of data delivery to the City; and proposer's policy related to the sale and/or sharing of data with entities other than the City. The City requires reporting to be provided at least on a quarterly basis:

- a. Number of trips per vehicle type per day
- b. Most frequently used designated hubs per month based on trips (pick-ups and/or drop-offs)
- c. All trip data (anonymized) including origins and destinations, average trip distance
- d. Percentage of micromobility vehicles placed in designated hubs at the end of use
- e. A breakdown of user demographics including, but not limited to, age, gender, zip code
- f. Frequency and completeness of routine vehicle and equipment inspections
- g. Number of vehicles serviced, including most frequent repair types
- h. Number of vehicles lost, stolen, replaced or impounded

- i. Total amount of revenue collected per month including, but not limited to, any rental fees, membership fees, out of area fees, charges per minute, charges per ride, and hub parking incentives provided
- j. Report and describe methodologies for the rebalancing, recharging, and maintenance
- k. Report and describe the dispositions of any injuries to participants
- l. Number of reported contacts with Oak Park Public Safety Department
- m. Heat map(s) of all rides for the month
- n. Number of users participating in various program(s) offered, including low-income and other special discount programs, helmet distribution programs, etc.
- o. Payment method information
- p. Outreach activities completed (quantity and descriptions)

Any MDS compatible application programming interface (API) must expose data where: (i) the trip starts in the City of Oak Park, or (ii) the trip ends in the City of Oak Park, or (iii) GPS telemetry data shows the trip passing through the City of Oak Park.

- K. Deployment Schedule** – outline the deployment Schedule including target launch date, estimated implementation time line, and any anticipated challenges and/or barriers to meeting the proposed schedule in Section 2.

SECTION 6 – PROPOSAL EVALUATION CRITERIA

Any evaluation criteria or weighting of criteria is used by the City only as a tool to assist the City in selecting the best proposal for the City:

- Completeness of proposal
- Qualifications of organization/vendor, including provision of similar services
- Schedule for pilot deployment(s)
- Micromobility vehicles quality, features, durability, sustainability
- Experience working in disadvantaged communities
- Approach to:
 - Service pricing, including service affordability and payment options
 - Pilot/demonstration and public-private partnership
 - Customer service, marketing and education/outreach
 - Data sharing, reporting and security
- References

Evaluation scores or ranks do not create any right or expectation to a contract with the City regardless of any score or ranking given to any Proposer by the City. In other words, even if the City gives a Proposer the highest rank and highest score, the Proposer still has no expectation of a contract with the City, and the City may choose to contract with any other Proposer regardless of the score or rank of the other Proposer.

SECTION 7 – PILOT EVALUATION CRITERIA

The City of Oak Park is developing more detailed evaluation criteria and methods for this pilot, including a timeline for the evaluation. Staff anticipates the pilot evaluation will include, but is not limited to, the following items:

- Safety (including reported crashes, perceived safety issues, helmet access, etc.)
- Operations (including e-scooter availability, e-scooter parking, ADA accessibility, responsiveness)
- Ridership (including overall use, use by various demographics)
- Customer Service and Maintenance (including quality, responsiveness)
- Contract/Permit Compliance
- Cost Effectiveness, including User Costs and Efficacy of Payment Options/Programs
- Communications
- Equity analysis (availability of vehicles where needed, access barriers, workforce equity)
- Feedback from Service Users and Non-Users

SECTION 8 – INSURANCE/INDEMNIFICATION

Commercial General Liability Insurance – Liability and Property Damage

Throughout the life any Contract or Agreement, shared micromobility operators in the City of Oak Park shall maintain commercial general liability insurance, with no exclusions or limiting endorsements, in the amount of at least \$10,000,000 for each occurrence of bodily injury liability or property damage liability, or both combined, \$10,000,000 general aggregate, \$10,000,000 personal and advertising injury, and \$10,000,000 products and completed operations aggregate, along with any other insurance required by law, including \$1,000,000 in motor vehicle liability insurance, including Michigan no-fault coverages, and worker's compensation insurance. All such insurance shall be issued by insurers authorized to do business in Michigan and who carry and maintain a minimum rating assigned by AM Best & Company's Key Rating Guide of "A-" and a minimum Financial Size Category of "V." The foregoing required insurance shall be primary in respects to any other insurance the City may have, including its self-insured retentions, which shall not be required to contribute and shall be considered excess only. For itself and any of its insurers, shared micromobility operators waives any right of recovery against City for any damages covered by the micromobility operator's insurance. City shall be named an additional insured on all insurance coverages required by this Agreement and shall, without qualification, be entitled to 30-days' written notice of any cancellation or non-renewal of the same. Shared micromobility operators shall, upon request, provide evidence satisfactory to the City of its compliance with its insurance obligations under this Agreement. Shared micromobility operators shall indemnify, defend, and hold harmless the City, its employees and agents from and against all actions, damages or claims brought against the City arising out of operations in the City of Oak Park.

SECTION 9 – APPENDICES

- A. About Oak Park
- B. Community Map
- C. Proposed Shared Micromobility Pilot Service Area

APPENDIX A – ABOUT OAK PARK

Founded in 1945 as a commuter community, the City of Oak Park has a rich history of being an integral inner-ring suburb of Detroit. With approximately 30,000 residents in 5.16 square miles, the City has been making great strides to build a brand for itself, modernize its functioning capacity, and upgrade its structural foundation over the last several years. The City has many tremendous opportunities to expand its transportation infrastructure to work towards Complete Streets. A sizeable number of residents, business owners, and visitors currently use non-motorized transportation to get to, from, and around the City – and that number only seems to be increasing. A strong commitment from elected officials and administrators towards advancing the City’s non-motorized transportation infrastructure can lead to better overall transportation outcomes for all users and can further propel Oak Park into being a progressive and proactive trailblazer in the Metro Detroit region.

THE VISION

The City of Oak Park will lead the region as the most dynamic city in Metropolitan Detroit, serving as a destination for vibrant, cutting-edge community life.

THE MISSION

The City of Oak Park strives to provide the highest quality of life for its residents. The City pride itself on the richness of its cultural diversity and its safe and secure neighborhoods. The City actively encourages residential and business growth by being business-minded and family-centered.

THE PLACE

The City of Oak Park is centrally located within Metro Detroit and benefits from convenient freeway access. The City encompasses 5.18 square miles and is predominantly comprised of single-family residences. Almost all of Oak Park’s residents are within two miles of the city center. Oak Park is known for its tight-knit neighborhoods, tree-lined streets, and wooded parks. The large, centrally located Shepherd Park hosts the City’s major events like the annual Fourth of July festivities, Boo Bash and Summerfest. There are nine smaller neighborhood parks that serve the neighborhoods. Once known as the “Family City”, Oak Park has been rebranded to “Community, Culture and Commerce” and adopted a new vision. “The City of Oak Park will lead the region as the most dynamic city in metropolitan Detroit, serving as a destination for vibrant, cutting-edge community life.” This new branding is a better representation of the City of Oak Park today.

THE PEOPLE

The 2020 U.S. Census states Oak Park’s population is approximately 29,560 people. The average number of persons per household is 2.38 which decreased from 2.5 in the 2010 Census. The number of households with children under 18 years is approximately 22%. The median household income of \$52,584 compared to \$40,200 in 2010. The diversity in Oak Park’s population makes it an interesting place to live and visit. The strong Jewish, African-American, Chaldean, and Arab populations provide an eclectic mix of race, culture, and religion in a relatively small land area. This diversity is exciting and provides a strong marketing base.

THE INFRASTRUCTURE

Oak Park has a solid foundation upon which to build. It has a strong tradition of affordable homes, stable neighborhoods, recreational amenities, good local schools, and a central location. Ensuring the pieces are in place to create a viable, vibrant, and attractive place for economic activity involves looking at the city's physical infrastructure and the degree to which the physical environment facilitates economic activity. Most major roads in Oak Park have been repaired or replaced within the last ten years; however, their ability to connect people to goods and services offered in the community is unquestionable. Traffic flow, parking arrangements, and non-motorized transit play a huge role in economic activity, and when planned carefully, their benefits can also improve the health of residents and the environment.

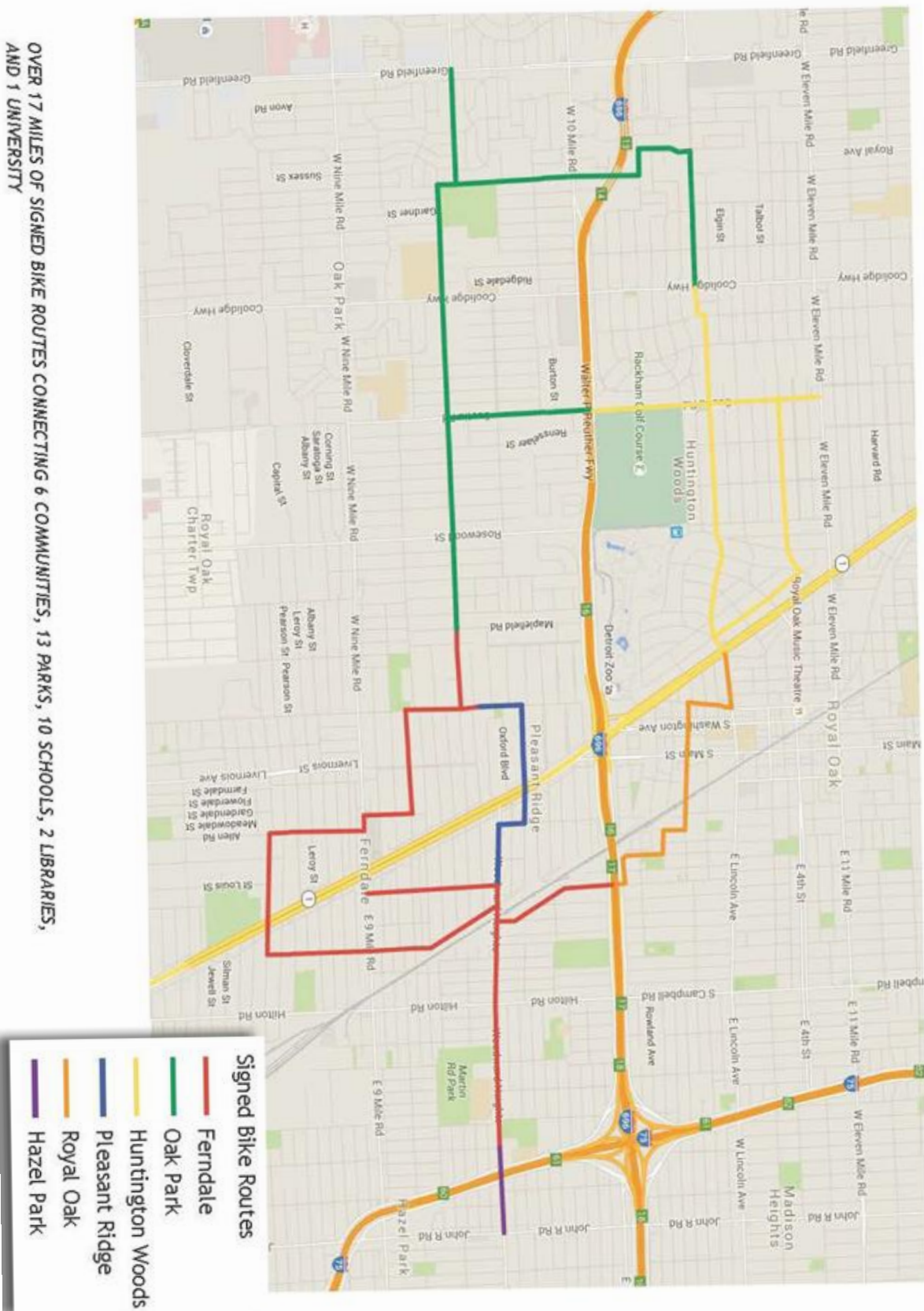
THE COMMUTERS

Over 90% of Oak Park residents travel outside of Oak Park to work. Commuters travel an approximate average of 30 minutes of commute time. Most commuters in Oak Park travel to Detroit and Southfield for work. While many of the residents travel outside of Oak Park to work, many others commute into Oak Park to work as well. With over 9,572 jobs available in Oak Park almost 11% of those employees reside in Oak Park. The daytime population, 25,202, does not differ much from the overall population, 29,560. Based on SEMCOG commuting patterns between 2010 and 2016 there has been an increase in people living and working in Oak Park as well as commuters coming into Oak Park for work. Most remarkable about these numbers, though, is the fact that a great portion of commuters travel just within a 5-mile radius or so of the City, signifying that there may be great potential for short-distance non-motorized transportation improvements.

HELPFUL RESOURCES

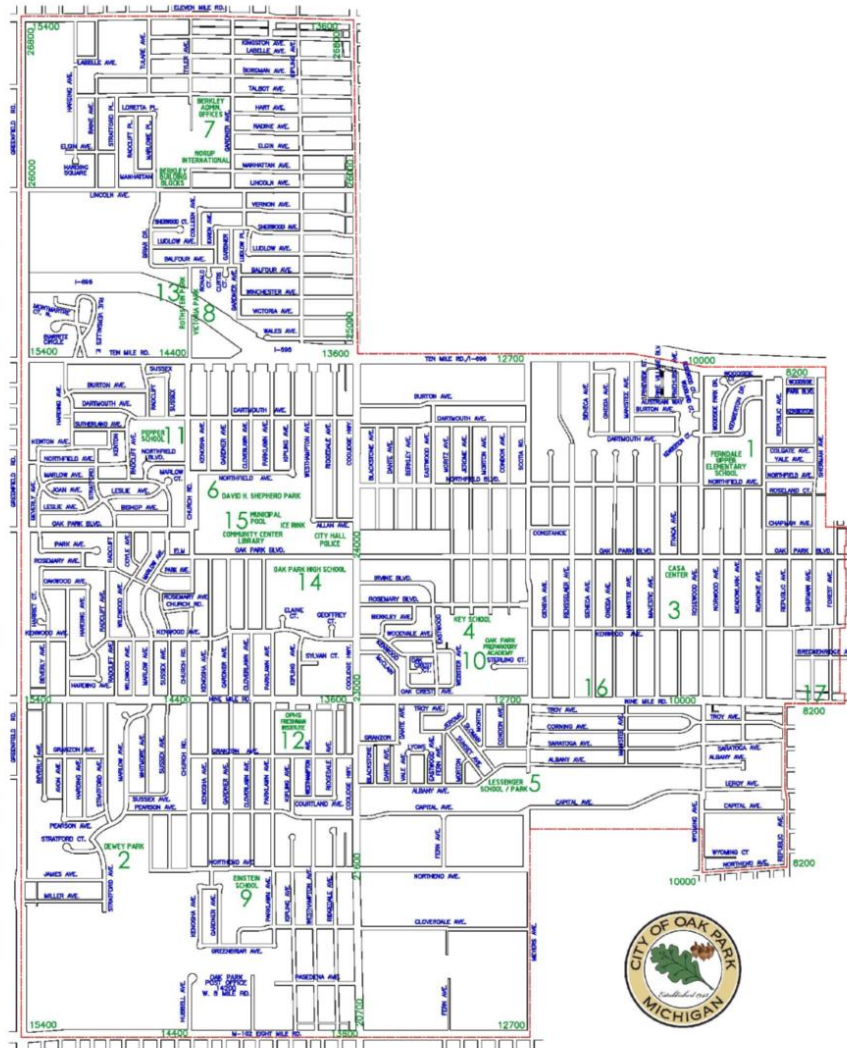
The below resources are helpful to provide a comprehensive overview of the Oak Park community and ensure implementing a top-quality micromobility system that integrates with other modes of transportation (SMART, DDOT, and MoGo) within the City

1. [Southeast Michigan Council of Government – The City of Oak Park Profile](#)
2. [Oak Park Master Plan 2020](#)
3. [City of Oak Park Complete Street Plan](#)
4. [Current 2018– 2022 Parks and Recreation Master Plan](#)
5. [Oak Park Strategic Plan 2021–2026](#)
6. [Oak Park Capital Improvement Plan 2021-2027 \(the CIP can be found in the FY 22 budget document\)](#)
7. [Oak Park Strategic Economic Development Plan](#)
8. [The Nine Mile Design](#)



RFP
Shared Micromobility Services
APPENDIX B – COMMUNITY MAP

City of Oak Park



Public Recreational Facilities

- | | | |
|--------------------------------|---------------------------|---------------------------|
| ① Best Park | ② Dewey Park | ③ Jackson Park |
| ④ Key Park | ⑤ Lessenger School / Park | ⑥ David H. Shepherd Park |
| ⑦ Tyler Park | ⑧ Victoria Park | ⑨ Einstein School |
| ⑩ Oak Park Preparatory Academy | ⑪ Pepper School | ⑫ OPHS Freshman Institute |
| ⑬ Charlotte M. Rothstein Park | ⑭ Oak Park High School | ⑮ Municipal Pool |
| ⑯ Seneca Pocket Park | ⑰ Sherman Pocket Park | |

APPENDIX C – Proposed Shared Micromobility Pilot Service Area



KEY:

— = restricted area



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 21, 2022

SUBJECT: Skerbeck Family Carnival Inc. contract for SummerBlast on June 17 thru 19, 2022.

DEPARTMENT: Recreation

SUMMARY: Oak Park Recreation Department is seeking approval from City Council to approve the contract with Skerbeck Family Carnival Inc. to operate riding devices, midway shows, and food and game concessions at our SummerBlast event on June 17 thru 19, 2022.

RECOMMENDED ACTION: Request that City Council approve the contract with Skerbeck Family Carnival Inc. for riding devices, midway shows, and food and game concessions at the SummerBlast Event on June 17 thru June 19, 2022.

APPROVALS:

City Manager: _____ *ET* _____

Director: _____ *LTS* _____

Finance Director: _____

EXHIBITS: Contract

AGREEMENT

This agreement is made this January 24, 2022 by and between **SKERBECK FAMILY CARNIVAL, INC.** of Escanaba, Michigan hereinafter called the **AMUSEMENT COMPANY** and the City of Oak Park hereinafter called the **COMMITTEE**.

PURPOSE OF AGREEMENT

The **AMUSEMENT COMPANY** desires to operate its carnival show in Oak Park, Michigan at the June Carnival for the dates herein stated and the **COMMITTEE** desires to sponsor the carnival show.

COVENANTS & AGREEMENTS

It is agreed by and between the parties as follows:

1. The **COMMITTEE** agrees to sponsor no other carnival show and grants the **AMUSEMENT COMPANY** the exclusive rights to operate all riding devices, midway shows and food and at the June Carnival. The **AMUSEMENT COMPANY** agrees to operate its carnival show at the aforesaid event on the dates of June 17th, 18th, & 19th 2022.
2. The **COMMITTEE** will furnish the **AMUSEMENT COMPANY** with a suitable location, police protection, city license, water and sanitation facilities and garbage pickup.
3. The **AMUSEMENT COMPANY** will pay the **COMMITTEE** as follows:
 - A. 20% of the first \$50,000.00 of the ride gross and 25% thereafter
 - B. \$500.00 for concession space.
4. The **AMUSEMENT COMPANY** shall carry proper liability insurance in the amount of \$1,000,000.00 fully protecting and indemnifying against any and every possible claim for accidents or other liabilities to employees and all other persons which might arise in connection with the preparation, operation and removal of the carnival show, and shall name the City of Oak Park as an additional insured on the liability insurance policy.
5. The **COMMITTEE** shall lend its cooperation and support to and work with the **AMUSEMENT COMPANY** for making the carnival show successful.
6. Should performance by the **AMUSEMENT COMPANY** be impossible because of the occurrence of unforeseen circumstances such as fire, flood, wind storms, police action or any other condition beyond the control of the **AMUSEMENT COMPANY**, this agreement shall be unenforceable during the period in which such condition exists.
7. In the event of a Covid-19 related cancellation, no financial payments or penalties will be paid and the contract will remain for 2023.

The parties hereto have set their hands on the day and year first written above.

COMMITTEE

AMUSEMENT COMPANY

WITNESS