



**CITY OF YPSILANTI
PLANNING COMMISSION MEETING
Wednesday, January 21, 2026 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197
[Launch Meeting - Zoom](#)**

[IGNORE_INDENT]

I. CALL TO ORDER

II. ROLL CALL

- A. Brian Jones-Chance, Chair
Matt Dunwoodie, Vice-Chair
Mike Davis, Jr.
Phil Hollifield
Amanda Smith
Carl Scheir
Michelle Marin
Greg Woodring
Ingrid Lao

III. AGENDA APPROVAL

- A. January 21st, 2026, Planning Commission Agenda

IV. APPROVAL OF MINUTES

- A. December 17th, 2025, Planning Commission Draft Minutes

V. PUBLIC COMMENT (3 MINUTES)

VI. COMMITTEE REPORTS

- A. Non-Motorized Advisory Committee

VII. PRESENTATIONS

VIII. PUBLIC HEARING ITEMS

- A. 11 S. Grove | Group Childcare Home | SLU SPR

IX. OLD BUSINESS

- A. Zoning Text Amendment: Electronic Message Boards Revisited
- B. Zoning Text Amendment: Walk-Up Windows
- C. Zoning Text Amendment: Harm Reduction

D. Zoning Text Amendment: Levels of Review

X. NEW BUSINESS

A. 218 N. Adams | EV Arc Charging Stations | Adaptive Reuse PUD Amendment

B. Zoning Text Amendments: Arts & Crafts

C. Planning Commission Draft End-of-Year Report

XI. PUBLIC COMMENT (3 MINUTES)

XII. ADJOURNMENT



**CITY OF YPSILANTI
PLANNING COMMISSION MEETING
DRAFT MINUTES
Wednesday, December 17th, 2025 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197**

I. Call to Order | 7:01 PM

II. Roll Call

Brian Jones-Chance, Chair – Present
Matt Dunwoodie, Vice-Chair – Present
Mike Davis Jr. – Excused Absence
Phil Hollifield – Present *Arrived at 7:38 PM
Amanda Smith – Present
Carl Schier – Present
Michelle Marin – Present
Greg Woodring – Present
Ingrid Lao - Present

*Motion to excuse the absence of Commissioner Davis Jr.
--Moved by Woodring. Seconded by Dunwoodie. Yays – 7, Nays – 0, motion carries*

III. Agenda Approval

December 17th, 2025, Agenda

*Motion to amend the agenda
--Moved by Marin. Seconded by Dunwoodie. Yays – 7, Nays – 0, motion carries*

**Commissioner Marin added to the discussion of Section 122-307. Levels of Review to New Business.*

*Motion to approve the amended agenda
--Moved by Marin. Seconded by Smith. Yays – 7, Nays – 0, motion carries*

IV. Approval of Minutes

November 19th, 2025, Planning Commission Draft Minutes.

Motion to approve the November 19th, 2025, draft minutes as presented.

--No objections from Commissioners; Commissioner Jones-Chance approved the minutes.

V. Public Comments

Motion to open public comments to the Planning Commission.

--Moved by Dunwoodie. Seconded by Smith. Yays – 7, Nays – 0, motion carries

No public comments occurred.

Motion to close public comments to the Planning Commission.

--Moved by Woodring. Seconded by Dunwoodie. Yays – 7, Nays – 0 motion carries

VI. Presentations

No presentations occurred.

VII. Public Hearing Items

No public hearing items on the agenda.

VIII. Old Business

A. Zoning Text Amendment: Electronic Message Boards (EMBs) Revisited

The Commission was overall content with the proposed amendments; staff will be checking with the City Attorney to ensure there are no First Amendment violations for allowing EMBs for non-residential uses only.

*The Planning Commission will be hosting a public hearing on the amendment during their February 2026 meeting.

B. Zoning Text Amendment: Marijuana Walk-Up Windows

Commissioner Dunwoodie requested that the queuing requirements for walk-up windows specify that the queuing requirements apply to public sidewalks. He also requested removal of the requirement for walk-up windows to connect to the building entrance.

*The Planning Commission will be hosting a public hearing on the amendment during their February 2026 meeting.

C. Zoning Text Amendment: Harm Reduction

Staff and the Planning Commission discussed the proposed harm reduction amendment. Staff will be providing revised language to address the Commission's comments and concerns. Revision will include input from the Police Department and the City Attorney.

*Commissioner Hollifield arrived at 7:38 PM.

IX. New Business

A. 2026 Planning Commission Meeting Calendar

*Motion to approve the 2026 Planning Commission Meeting Calendar as presented.
--Moved by Marin. Seconded by Smith. Yays – 8, Nays – 0, motion carries*

B. Discussion of Section 122-307. Levels of Review

Commissioner Marin shared that Section 122-307 presently requires uses deemed as more intensive, that are also permitted by-right, with no changes to the building footprint or site, are required to provide a full site plan in order to occupy space; this requirement is onerous to small businesses. Marin proposed removing this requirement as the Planning Commission has already designated by-right uses in certain zoning districts. The Planning Commission was in agreeance with Commissioner Marin. Staff will propose revisions at the January 2026 Planning Commission Meeting.

X. Committee Reports

Non-Motorized Advisory Committee (NMAC) – The Non-Motorized Advisory Committee did not meet this month.

XI. Public Comments

*Motion to open public comments to the Planning Commission.
--Moved by Marin. Seconded by Dunwoodie. Yays – 8, Nays – 0, motion carries*

No public comments occurred.

*Motion to close public comments to the Planning Commission.
--Moved by Marin. Seconded by Woodring. Yays – 8, Nays – 0 motion carries*

XII. Adjournment | 8:13 PM

*Motion to adjourn.
--Moved by Lao. Seconded by Marin. Yays – 8, Nays – 0, motion carries*

Site Plan Review Application

Incomplete applications will not be accepted
Application fees listed on page 2 are non-refundable

Applicant

Name		
Kirsten Voiles		
Address		
11 S. Grove st.		
City	State	Zip
Ypsilanti	Michigan	48198
Phone	Email	
(b) (1) (A)	(b) (1) (A)	

Property

Name of project
Elements Preschool
Address
11 S. Grove st.
List all parcel identification numbers included in development
11-11-09-405-008
Property owner*
Kirsten Voiles
Current use
Residential- Single Family Home
Proposed use
Group Childcare Home
Current zoning
CN
Legal description of property (may be attached)
FIX LEGAL 10/26/04 W.D. L4132 P560 YP CITY 16E-85A PART OF LOT 94, LAND COM AT PT 510 FT N OF SW COR LOT 96, TH E 10 RDS TH N 68 FT, TH W 10 RDS, TH S 68 FT HUNTERS ADDITION. 11 S GROVE

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.	
Signature: (b) (1) (A)(b) (1) (A)(b) (1) (A)	Date: 11/20/25
Print Name: Kirsten Voiles	

This checklist **must** be completed by site plan designer and submitted with site plan review application. The City Planner or Planning Commission may require other data they deem necessary. **Four full-size folded copies of the plans are required, as well as one electronic copy (PDF preferred).**

The Planning and Development Department will reject any incomplete submission.

Project-identifying information	
	Name of project
	Brief description of project
	Location map showing major thoroughfares and site location (no scale necessary)
	Name, address and phone number of the site owner
	Name, address and phone number of the developer
	Name, address and phone number of the plan designer and their professional seal
Existing conditions	
	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
	Area of the site in square feet and acres, excluding all existing and proposed rights-of-way.
	Property lines and dimensions, including lines and dimensions of all rights-of-way & easements
	All structures and accessory structures, their uses and dimensions. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
	Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown.
	Use(s) of existing buildings
	Existing landscaping
	Dimensions of all structures and lot lines within 50 feet of the site
	Existing zoning of the site and all adjacent properties
Proposed conditions	
	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
	Any changes to site dimensions, and completed <i>Lot Split/Combination Application</i>
	Any changes to zoning, and completed <i>Zoning Map Amendment or Text Amendment Application</i>
	Any variances requested, and completed <i>Variance Application</i>
	Any changes to rights-of-way or easements on the property
	All structures and accessory structures, their uses and dimensions, and addition information that may be required by code. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
	Building floor plans and architectural wall elevations.
	Location and dimensions of any open-air uses, such as outdoor cafes, open-air sales, or outdoor storage
	Parking areas, access drives, or sidewalks, showing the method of surfacing, number and size of spaces, aisles, loading areas, and handicapped access ramps.
	Landscape plan. Existing vegetation that is to be retained on the site shall be shown.
	Direction and method of stormwater drainage, ground elevations of all existing buildings, site contours at 2 foot intervals, drives and parking lots, and any unusual surface conditions. Include the method of collection; the method and location of the connection to existing stormwater system; and first flush method and type of device that is proposed.
	Indicate all areas of this site that are located within floodplains.
	If phased construction is to be used, each phase must be noted and each phase must stand on its own.

Site designer initials:

Fee Schedule	
Site Plan Review – Planning Fee	\$1000
Site Plan Review – Engineering Site Review Phase	\$500
Site Plan Review – Additional Revision Review	\$400



City of Ypsilanti Planning & Development Department

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646
www.cityofypsilanti.com

SITE PLAN REVIEW PROCESS

If your application is complete and received by 4:00 p.m. on the third Wednesday of the month, it will generally be heard in front of Planning Commission at their regular meeting at 7:00 p.m. in Council Chambers of City Hall on the third Wednesday of the following month. If your application can be reviewed administratively (rare), please allow four to six weeks.

Once your site plan has been approved by the Planning Commission, there are often conditions that need to be met that can be reviewed and approved administratively. You will receive a letter &/or email from the Planning Department detailing a list of any conditions that are outstanding and the next steps. Once final planning approvals have been granted, the applicant has six months to begin the project, or the approvals will expire.

In most cases, the process is as follows:

1. Planning & Development Department receives the application and fees. Applicant will be contacted to confirm that the application has been received within 3-5 working days, and advised if additional reviews, such as variance application, lot split or combination application, or engineering drawings are necessary.
 - If required, submit detailed engineering plans for review. Engineering plans must be approved by the Planning & Development Department before beginning construction.
 - If required, complete and submit Historic District Work Permit Application to the Building Department. Proposed work must be approved by Historic District Commission.
2. Applicant attends Planning Commission meeting at 7:00 pm in Council Chambers of Ypsilanti City Hall. After staff presentation, the applicant will be provided an opportunity to speak on the project.
3. After Planning Commission decision, applicant will be notified of the Commission's decision and the next steps in permitting process, in writing.
4. If detailed engineering review was required, then a preconstruction meeting must be held before beginning construction. Otherwise, once Planning Department approval has been granted, the applicant may seek Building Department and other approvals.
5. Once work is complete, complete and submit a Certificate of Occupancy Application to the Building Department. All Planning & Development requirements must be met. If applicable, Building, Fire, Engineering and Historic District Commission requirements must also be met.

Note: your project may be subject to applicable provisions of the Michigan State Barrier-Free code and the federal Fair Housing Amendments Act of 1988. If you have any questions about this, please consult your project professional.



CITY OF

Ypsilanti

Zoning Compliance

§122-305 through 309
 Sketch Plan, Site Plan, and Site Plan with Engineering

There are four levels of review: zoning compliance review, which is a letter from Planning stating your planned use and whether it complies with the ordinance; sketch plan review, which is a staff review of a scaled plan you submit that contains certain required information; site plan review, which is a scaled plan you submit that's drawn by an architect or engineer licensed in Michigan; and site plan review with engineering review, which is a site plan you submit that has to be reviewed by the City's engineer due to certain factors, including changes to slopes, stormwater, or utilities. Generally per the ordinance, the more complex your project is, the more scrutiny it will receive. If unusual conditions exist, however, the City Planner can determine that your applicant requires a higher level of scrutiny. These reviews are required in order to ensure that all new or changed uses and buildings are in compliance with the Zoning Ordinance, to prevent blight, and to promote development of the City that aligns with the Master Plan.

This Fact Sheet is not a substitute for the ordinance, but addresses common questions about City ordinances. For further information, please contact the Planning Department.

All permit applications are available from the Building Department and on our website www.cityofypsilanti.com under "Permits"

Completed applications are to be submitted to the Building Department.

City Hall

One South Huron
 Ypsilanti, MI 48197

Building,

Phone: (734) 482-1025
cityofypsilanti.com/building

Phone: (734) 483-9646
cityofypsilanti.com/planning

Historic District

Phone: (734) 483-9646
cityofypsilanti.com/hdc

All permits, fees, and factsheets can be found at cityofypsilanti.com/permits.

Zoning Compliance review is required when you are planning to change from one permitted use to another permitted use, and are not required under the ordinance to change the building or parking footprint, nor other changes. Often, a letter is not needed; however, lending institutions or other permitting agencies may require one.

Sketch Plan review is generally required when an applicant is proposing a change of use from a permitted use to a Special Use, but is not required by the Zoning Ordinance to change the building or parking footprint, and is not requesting any exceptions or waivers as permitted by the Zoning Ordinance.

Site Plan review is always required when an applicant is proposing:

- new construction, including some larger accessory buildings;
- an expansion to an existing building, alteration of that building's footprint;
- a change of the use of a building, land, or building and land in combination when that use is more intense than the previous/existing use;
- modifications to a parking lot with more than ten spaces, including reconstruction that involves replacing the subgrade;
- an expansion of a Special Use.

Site Plan Review with Engineering Review

Some site plans have to undergo a review by a licensed engineer, in addition to staff review. These projects commonly involve, but are not limited to:

- adding impervious surface (buildings, asphalt, etc.) where pervious surface (lawn, gravel, etc.) used to be;
- adding a tie-in to a public utility, such as stormwater or sanitary sewer, or a change to an existing tie-in;
- modifications within the right-of-way.

In addition to meeting the standards of the Zoning Ordinance, these projects need to meet the City's Engineering Standards, available online. There are three phases of engineering review, each associated with a different fee:

1. Engineering site plan review
2. Detailed engineering review
3. Construction oversight.

Special Use Permit Application

\$750 non-refundable application fee

Must be submitted with site plan or sketch plan application.

Incomplete applications will not be accepted.

Applicant

Name Kirsten Voiles	
Address 11 South Grove St. Ypsilanti Michigan 48198	
Phone (b) (1) (A)	Email (b) (1) (A)(b) (1) (A)

Property

Address 11 South Grove	Parcel ID 11-11-09-405-008
Property owner* Kirsten Voiles	

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Project

Name of project Elements Preschool
Current use Residential Single Family Home
Proposed use** Group Childcare Home caring for up to 12 children. Owner Kirsten Voiles has owned and operated her own school for 9 years. She's moving the school to her house with some currently enrolled families. Families volunteer every day like a cooperative preschool. No other hired childcare staff other than the owner.
Owner is not proposing any permanent additional buildings. Sheds and playhouses will be easily movable. No play equipment will be installed. We are a nature school, so we play with logs and dirt, leaves and wood, pallets and tires. Children may build things that are easily moved.
Owner currently in negotiations with owners of 15 S. Grove to use vacant plot as an extension of outdoor play area. Bamboo screening will be used between 11 & 15 or bwt 15 & 19 if lease agreement goes through. A 2nd application for use of 15 will be submitted as necessary.



CITY OF

Ypsilanti

PRIDE | DIVERSITY | HERITAGE

Special Use

§122-320

This Fact Sheet is not a substitute for the ordinance, but addresses common questions about City ordinances. For further information, please contact the Planning Department.

All permit applications are available from the Building Department and on our website www.cityofypsilanti.com under "Permits"

Completed applications are to be submitted to the Building Department.

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When a property owner wants to use land in a way that is not permitted by right in their zoning district, but is listed as something the Planning Commission can approve as a special use, the owner must apply for a Special Use Permit.

Special uses are permitted only if they meet a list of criteria provided in section 122-322(a) of the Zoning Ordinance. That list includes, but is not limited to:

- The use conforms to the site plan review standards;
- The use is consistent with specific development standards for the use;
- The use conforms with the spirit and intent of this chapter and the Master Plan;
- The use promotes the use of land in a socially and economically sustainable manner and is not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare;
- The special use is designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses;
- The special land use does not adversely impact the transportation system;

Applying for Special Use

If you wish to petition for special land use for a property you hold an interest in, you begin the process by submitting the attached application. You are required to submit a site plan or sketch plan with the special use application. Consult with Planning Staff to determine which level of plans you need to submit.

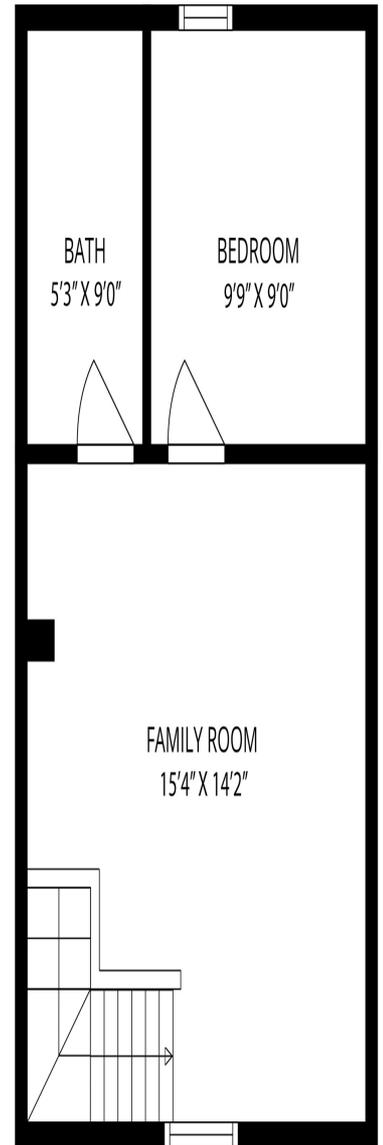
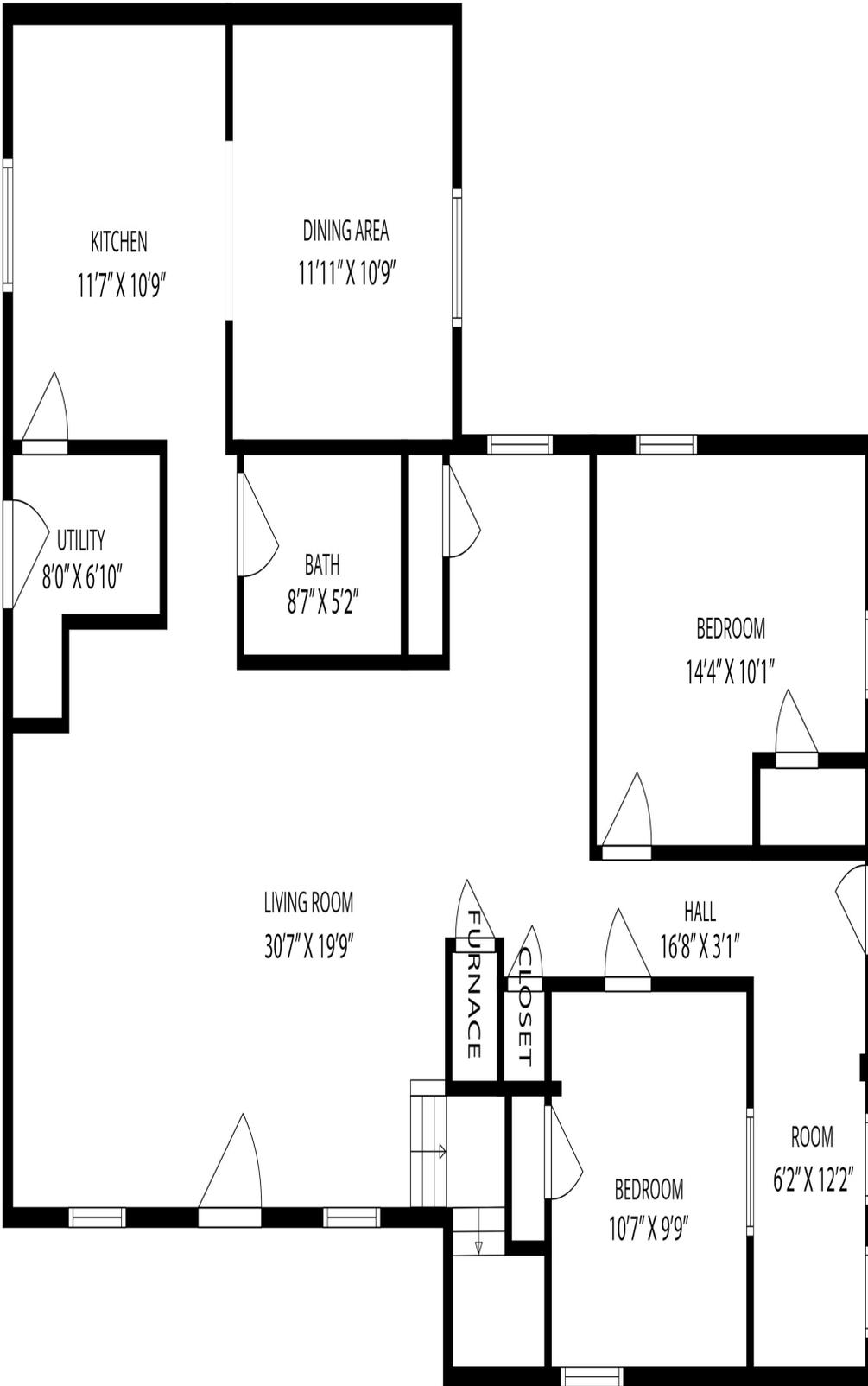
Review Process and Timeline

Once your application is received, staff will schedule a public hearing. If your application is complete and received by 4:00 p.m. on the third Wednesday of the month, it will be heard in front of Planning Commission at their regular meeting at 7:00 p.m. on the third Wednesday of the following month. During the intervening time, staff will review the application; notify neighbors within 300' by first-class mail; and place a notice in the Washtenaw Legal News.

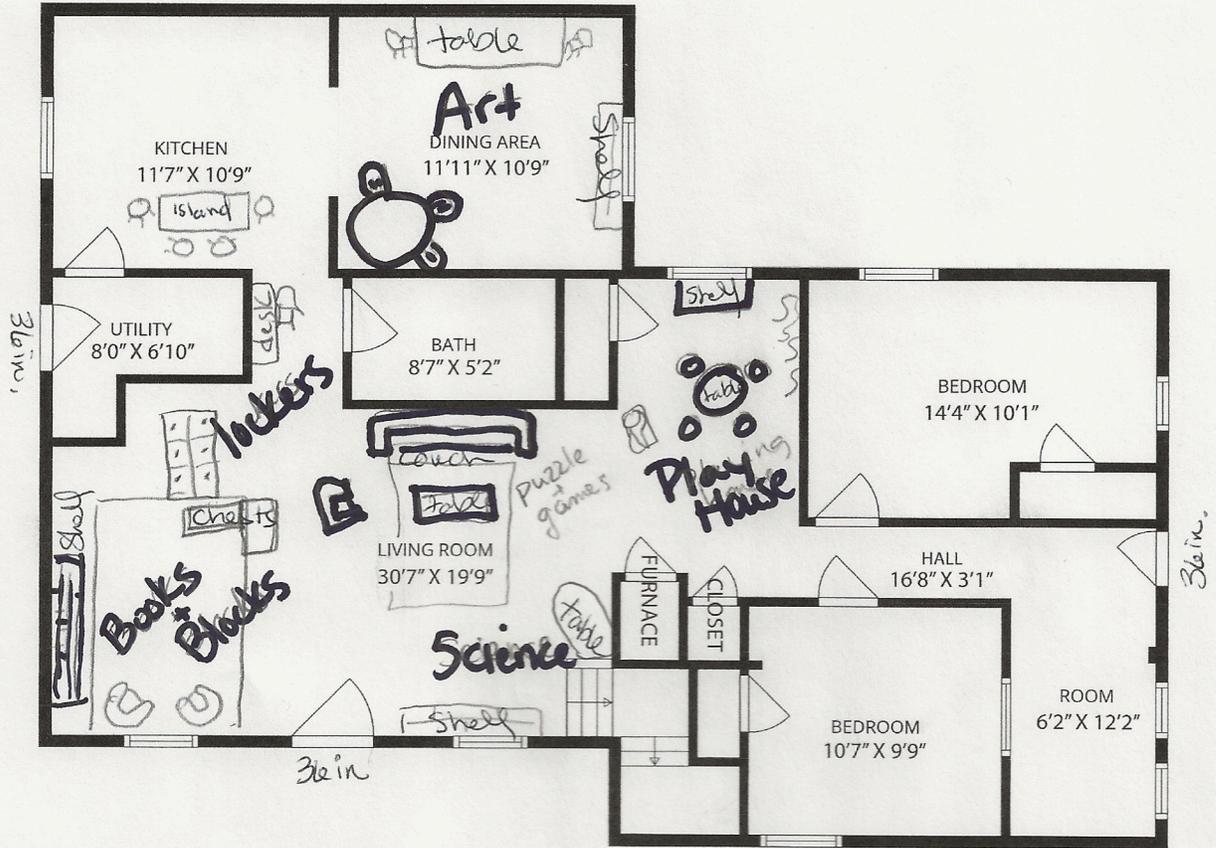
At their meeting, Planning Commission will hold a public hearing, where the public is invited to address them about the proposed special land use. They also hear a staff report about the proposal's conformance to the ordinance and invite the applicant to speak. With the information they gather at this meeting, they make a decision to approve, approve with conditions, or deny.

A Special Use Permit will expire unless a building permit has been issued within 6 months of the date of approval, and unless construction has begun within two years of the date of approval.

Once a special use is established, the special use will run with the land unless the use is clearly temporary or time-related in nature. Special Use Permits may be revoked by the Planning Commission in accordance with Section 122-329.



2ND FLOOR



Sizes And Dimensions Are Approximate. Actual May Vary



Owner/Client:

Kirsten Voiles

11 S. Grove
Ypsilanti, MI 48198
ph: 734.369.3357

Project:

Elements
(Group Day
Care Home)

11 S. Grove
Ypsilanti, MI 48198

Issue Date: 11/20/25

Revisions:

Revised:

Deck Revision: 12/4/25

Drawn: DJE

Project No.: 202532

Drwgs to be at noted scale only if sheet is printed on 24x36 paper at 100%.

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Drawing Title:

Site Sketch
Plan

Sheet No.:

SP-1

Project Information:

- Project Name: Elements Natural Learning Community
- Project Description: Group Child Care Home for up to 12 children.
- Site Owner: Kirsten Voiles, 11 S Grove, Ypsilanti, MI 48198
- Plan Designer: David Esau, AIA, Cornerstone Design Inc, 210 Collingwood, Suite 106, Ann Arbor, MI 48103

Existing Conditions (also see plan):

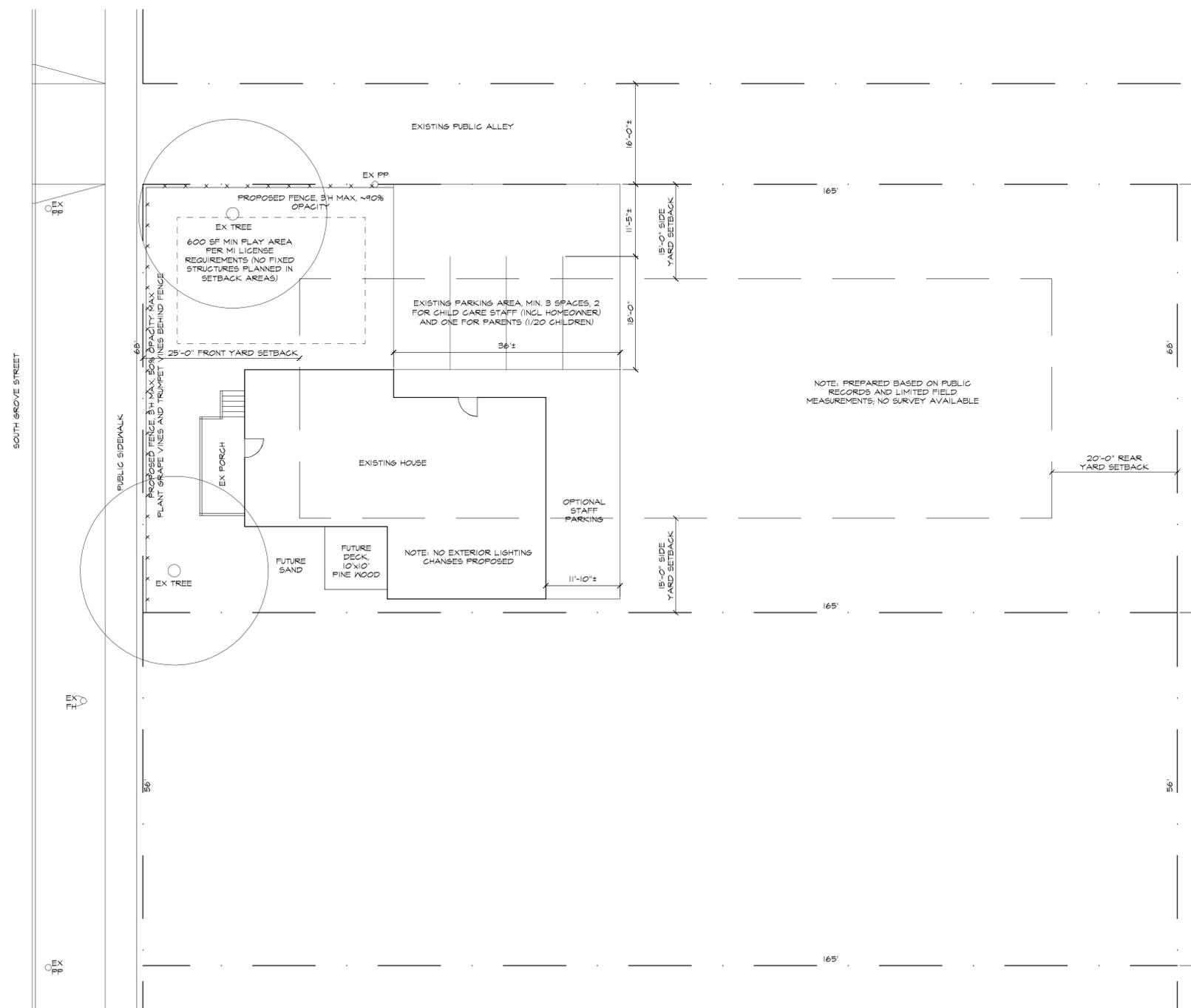
- 11 S. Grove Site Area: 11,220 SF (68' x 165', 0.258 acres), per public records.
- Easements: None to our knowledge.
- Existing buildings: Residential home.
- Existing landscaping: major trees shown.
- Existing zoning: Project parcel, and adjoining parcel to the south, are CN (Core Neighborhood). Parcels to north, east, and west (all across streets or alleys) are GC (General Corridor).
- Parking areas: Existing concrete slabs to remain.

Proposed Conditions (also see plan):

- Scale: 1" = 10'-0"
- No modifications proposed to site dimensions.
- No zoning changes proposed or known to be required.
- No variances requested or known to be required.
- No changes proposed to existing rights of way or easements.
- Proposed conditions: See drawing for new fencing required by city ordinance, and proposed play area (to meet minimum MI licensing requirements; play may occur in other parts of the house yards).

Other:

- Contact MISS DIG, 1-800-482-7171, to have existing utilities located prior to performing any excavation on the site.



SITE SKETCH PLAN

1" = 10'-0"



City of Ypsilanti
Community Services Department

January 21st, 2026

**Staff Review of Special Use and Site Plan
Group Childcare Home
11 S. Grove St.**

GENERAL INFORMATION

Applicant: Kirsten Voiles
Project: Elements Preschool
Public Hearing Date: January 21st, 2026
Location: 11 S. Grove (11-11-09-405-008)
Zoning: "CN" Core Neighborhood
Action Requested: Approval
Staff Recommendation: Approval with Conditions

PROJECT AND SITE DESCRIPTION

11 S. Grove Street (Parcel # 11-11-09-405-008) features a standard lot that is 0.258 acres or 11,238 sq ft, a single-family home - built in 1860 – in the Classical Revival architectural style, heavy vegetation in the rear, and a residential concrete driveway. Vehicular access is possible via a public gravel alley running along the northern lot line. The sidewalk running along the western lot line is in good condition, providing adequate pedestrian activity. Minimal changes are proposed to the site; however, a fence is proposed to be installed to provide a minimum 600 sq ft outdoor space required by state law. The property is in the Core Neighborhood zoning district, where group childcare homes (containing up to 12 children) are permitted as a special use.

Figure 1: Subject Site Location (March 2024)



Figure 2: Ypsilanti Architectural Survey – 11 S. Grove – Fall 1982.



Figure 3: 11 S. Grove, Facing East – January 2026



Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single-Family Home/Auto Repair Shop	Core Neighborhood (CN) & General Corridor (GC)
EAST	Veterinary Clinic	General Corridor (GC)
SOUTH	Vacant	Core Neighborhood (CN)
WEST	Light Manufacturing	General Corridor (GC)

SPECIAL USE: CRITERIA AND REVIEW

§122-324(b)

(1) *The proposed use conforms with all the provisions and requirements of this chapter, including site plan or sketch plan review standards, as applicable, and the applicable site development standards for the specific use, as well as the spirit and intent of this chapter and the Master Plan. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land. Height, location and size of buildings shall be compatible with uses and buildings on adjacent properties. The intensity of the proposed use, such as volume, frequency and times of operation, and its compatibility shall be considered. If nonconformities are present, all reasonable effort has been made to eliminate them.*

COMMENTS: The proposed development is located in a neighborhood that has historically faced economic decline and limited private investment. This project represents a positive shift, introducing new energy and long-term commitment to the community. The applicant will occupy the premises as their primary residence, further demonstrating sustained investment in the neighborhood and a personal stake in its success. The proposed use is compatible with the surrounding area and meets a clear local need by providing essential childcare services within walking distance of nearby homes, increasing accessibility for families and strengthening neighborhood support systems.

The outdoor play area is primarily located in the front yard; the Planning Commission may want to consider requiring the play area to be located in the rear yard to enhance safety.

(2) *The proposed use shall promote the use of land in a socially and economically sustainable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare. Noise, odor, smoke and potential contamination of air, soil and water and its potential effect on neighboring uses, persons and property, as well as public welfare, shall be considered.*

COMMENTS: The use of land as a single-family home and group childcare home will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or public welfare. Staff do not foresee this to be a high-intensity use.

(3) *The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.*

COMMENTS: Minimal changes to the site plan are proposed. No changes are proposed for the building's footprint.

(4) *The proposed special land use shall not present unreasonable adverse impacts on the transportation system. Consideration shall be given to the estimated pedestrian, bicycle and vehicular traffic generated by such use, access to transit, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian and bicycle traffic.*

COMMENTS: The proposed use will have minimal impact on the vehicular transportation system as vehicular access is made available through a public alley, minimizing the need for an additional curb cut. is designed to accommodate car travel. S. Grove Street does feature an unprotected bike lane that may accommodate bike travel; however, the poor conditions of that lane may deter people from utilizing it. Notably, the site does not feature any bike hoops, and none are proposed on the plan. The Planning Commission should consider requiring bike hoops to enhance multi-modal transportation access.

(5) *The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic sustainability of the community.*

COMMENTS: None are anticipated.

CONDITIONS OF APPROVAL

§122-326

"Reasonable conditions may be required in conjunction with an approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed must do all of the following:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being.*
- (2) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.*
- (3) Be necessary to meet the intent and purposes of this chapter, be related to standards established in this chapter, and be necessary to ensure compliance with those standards."*

Items to be addressed:

- Lack of bike hoops.
- The outdoor play area shall move to the rear yard.

SITE PLAN: CRITERIA AND REVIEW

§122-311

STANDING

§122-311(a)

The applicant is legally eligible to apply for a site plan review, and most of the required information has been provided.

REQUIREMENTS

§122-311(b)

“The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located.”

Figure 5: Requirements

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
<p>§122-521 Childcare Centers and Group Daycare Homes</p>	<p>All child care centers and, group day care homes must be registered with or licensed by the state department of social services and must comply with the minimum state standards for such facilities.</p> <p>The square footage of outdoor recreation area required by the Building Code and licensing agency must be provided in the rear, side, or street side yard. Such outdoor space must be fenced and screened from any adjacent lot.</p>	<p>Single-family home.</p> <p>Outdoor play area is located primarily in the front yard and is not screened (though the ordinance nor state licensing requirements specify height or opacity).</p>	<p>The applicant’s proposal appears to be compliant with state licensing requirements; however, the outdoor play area should be placed in the rear yard away from the street.</p>

Items to be Addressed:

- The applicant shall move the outdoor play area to the rear yard.

BUILDING LOCATION AND SITE ARRANGEMENT

§122-311(c)

"All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter."

There is one building on this parcel, and minimal changes to the site are proposed.

Figure 6: Building Location & Site Arrangement

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-465	Building Type	House	House
	Lot Size	Minimum: 3,000 sq ft Maximum: 12,000 sq ft	11,238 sq ft
	Lot Width	Minimum: 30 ft Maximum: 80 ft	68 ft
	Lot Depth	Minimum: 100 ft Maximum: None	165 ft
	Lot Coverage	Minimum: None Maximum: 60%	~13.4%
	Street (Front or Side) Setback	Minimum: 15 ft Maximum: 25 ft	~17.5 ft
	Side Yard (Interior) Setback	Minimum: 5 ft Maximum: None	North Lot Line: ~29 ft South Lot Line: ~3 ft
	Rear Yard Setback	Minimum: 20 ft Maximum: None	~97 ft
	Frontage Buildout(%)	Minimum: 60% Maximum: 80%	~55%
	Building Height	Minimum: 1 Story Maximum: 3 Stories	N/A
	Parking Location	Permitted in the side, street side, and rear yards	Parking in the rear and side yard.
	Private Frontages	Porch or Stoop.	Porch exists; however dimensions are unclear.
§122-607	Building Entrances	Building entrances must face the street.	One of the building entrances faces the street.
§122-609	Required Lighting	Photometric plan is not required.	Wall-mounted lighting exists.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
<p>§122-631 Landscape Plan Requirements</p>	<p>Landscape plan is not required.</p>	<p>2 mature Japanese Horse-Chestnuts can be seen in the front yard, and heavy brush/vegetation exists in the rear yard.</p>	<p>No changes are proposed.</p>
<p>§122-636 Street Trees</p>	<p>The street trees must be centered between the sidewalk and the back of the street curb.</p> <p>A minimum of one (1) tree for every thirty (30) lineal feet of frontage, inclusive of proposed or existing access drives.</p> <p>2 trees are required.</p>	<p>No street trees exist.</p>	<p>No changes are proposed. Existing nonconformity</p>
<p>§122-638 Site Landscaping</p>	<p>At least 10% of the site must be landscaped.</p>	<p>85.5% landscaped.</p>	<p>No changes are proposed.</p>
<p>§122-654 Porches, Decks, Balconies, Fire Escapes, and Barrier-Free Access Ramps</p>	<p>An open or unenclosed porch or terrace may project into a required front yard setback for not more than ten feet</p>	<p>The front porch extends ~7.5 ft into the required front yard setback.</p>	<p>No changes are proposed. Compliant.</p>

Items to be Addressed:
None.

SITE ACCESS, TRAFFIC, AND PARKING

§122-311(d)

"With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout. Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties, pedestrian and bicyclist safety, access to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the city building code."

The site is vehicularly accessible via a public alley running along the northern lot line. The applicant is intending to utilize an existing concrete slab for parking; however, an ADA space is not proposed.

The site plan does not propose any bike hoops. An unprotected bike path runs along the western side of S. Grove; which provides a dedicated path for bikes; however, the path is in poor condition, and cyclists will have to cross 2

vehicular lanes to reach the premises. Additionally, the wide lanes of S. Grove St. lack visual barriers, providing drivers with the illusion of control that encourages higher speeds – “If a street **looks** like a highway, people will **treat it** like a highway.” As a result, present road conditions create a hostile environment for cyclists.

A sidewalk runs along the western lot line providing access for pedestrians; however, there is no path running from the sidewalk to the front door.

The site is less than 300 ft from a bus stop meaning the public transportation is highly accessible.

Figure 7: Site Access, Traffic, and Parking Requirements

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-671 Public Service Access	The site shall provide adequate access for fire, police, sanitation, and public works vehicles.	The house is ~17.5 ft from the public right of way, meaning public service access is adequate.	No changes are proposed. Compliant.
§122-672 Sidewalks	Sidewalks are required along the front of the site.	A sidewalk runs along the western lot line.	No changes are proposed. Compliant.
§122-675 TRAFFIC VISIBILITY	Maintain shrubs/other obstructions lower than 30” and trees/other obstructions higher than 8’: At driveway: within a 10’x10’ triangle formed by the street ROW line and the edge of the driveway At intersection: within a 25’ x 25’ triangle formed by an extension of the property lines, as measured from the pavement edges.	3 ft, ~5% opaque	No changes are proposed. Compliant.
§122-682 (a) Ingress and Egress	No individual curb cut to a street or alley for a single driveway shall exceed 20 feet in width. The total width of all curb cuts shall not exceed 35 feet on all property lines. On lots with a lot width of 60 feet or less, no more than one curb cut to a single street is permitted. All curb cuts accessing Washtenaw Avenue (M-17) must comply with the Michigan Department of Transportation M-17 Access Management Plan.	Ingress/Egress width is 36 ft.	No changes are proposed. Existing nonconformity.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
<p>§122-682 (c) Surfacing</p>	<p>Parking areas and driveways shall be surfaced with crushed limestone or similar gravel material, or shall be hard surfaced with asphalt, concrete, or similar bonded material.</p>	<p>Concrete pad.</p>	<p>No changes are proposed. Compliant.</p>
<p>§122-691 Motor spaces</p>	<p>Single-family detached dwellings, townhouses, and two-family dwellings</p>	<p>4 "unofficial" spaces are proposed.</p>	<p>No changes are proposed. Compliant.</p>
<p>§122-693 Required Bicycle Parking</p>	<p>Off-street parking areas shall contain at least one (1) bicycle parking space for every five (5) spaces provided for motor vehicles, or fraction thereof, with a minimum of two (2) bicycle parking spaces provided.</p> <p>2 bike parking spaces are required.</p>	<p>None exists.</p>	<p>No changes are proposed. Noncompliant.</p>

Items to be Addressed:

- The applicant shall provide a bike hoop to accommodate 2 bikes.

Easements

§122-311(g)

"Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown."

Items to be Addressed:

None.

OTHER DEPARTMENT AND AGENCY APPROVALS

§122-311(j)

"Site plans shall conform to all applicable requirements of state and federal statutes, including health and pollution laws, fire or explosion hazards, toxic and hazardous materials, and barrier-free requirements. Site plan approval may be conditioned on the applicant receiving necessary county, state, or federal permits before a local building permit or occupancy permit is granted."

Building Department: All building codes apply to the structure.

Department of Public Works: Any work done within the right-of-way will require a right-of-way permit from the Department of Public Works.

MASTER PLAN CONSIDERATIONS

§122-311(k)

"An objective of site plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of site plan review to improve the quality of existing developments as they are expanded, contracted, or redeveloped in keeping with sound site development standards of this chapter and city master plan."

Ypsilanti is a Great Place to do Business. Allowance of this use permits a new business in this city, provides investment, and increases access to childcare.

Anyone Can Easily Walk, Bike, Drive, or Take Transit from Anywhere in Ypsilanti and to Anywhere Else in Ypsilanti and Beyond. The site provides access for numerous types of transportation.

STAFF RECOMMENDATIONS: SPECIAL USE

Staff recommend that the Planning Commission **approve with conditions** the special use permit for the group childcare home at 11 S. Grove Street with the following findings:

Findings:

1. The application substantially complies with Sections 122-324 and 122-326.

Conditions:

1. The outdoor play area shall be relocated to the rear yard.
2. The special use permit is subject to site plan approval.

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends that the Planning Commission **approve with conditions** the site plan for the group childcare home at 11 S. Grove Street with the following findings and conditions:

Findings:

1. The application substantially complies with Sections 122-309 and 122-311.

Conditions:

1. The applicant shall install 1 bike hoop to accommodate 2 bikes.
-

Joshua Burns
City Planner, Community Services Department

CC File
 Applicant



Memorandum
18 June 2025

FOR: Planning Commission
FROM: Zoning Board of Appeals; Joshua Burns, City Planner
SUBJECT: Electronic Message Boards

Introduction

The Zoning Board of Appeals reviewed a variance request for an electronic message board at their June 2, 2025, meeting. This EMB variance was applied for by the Metropolitan Memorial Baptist Church and was intended to be placed directly in front of the building. Though the ZBA was compelled by the arguments and comments from Metropolitan's parish, the ZBA did not find that the variance met all six of the standards required and thus denied the request.

Following the denial of this variance, the ZBA unanimously recommended, by motion, that the Planning Commission rereview where EMBs are permitted as technology has advanced in a manner that can minimize nuisance concerns. This motion does not compel the Planning Commission to make any amendments; however, EMB variance requests have been a recurrent matter.

The recording of the June 2, 2025, Zoning Board of Appeals Meeting can be viewed at this link: [June 2nd, Zoning Board of Appeals Meeting](#)

History of the EMB Ordinance

The Zoning Board of Appeals reviewed a variance request for an EMB sign at their December 6, 2023, meeting. This EMB sign variance was applied for by Second Baptist Church of Ypsilanti and was intended to be placed near the northwest corner of the building, facing the corner of South Hamilton and Catherine Streets. The ZBA did not find that the variance met the standards for practical difficulty and thus denied the request. Separate from the finding of practical difficulty and the technical denial of the variance, the ZBA was, in summary, interested in the arguments made by the applicant in terms of meeting a community need. The ZBA was also cognizant that, if approved, many conditions would likely be placed on the sign to prevent a nuisance. A ZBA member stated, in summary, "I do not believe it is in the purview of this board to start rewriting code, and any parameters that we put on this sign is essentially what we would be doing." This sentiment was seemingly accepted by all three members of the Board present. Then, the ZBA recommended by motion that the Planning

Commission review the EMB sign prohibition in the zoning ordinance. At the December 20, 2023, meeting, staff introduced this item to the Planning Commission.

At the January 17, 2024, meeting, staff and the Planning Commission engaged in a policy discussion regarding how EMBs could potentially be regulated. Among the considerations, they discussed the location, sign type, message change timeframes, animation, lighting, color, maximum area, time of day permitted, and malfunction mitigation. The commission was highly concerned about EMBs being a nuisance and was intentional regarding where these signs would be permitted. A public hearing on the amendment was held during the March meeting, and the Planning Commission recommended adoption by the City Council unanimously. It then went before the City Council on May 14th, where it was tabled, and the Council delegated the Planning Commission to re-review the size limitations for EMBs at their scheduled May 15th meeting.

At the May 15th meeting, the Planning Commission directed staff to compose a memorandum informing the City Council of their intention to thoroughly reassess the size requirements of EMBs. In response to the memorandum sent to the City Council following the May 15th Planning Commission meeting, the City Council decided to table their discussion of the ordinance until the Planning Commission has had a chance to thoroughly review the proposed ordinance. The Planning Commission further discussed EMBs during the June meeting and directed staff to make some changes to the proposed ordinance, one of which increases the square footage for permanent freestanding signs in the non-residential Core Neighborhood category to 24 square feet. After the July meeting, the Planning Commission directed staff to increase the square footage for permanent freestanding signs in the non-residential Core Neighborhood category to 36 square feet. The Planning Commission then held another public hearing during their August meeting to ensure that all sections of the zoning ordinance affected would be properly publicly noticed. They then recommended the adoption of the language proposed in July by the City Council. The City Council approved the adopted language, and the ordinance went into effect on November 8th, 2024.

Where EMBs Are & Aren't Permitted

EMBs are permitted in the following zoning districts:

- Core Neighborhood Single-Family (Non-Residential Uses Only)
- Core Neighborhood Mid (Non-Residential Uses Only)
- Core Neighborhood (Non-Residential Uses Only)
- Center (Non-Residential Uses Only) (Building-Mounted Signs Only)
- Historic Corridor (Non-Residential Uses Only)
- Neighborhood Corridor (Non-Residential Uses Only)
- General Corridor (Non-Residential Uses Only)

EMBs are not permitted in the following zoning districts:

- Parks
- Single-Family Residential (Residential and Non-Residential Uses)
- Multiple Dwelling Residential (Residential and Non-Residential)
- Core Neighborhood Single-Family (Residential Uses Only)

- Core Neighborhood Mid (Residential Uses Only)
- Core Neighborhood (Residential Uses Only)
- Center (Residential Uses Only)
- Historic Corridor (Residential Uses Only)
- Neighborhood Corridor (Residential Uses Only)
- General Corridor (Residential Uses Only)
- Health and Human Services (Residential and Non-Residential Uses)

Section 122-665(c) Electronic Message Board Signs

Electronic Message Board Signs. Building Mounted Signs and Freestanding signs may include an Electronic Message Board, subject to the following:

- 1) Required Area, Height, and Setbacks. The maximum area for an electronic message board sign shall be no greater than 50% of the zoning district's maximum area for freestanding or building-mounted signs. The maximum height and minimum setbacks shall comply with the zoning district's allowances for freestanding or building-mounted signs.
- 2) Maximum Number. No more than one electronic message board sign shall be located on a single lot of land.
- 3) Change of message shall not occur more than once every two minutes.
- 4) Lights shall never blink or flash. Message change sequence shall not involve flashing or other animations but shall be an instantaneous change.
- 5) Illumination. Illumination from an electronic message board sign shall not exceed 0.3 footcandles when measured at the property line of the subject lot.
- 6) Colors. Messages shall be in monochrome text, and electronic display areas shall be black.
- 7) Electronic message board signs shall not be illuminated between the hours of 9 PM and 6 AM.
- 8) Signs shall be programmed to go dark in the event of a malfunction.

Based on present design standards, staff do not believe that EMBs located in predominantly residential zoning districts will establish safety or nuisance concerns. As a result, staff believe that the Planning Commission should consider permitting EMBs for non-residential uses in every zoning district. If the Planning Commission agrees, staff can propose an amendment for next month's meeting.



Memorandum
21 January 2026

FOR: Planning Commission
FROM: Daniel Troyka, Assistant City Attorney
SUBJECT: Content Neutrality of Regulating Signage Via Residential vs. Nonresidential Uses

We believe it would be acceptable to permit EMBs for non-residential purposes only. We cannot be certain about this conclusion because the constitutional law governing signs is in flux.

In the 2015 case Reed v. Town of Gilbert, 576 U.S. 155, the U.S. Supreme Court struck down a sign ordinance that imposed stricter standards on advertising religious services than signs that display political or ideological messages. The Court held that the ordinance imposed content-based restrictions that must be reviewed under a standard of "strict scrutiny" and that the town could not demonstrate a compelling government interest for the restrictions. According to the Court, laws are considered "content-based" if they cannot be "justified without reference to the content of the regulated speech" or if they were adopted "because of disagreement with the message [the speech] conveys".

In the 2022 case City of Austin v Reagan Nat'l Advertising of Austin, 596 U.S. 61, the Supreme Court upheld an ordinance that drew a distinction between on-site signs (which advertise business at the site) and off-site signs (which advertise business for third parties). The Court observed that a restriction is facially content-based "if it applies to particular speech because of the topic discussed or the idea or message expressed." The Court further stated that restrictions based on "function or purpose" are not necessarily content-based even if you have to "read the sign" to determine whether it is compliant. Instead, the distinction between on-site and off-site signs is more like ordinary "time, place, or manner" restrictions, which do not require strict scrutiny.

Reading these cases together, sign restrictions are permissible when they serve a content-neutral purpose similar to "time, place or manner" restrictions. The U.S. Supreme Court believes the distinction between on-site and off-site falls into this category. The distinction between non-residential and residential, in my opinion, is similar and would likely be treated the same way. This distinction comes up frequently in other contexts (e.g., fair housing, lending, licensing), and the purpose in our case, as I understand it, is to minimize visual clutter, which is a content-neutral concern.

The 2022 City of Austin case was decided 6 to 3 and many commentators find the decision to be inconsistent with the earlier 2015 decision which remains good law. It is not possible to state with certainty how a court would rule on the proposed ordinance until it is actually litigated. The case law is reasonably clear, however, and we conclude that the distinction between non-residential and residential use in a sign ordinance would likely survive challenge.



December 17, 2025

**Text Amendment Staff Review
Electronic Message Board (EMB) Signs**

GENERAL INFORMATION

Action Requested

Proposed zoning text amendment to allow electronic message board (EMB) signs, with reasonable standards to ensure compatibility with neighboring uses and reduce the potential for off-site glare. The amendment includes the following sections of the Ordinance:

- Section 122-203. U (Definitions)
- Section 122-417. g (Park Districts – P) Non-use and Dimensional Requirements
- Section 122-422.d.2 (Single-Family Residential District- R1) Non-use and Dimensional Requirements – Non-Residential Uses
- Section 122-432.d.2 (Production, Manufacturing and Distribution District- PMD) Non-use and Dimensional Requirements – Non-Residential Uses
- Section 122-462.d.2 (Health and Human Services- HHS) Non-use and dimensional requirements for site improvements not regulated by building type. – Non-Residential Uses
- Section 122-665 Sign Design Standards

SUMMARY

The City of Ypsilanti is committed to improving our zoning systems, encouraging communication methods, and updating the ordinance to reflect changes in modern technology. It is the purpose of this zoning text amendment to update provisions for EMB signs in a sensible manner while ensuring that the neighboring uses, properties, and traffic concerns are adequately protected. This proposed amendment was taken up by City staff with the assistance of Planning Commission in forming the key policy considerations.

BACKGROUND

The Zoning Board of Appeals reviewed a variance request for an EMB sign at their December 6, 2023 meeting. This EMB sign variance was applied for by the Second Baptist Church of Ypsilanti and was intended to be placed near the northwest corner of the building, facing the corner of South Hamilton and Catherine streets. The ZBA did not find that the variance met the standards for practical difficulty, and thus denied the request. Separate from the finding of practical difficulty and the technical denial of the variance, the ZBA was, in summary, interested by the arguments made by the applicant in terms of meeting a community need. The ZBA was also cognizant that, if approved, many conditions would likely be placed on the sign to prevent a nuisance. A ZBA member stated, in

summary, "I do not believe it is in the purview of this board to start rewriting code, and any parameters that we put on this sign is essentially what we would be doing." This sentiment was seemingly accepted by all three members of the Board present. Then, the ZBA recommended by motion, that the Planning Commission review the EMB sign prohibition in the zoning ordinance. The motion passed unanimously. This motion does not compel the Planning Commission to craft any amendments; its purpose is to place this topic on your radar for review. At the December 20, 2023 meeting, staff introduced this item to the Planning Commission. At the January 17, 2024 meeting, staff and the Planning Commission engaged in a policy discussion regarding the manner in which EMBs could potentially be regulated.

Following the January meeting, staff developed a drafted amendment, which was approved unanimously by the Planning Commission during their March 20th meeting. It then went before the City Council on May 14th, where it was tabled, and the Council delegated the Planning Commission to rereview the size limitations for EMBs at their scheduled May 15th meeting. At the May 15th meeting, the Planning Commission directed staff to compose a memorandum informing the City Council of their intention to thoroughly reassess the size requirements of EMBs. In response to the memorandum sent to the City Council following the May 15th Planning Commission meeting, the City Council decided to table their discussion of the ordinance until the Planning Commission has had a chance to thoroughly review the proposed ordinance. The Planning Commission further discussed EMBs during the June meeting and directed staff to make some changes to the proposed ordinance, one of which increases the square footage for permanent freestanding signs in the non-residential Core Neighborhood category to 24 square feet. After the July meeting, the Planning Commission directed staff to increase the square footage for permanent freestanding signs in the non-residential Core Neighborhood category to 36 square feet.

The Zoning Board of Appeals reviewed a variance request for an electronic message board at their June 2, 2025, meeting. This EMB variance was applied for by the Metropolitan Memorial Baptist Church and was intended to be placed directly in front of the building. Though the ZBA was compelled by the arguments and comments from Metropolitan's parish, the ZBA did not find that the variance met all six of the standards required and thus denied the request.

Following the denial of this variance, the ZBA unanimously recommended, by motion, that the Planning Commission rereview where EMBs are permitted as technology has advanced in a manner that can minimize nuisance concerns. This motion does not compel the Planning Commission to make any amendments; however, EMB variance requests have been a recurrent matter.

The recording of the June 2, 2025, Zoning Board of Appeals Meeting can be viewed at this link: [June 2nd, Zoning Board of Appeals Meeting](#)

DISCUSSION

Since the June 2nd, 2025, ZBA meeting, staff and the Planning Commission have discussed EMB regulations in surrounding municipalities, and the Planning Commission has requested that staff propose revisions that would further define residential uses and permit EMBs for non-residential uses in each zoning district. A public hearing still needs to occur; however, staff want to ensure the Planning Commission is comfortable with the proposed revisions prior to holding one.

CURRENT ORDINANCE

Section 122-203.U (Definitions)	
Use, Residential means a use classified as residential under the Building Code, generally including single-family residences, one- and two-family homes and group living. For the purposes of the Zoning Ordinance, this shall not include hotels or bed and breakfasts	

Section 122-417.g (Park District- P) Non-use and Dimensional Requirements	
Electronic Message Board Signs	Not Permitted

Section 122-422.d.2 (Single-Family Residential District- R1) Non-use and Dimensional Requirements.	
Electronic Message Board Signs	Not Permitted

Section 122-432.d.2 (Production, Manufacturing and Distribution District- PMD) Non-use and Dimensional Requirements	
Electronic Message Board Signs	Not Permitted

Section 122-462.d.2 (Health and Human Services- HHS) Non-use and Dimensional requirements for site improvements not regulated by building type.	
Electronic Message Board Signs	Not Permitted

Section 122-665(c) Sign Design Standards	
<u>(C) Electronic Message Board Signs. Building Mounted Signs and Freestanding signs may include an Electronic Message Board, subject to the following:</u>	
<ol style="list-style-type: none"> 1) <u>Required Area, Height, and Setbacks.</u> The maximum area for an electronic message board sign shall be no greater than 50% of the zoning district’s maximum area for freestanding or building-mounted signs. The maximum height and minimum setbacks shall comply with the zoning district’s allowances for freestanding or building-mounted signs. 2) <u>Maximum Number.</u> No more than one electronic message board sign shall be located on a single lot of land. 3) <u>Change of message</u> shall not occur more than once every two minutes. 4) <u>Lights shall never blink or flash.</u> Message change sequence shall not involve flashing or other animations but shall be an instantaneous change. 5) <u>Illumination.</u> Illumination from an electronic message board sign shall not exceed 0.3 footcandles when measured at the property line of the subject lot. 6) <u>Colors.</u> Messages shall be in monochrome text, and electronic display areas shall be black. 7) <u>Electronic message board signs shall not be illuminated between the hours of 9 PM and 6 AM.</u> 8) <u>Signs shall be programmed to go dark in the event of a malfunction.</u> 	

PROPOSED ORDINANCE

See the proposed text. Red text with strikethrough is being deleted; green text underlined is proposed to be added. Sections shall be renumbered accordingly.

Section 122-203.U (Definitions) (Revised Language)	
Use, Residential means a use classified as residential under the Building Code, generally including single-family residences, one- and two-family homes and group living. For the purposes of the Zoning Ordinance, this shall <u>also include accessory dwelling units, townhouses, roominghouses, multiple-family dwellings, and upper-story residential units,</u> but not include hotels or bed and breakfasts.	

Section 122-417.g (Park District- P) Non-use and Dimensional Requirements (Revised Language)		
Electronic Message Board Signs (Permanent)	<u>Must comply with all requirements for Electronic</u>	Not Permitted <u>Permit Required</u>

	Message Board Signs in Section 122-665	
Section 122-422.d.2 (Single-Family Residential District- R1) Non-use and Dimensional Requirements. (Revised Language)		
Electronic Message Board Signs (Permanent)	Must comply with all requirements for Electronic Message Board Signs in Section 122-665	Not Permitted Permit Required
Section 122-432.d.2 (Production, Manufacturing and Distribution District- PMD) Non-use and Dimensional Requirements (Revised Language)		
Electronic Message Board Signs (Permanent)	Must comply with all requirements for Electronic Message Board Signs in Section 122-665	Not Permitted Permit Required
Section 122-462.d.2 (Health and Human Services- HHS) Non-use and dimensional requirements for site improvements not regulated by building type. (Revised Language)		
Electronic Message Board Signs (Permanent)	Must comply with all requirements for Electronic Message Board Signs in Section 122-665	Not Permitted Permit Required

Section 122-665(c) Sign Design Standards (Revised Language)		
(C) Electronic Message Board Signs (EMBs). Building-mounted signs and Freestanding signs may include an Electronic Message Board, subject to the following:		
<ol style="list-style-type: none"> 1) Required Area, Height, and Setbacks. The maximum area for an electronic message board sign shall be no greater than 50% of the zoning district's maximum area for freestanding or building-mounted signs. The maximum height and minimum setbacks shall comply with the zoning district's allowances for freestanding or building-mounted signs. 2) Maximum Number. No more than one electronic message board sign shall be located on a single lot of land. 3) Change of message shall not occur more than once every two minutes. 4) Lights shall never blink or flash. Message change sequence shall not involve flashing or other animations, but shall be an instantaneous change. 5) Illumination. Generally, illumination from an electronic message board sign shall not exceed 0.3 footcandles when measured at the property line of the subject lot; however, EMBs adjacent to properties zoned or used for residential purposes shall not exceed 0.1 footcandles when measured at the property line of the subject lot. 6) Colors. Messages shall be in monochrome text, and electronic display areas shall be black. 7) Electronic message board signs shall not be illuminated between the hours of 9 PM and 6 AM. 8) Signs shall be programmed to go dark in the event of a malfunction. 9) A non-glare panel shall cover the sign area illuminated by an electronic message board. 10) Electronic message board owners shall permit the City, State, and Federal governments to post messages on EMBs in the event of an emergency. 		

STANDARDS FOR AMENDMENTS **§122-362(a)**

(a) Text Amendment. For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan; and*
- (2) The rezoning is consistent with description and purpose of the proposed district; and (Staff Note: This is not a rezoning.)*

- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and*
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and*
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and*
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and*
- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or*
- (8) The proposed amendment is needed to correct an error or omission in the original text; or*
- (9) The proposed amendment will address a community need in physical or economic conditions or development practices; and*
- (10) The proposed amendment will not result in the creation of significant nonconformities in the City.*

SAMPLE MOTION

Joshua Burns
City Planner, City of Ypsilanti



**City of Ypsilanti
Planning & Development Department**

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7444

Zoning Text Amendment Application
Application Fee: \$1000

Office Use Only:	
Receipt: _____	
Method: _____	
	Code: 178 Rezone
	Acct: 101-4-7210-607-01

Applicant

Name: Peregrine Retail LLC dba Bloom City Club	
Address: (b) (1) (A)(b) (1) (A)	
Phone: (b) (1) (A)	Email: (b) (1) (A)(b) (1) (A)

Change

Change requested (may continue on a separate sheet of paper):
See attached letter request and below:
Bloom is requesting that the Planning Commission consider via a Text Amendment, the community benefits of allowing a walk-up window
Proposed Language: 122-538(b)(8) Drive-through facilities shall be prohibited;
Redline of Original Language: 122-538 (b)(8) Drive-through and walk-up or similar facilities shall be prohibited;
Circumstances, factors and other relevant information (may continue on a separate sheet of paper):
See attached letter request and brief points below:
Support for Multimodal Transportation consistent with Ypsilanti's non-motorized transportation goals and other advantages listed in the attached letter.
Public Health & Accessibility (see attached letter)
Consistency with Other Ordinance Provisions (see attached letter)

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.	
Signature: (b) (1) (A)	Date: 9/3/2025
Print Name: Craig W. Terrell	



Peregrine Retail LLC dba Bloom City Club

251 Jackson Plaza STE A, Ann Arbor MI 48103

MEMO: TEXT AMENDMENT REQUEST

To: City of Ypsilanti, Planning Commission
RE: Text Amendment to Zoning Ordinance Section 122-538(b)(8)
Date: September 3, 2025

(b) (1) (A)(b) (1) (A)(b) (1) (A)

Peregrine Retail LLC dba Bloom City Club (Bloom), currently operates a licensed cannabis Retailer at 121 E Michigan Ave. Bloom received a letter from the City of Ypsilanti requiring it to close the walk-up order pickup window, citing Section 122-548(b)(8) of the Zoning Ordinance. Exhibits A and B. Bloom is requesting that the Planning Commission consider via a Text Amendment, the community benefits of allowing a walk-up window.

1. Requested Amendment

Proposed Language:

122-538(b)(8) Drive-through facilities shall be prohibited;

Redline of Original Language:

122-538 (b)(8) Drive-through ~~and walk-up or similar~~ facilities shall be prohibited;

2. Community Benefit of Walk-Up Windows

Support for Multimodal Transportation:

- Encourages pedestrian, bicycle, and scooter traffic consistent with Ypsilanti’s non-motorized transportation goals.
- Provides safe alternative for individuals who may not wish to leave bicycles or scooters unattended, or who do not have locks for these items.

Public Health & Accessibility:

- Enables immunocompromised or sick individuals to obtain medicine without entering a shared public space; particularly where curbside service is prohibited.
- Improves access for people with mobility challenges or who experience discomfort in enclosed spaces – giving enhanced accessibility and inclusivity for vulnerable populations.

Operational Benefits:

- Enhances parking lot safety by positioning staff with a line of sight to exterior environment (in Bloom’s particular situation)
- Reduces congestion in a smaller retail footprint.

3. Consistency with Other Ordinance Provisions

- **Section 122-538(b)(6):** requires all cannabis transactions to occur within the licensed facility. A walk-up window complies because staff remain inside the facility when handling payment and product transfer.
- **Cannabis Regulatory Agency (CRA):** mandates surveillance coverage for all areas of the licensed premises including parking lots. Walk-up windows operate under the same security safeguards as interior spaces, are permitted by the CRA and are in operation at other Bloom locations.

We believe this amendment is a measured, commonsense change that reflects evolving best practices. It is aligned with the City’s transportation and safety goals and promotes accessibility and inclusivity. If additional information or supporting materials would assist in your review, please contact me directly at

(b) (1) (A)(b) (1) (A)

Sincerely,



(b) (1) (A)

Bloom City Club

cc: Josh Burns, City Planner (jburns@cityofypsilanti.com)

Allison Ireton, General Counsel, Bloom City Club (b) (1) (A)



January 21st, 2026

**Text Amendment Staff Review
Walk-Up Windows Amendment**

GENERAL INFORMATION

Applicant's Requested Action

Proposed zoning text amendment to permit walk-up windows and drive-in (curbside) spaces for Marijuana Retailers. The amendment includes the following section of the Ordinance:

- Section 122-538(b)(8) – Marihuana Retailers and/or Provisioning Centers

Staff's Requested Action

Proposed zoning text amendment to permit walk-up windows and drive-in (curbside) spaces for Marijuana Retailers and Microbusinesses. The amendment includes the following sections of the Ordinance:

- Section 122-203 – Definitions D & W (New Definitions)
- Section 122-446 - Center Permissible Uses Chart
- Section 122-523 Drive-Through or Drive-In Facilities
- Section 122-537 - Marijuana Microbusinesses
- Section 122-538 - Marijuana Retailers and/or Provisioning Centers
- Section 122-694 - Off-Street Stacking Spaces for Drive-Through Facilities

SUMMARY

The City of Ypsilanti is committed to improving our zoning systems, encouraging non-motorized transportation, enhancing accessibility, and improving the quality of life for our residents and visitors. It is the purpose of this zoning text amendment to permit walk-up windows and drive-in (curbside) spaces for marijuana retailers and microbusinesses.

BACKGROUND

The Planning Department identified a walk-up window Bloom City Club at 121 E. Michigan. As a result, a violation letter was issued on July 1st, 2025, requiring the permanent closing of the window by August 15th, 2025. Following the violation letter, staff met with Bloom discussing the violation and possible next steps, leading to the submittal of a zoning text amendment application to permit walk-up windows for only marijuana retailers. In addition to the applicant's request, staff have identified a few key sections of the ordinance that should be amended in addition to the permissibility of walk-up windows for dispensaries.

PROPOSED TEXT AMENDMENT

Current Ordinance

122-446 – Center Permissible Uses Chart

COMMERCIAL			
Retail stores	P		
Resale stores	P		
Arts & crafts studios	P		
Food stores, excluding sale of alcohol	P		
Food stores less than 15,000 square feet, with sale of alcohol	S		
Food stores greater than 15,000 square feet, with sale of alcohol	P		
Farmers’ market and other open-air markets	P		
Auction houses	P		Section 122-514
Designated consumption establishment	S		Section 122-522
Marihuana retailers and/or provisioning centers	P		Section 122-538

122-451 – Corridors Permissible Uses Chart

COMMERCIAL				
Retail stores, less than 15,000 square feet	S	P	P	
Retail stores, greater than 15,000 square feet	--	--	P	
Resale stores	--	P	P	
Arts & crafts studios	P	P	P	
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	P	P	
Food stores, with sale of alcohol, less than 15,000 square feet	--	S	P	
Food stores greater than 15,000 square feet with or without sale of alcohol	--	--	P	
Commercial Greenhouse			P	
Farmers’ market and other open-air markets	--	P	P	

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Outdoor retail sales	--	S	S		Section 122-545
Firearms Sales Establishments	--	--	S		Section 122-527
Designated consumption establishment	--	--	S		Section 122-522
Marihuana retailers and/or provisioning centers	--	--	S		Section 122-538
Marihuana retailers and/or provisioning centers, less than 5,000 square feet gross floor area	--	S	S		Section 122-538

Sec. 122-523. Drive-through or drive-in facilities.

Drive-through or drive-in facilities in combination with any kind of other use are subject to the conditions hereinafter imposed:

- (a) Uses must not be located within 100 feet of property zoned CN, CN-Mid, CN-SF, or R1 district, measured from the lot line.
- (b) Off-street loading and stacking spaces must be provided in accordance with §122-694.
- (c) Canopies and support structures associated with drive-through facilities must meet all minimum yard setback requirements for principal buildings.. The lowest edge of a canopy must be at least 12 feet above grade.
- (d) The sound from amplification equipment must not be audible beyond the boundaries of the site.
- (e) Uses must have direct access to a major thoroughfare in accordance with §122-673. Ingress and egress curb cuts to the site must be located at least 60 feet from the intersection of any two streets, measured along the nearest right-of-way line.
- (f) Any drive-through or drive-in facilities in C, HC, NC, GC must also provide for walk-up and bicycle users.

Sec. 122-537. Marihuana microbusiness.

- (a) **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law.
- (b) The following standards for marihuana microbusiness apply:
 - (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (2) A marihuana microbusiness shall not be located within the following areas:
 - i. Within one-thousand (1,000) feet of any lawfully established marihuana retailer, provisioning center, or marihuana microbusiness, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana microbusiness is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
 - ii. Within six-hundred (600) feet of any lawfully established marihuana growing and/or processing facilities, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana microbusiness is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
 - iii. Within one-thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the marihuana microbusiness is located to the outermost boundaries of the lot or parcel on which the school is located.
 - (3) Use of marihuana is prohibited on the premises unless otherwise noted;
 - (4) All activity related to the safety and compliance shall be done indoors;
 - (5) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 - (6) Drive-through and walk-up or similar facilities shall be prohibited
 - (7) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein administrative rules or regulations contained or adopted under the authority therein;
 - (8) That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Ypsilanti Fire Department to ensure compliance with the Michigan Fire Protection Code;
 - (9) All marihuana microbusiness facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
 - (10) Growing, cultivation, processing, testing and sales of marihuana in the microbusiness is allowed so long as it is done within the facility and has a maximum of 150 plants as allowed by the MRTMA and the State department of Licensing and Regulatory Affairs;
 - (11) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
 - (12) The marihuana microbusiness and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

Sec. 122-538. Marihuana retailers and/or provisioning centers.

- (a) **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law.
- (b) The following standards for marihuana retailers and/or medical marihuana provisioning centers apply:
- (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (2) A marihuana retailer and a provisioning center may be co-located in the same facility so long as it complies with Chapter 7 of the City Code of Ordinances, the MMFLA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (3) A marihuana retailer and/or provisioning center in the Center (C) zoning district shall not be located within the following areas:
 - i. Within six-hundred-ninety (690) feet of a lawfully established marihuana retailer, provisioning center, or marihuana microbusiness located in the Center (C) zoning district, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
 - ii. Within one-thousand (1,000) feet of a lawfully established marihuana retailer, provisioning center, or marihuana microbusiness located in the General Corridor (GC) or Neighborhood Corridor (NC) zoning districts, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
 - iii. Within one-thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the school is located
 - (4) A marihuana retailer and/or provisioning center in the Neighborhood Corridor (NC) or General Corridor (GC) zoning district shall not be located within the following areas.
 - i. Within one-thousand (1,000) feet of any lawfully established marihuana retailer, provisioning center, or marihuana microbusiness, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
 - ii. Within one-thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the school is located.
 - (5) Use of marihuana is prohibited on the premises;
 - (6) All activity related to the marihuana retailer and/or provisioning center shall be done indoors;
 - (7) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 - (8) Drive-through and walk-up or similar facilities shall be prohibited;
 - (9) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (10) All marihuana retailers and/or provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
 - (11) Growing, cultivation, or processing of marihuana in a marihuana retailer and/or provisioning center is prohibited;
 - (12) If a special land use, the existing marihuana retailer and/or provisioning center facility and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

Section 122-661. Generally

(c) Signs exempted.

- (1) Any sign required by City ordinance or State law, as applicable. This includes, but is not limited to, address signs, Fire Department Connection signs, or signs indicating barrier-free parking locations.
- (2) Any sign less than three square feet in area and five feet in height on the interior of a site placed so as to be oriented and clearly legible to persons on the site, provided that each sign be no closer than twenty feet to another such sign.
- (3) Drive-Through Signs. Any use that includes a drive-through is permitted to have signs up to a maximum height of six feet and a maximum area of 32 sq. ft. per drive-through use, located in the rear of the site, when placed so as to be oriented and clearly legible to persons on the site.
- (4) Signs erected by a public body. Any sign or marker erected by the City, County, State, or other municipal body is not subject to these requirements.

Sec. 122-694. Off-street stacking spaces for drive-through facilities.

- (a) **Drive-in or drive-through windows.** On the same premises with every building, structure, or part thereof, erected or occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks, restaurants, or cleaning establishments, there shall be provided two off-street stacking spaces for each service window or transaction station in compliance with subsection (c) of this section. Six off-street stacking spaces shall be provided for each drive-through transaction station of a restaurant.
- (b) **Automobile servicing.** Self-service automobile and car wash establishments shall provide three off-street stacking spaces for each washing stall. Quick oil change facilities shall provide three off-street stacking spaces per each oil change service bay. Automobile and car wash establishments, other than self-service, shall provide stacking spaces equal in number to four times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. The term "maximum capacity" shall mean the greatest number of possible automobiles undergoing some phase of washing at the same time.
- (c) **Stacking space dimensions.** Each stacking space shall be a minimum dimension of ten feet in width and 20 feet in length.

Proposed Ordinance

Amendments can be referenced by **Red** text with a strikethrough being deleted; **green text underlined** is proposed to be added. Sections shall be renumbered accordingly.

Section 122-203. Definitions. A (New Language)			
<u>Drive-in service (may also be known as "curbside service") means a business activity in which merchandise, food, or services are delivered directly to customers in their vehicles, typically in designated pickup location.</u>			
Section 122-203. Definitions. W (New Language)			
<u>Walk-up window refers to a business activity that allows pedestrians to order, purchase, or receive goods or services directly through an exterior window, without entering the building interior.</u>			
Section 122-446. Center Permissible Uses Chart (Amended Language)			
Uses	C	Notes	Specific Regulations
Marihuana retailers and/or provisioning centers.	P		Section 122-538 <u>No drive-through or drive-in facilities are permitted in C.</u>
Marihuana Microbusiness	S		Section 122-537

					No drive-through or drive-in facilities are permitted in C.
Section 122-451. Corridors Permissible Uses Chart (Amended Language)					
Uses	HC	NC	GC	Notes	Specific Regulations
Marihuana retailers and/or provisioning centers.	--	--	S		Section 122-538 Drive-through facilities are not permitted.
Marihuana retailers and/or provisioning centers, less than 5,000 square feet gross floor area	--	S	S		Section 122-538 Drive-through facilities are not permitted.
Marihuana Microbusiness	--	--	S		Section 122-538 Drive-through facilities are not permitted.
Section 122-523. Drive-Through or Drive-In Facilities (Amended Language)					
Drive-through or drive-in facilities, though separate uses , in combination with any kind of other use are subject to the conditions hereinafter imposed:					
<ul style="list-style-type: none"> (a) Uses must not be located within 100 feet of property zoned CN, CN-Mid, CN-SF, or R1 district, measured from the lot line. (b) Off-street loading and stacking spaces must be provided in accordance with §122-694. (c) Canopies and support structures associated with drive-through facilities must meet all minimum yard setback requirements for principal buildings. The lowest edge of a canopy must be at least 12 feet above grade. (d) The sound from amplification equipment must not be audible beyond the boundaries of the site. (e) Uses must have direct access to a major thoroughfare in accordance with §122-673. Ingress and egress curb cuts to the site must be located at least 60 feet from the intersection of any two streets, measured along the nearest right-of-way line. (f) Any drive-through or drive-in facilities in C, HC, NC, GC must also provide for walk-up and bicycle users. (g) No more than 20% of the minimum required parking spaces may be designated for curbside services. 					
Section 122-558(W). Walk-up windows (New Section)					
Walk-up windows may be permitted as accessory to a principal use, such as retail, food service, and similar establishments, subject to the conditions hereinafter imposed:					
<ul style="list-style-type: none"> (a) No more than two (2) walk-up windows may be permitted. (b) Accessible Route. All walk-up windows shall be connected to the public sidewalk, and accessible parking spaces by a continuous, unobstructed pedestrian route that complies with the Americans with Disabilities Act (ADA) and applicable building codes. (c) Service Counter Accessibility. At least one walk-up window shall provide an accessible service counter no more than thirty-six (36) inches above the adjacent grade, with a clear floor area of at least thirty (30) inches by forty-eight (48) inches for wheelchair maneuvering. (d) Maneuvering Space. A clear, level, and unobstructed maneuvering area with a minimum diameter of five (5) feet shall be maintained in front of each walk-up window. This area shall be free of steps, curbs, or other barriers. (e) Separation from Vehicular Areas. Walk-up windows shall not be located where customers are required to cross a drive-through lane or vehicle drive aisle to access the service window, unless a designated and accessible pedestrian crossing is provided. (f) Queuing. The queuing area shall be located so that it does not impede pedestrian traffic and maintains a minimum 5-foot clear pedestrian path on at least one side of a public sidewalk. It shall also be positioned in a manner that does not create a hazard for on-street traffic. 					
Section 122-537(b)(6). Marihuana Microbusinesses (Amended Language)					
Drive-through and walk-up or similar facilities shall be prohibited.					

Section 122-538(b)(8). Marihuana Retailers and/or Provisioning Centers (Amended Language)	
Drive-through and walk-up or similar facilities shall be prohibited.	
Section 122-694. Off-Street Stacking Spaces for Drive-Through Facilities (Amended Language)	
<p>(a) Drive-in or Drive-through windows. On the same premises with every building, structure, or part thereof, erected or occupied for the purpose of serving customers in their automobiles, by means of a service window or similar arrangement, such as drive-in banks, restaurants, or cleaning establishments, there shall be provided two off-street stacking spaces, for each service window or transaction station, unless otherwise stated in this ordinance. Six off-street stacking spaces shall be provided for each drive-through transaction station of a restaurant. Any building or structure used to serve customers in their vehicles, through a service window or similar arrangement, shall provide at least two (2) off-street stacking spaces for each service window or transaction station, unless otherwise specified in this ordinance</p> <p>(b) Automobile servicing. Self-service automobile and car wash establishments shall provide three off-street stacking spaces for each washing stall. Quick oil change facilities shall provide three off-street stacking spaces per each oil change service bay. Automobile and car wash establishments, other than self-service, shall provide stacking spaces equal in number to four times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. The term "maximum capacity" shall mean the greatest number of possible automobiles undergoing some phase of washing at the same time.</p> <p>(c) Stacking space dimensions. Each stacking space shall be a minimum dimension of ten nine (9) feet in width and 20 <u>eighteen (18)</u>-feet in length.</p>	
Section 122-661(c). Signs Exempted (Amended Language)	
<p>(1) Any sign required by City ordinance or State law, as applicable. This includes, but is not limited to, address signs, Fire Department Connection signs, or signs indicating barrier-free parking locations.</p> <p>(2) Any sign less than three square feet in area and five feet in height on the interior of a site placed so as to be oriented and clearly legible to persons on the site, provided that each sign be no closer than twenty feet to another such sign.</p> <p>(3) Drive-Through Signs. Any use that includes a drive-through is permitted to have signs up to a maximum height of six feet and a maximum area of 32 sq. ft. per drive-through use, located in the rear of the site, when placed so as to be oriented and clearly legible to persons on the site.</p> <p>(4) <u>Curbside Signs. Each parking space designated for curbside service may be identified with one sign not exceeding two (2) square feet in area and six (6) feet in height. Such signs shall only be limited to identifying the space as reserved for curbside service.</u></p> <p>(5) Signs erected by a public body. Any sign or marker erected by the City, County, State, or other municipal body is not subject to these requirements.</p>	
Section 122-691. Minimum and maximum number of parking spaces Restaurants (Amended Language)	
<u>Drive-through restaurant or fast-food drive-in or drive-through</u>	1 for each 50 square feet of customer waiting and eating areas, plus 1 for each employee in the largest employment shift, plus 8 <u>six (6)</u> stacking spaces for each drive-in or drive-through transaction station.
<u>Drive-in restaurant or fast-food</u>	<u>1 for each 250 square feet of gross floor area, plus 1 space for each employee in the largest employment shift.</u>

*(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:*

- (1) The proposed amendment is consistent with the guiding values of the Master Plan; and*
- (2) The rezoning is consistent with description and purpose of the proposed district; and (Staff Note: This is not a rezoning.)*
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and*
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and*
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and*
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and*
- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or*
- (8) The proposed amendment is needed to correct an error or omission in the original text; or*
- (9) The proposed amendment will address a community need in physical or economic conditions or development practices; and*
- (10) The proposed amendment will not result in the creation of significant nonconformities in the City.*

RECOMMENDED MOTION

--

Joshua Burns,
City Planner



Memorandum

19 November 2025

FOR: Planning Commission
FROM: Joshua Burns, City Planner
SUBJECT: Zoning Ordinance Text Amendment: Harm Reduction Definition

Summary:

On August 21st, 2025, the Human Relations Commission passed resolution 2025-787 requesting the City Council to direct the Zoning Department to provide a clear definition of harm reduction services. The City Council then requested at their September 23rd, 2025, meeting that the Planning Commission review and provide a clear, defined definition of harm reduction services.

Background:

In August of 2024, Alex Munro, the owner of 36 N. Huron reached out inquiring about the permissibility of the proposed business, LEAF Harm Reduction. As part of the application, the description of the proposed use was described as quote, “Personal/Office and mixed use. Domestic non-profit. Public health education. LEAF Harm Reduction will provide harm reduction services and risk reduction education and counselling.” As part of the application submittal, Alex forwarded an email message further describing the proposed use as quote, “We received a tenant application from LEAF Harm Reduction Center (I have a copy of their New Business application and floor plan sketch attached); I understand that this new tenant is an office user which provides counseling to drug users. They also plan to offer drug testing services where drug users will bring their drugs to be tested for pollutants (eg, checking a person's heroin in order to ensure it has no fentanyl).”

It is important to note that the Zoning Ordinance does not define harm reduction, which requires the City Planner to make an interpretive decision as to what existing uses presently defined in the ordinance most closely defines the proposed use. Since 36 N. Huron is in the Center zoning district, elements of the proposed use are permitted by right (i.e. office use and counselling services); however, testing illegal substances to ensure they are not laced with any contaminants is not defined anywhere in the ordinance. I relayed this information over the phone to one of the business partners, Ashley Shukait, in which she understood and claimed a revised business

occupancy license will be submitted, removing drug testing as part of its use. Neither the Planning Department nor Building Department received the revised application for this location.

On April 19th, 2025, the city received an application for an appointment to a citizen advisory board and commission from Cornelius Williams, one of the other business partners of LEAF Harm Reduction. In his submission, Williams claimed his business, LEAF Harm Reduction, operates at 124 Pearl Street. According to the application, “the entity is engaged in what it describes as the region’s first semi-quantitative drug checking initiative—alongside wrap-around services and harm reduction supply distribution.” Notably, the city never received a business occupancy application for operations at this location, violating Section 22-33 of the city’s Code of Ordinances, which states “No person shall start a new business in the city without first obtaining a registration therefor from the city clerk.”

Upon notification of operation, staff issued an illegal use violation letter on May 7th, 2025, to the property owners of 124 Pearl, 124 Peace Plaza LLC. In that letter, staff defined the use as a substance abuse treatment facility and noted that, per Section 122-446, which regulates uses within the Center zoning district - where 124 Pearl is located - such facilities are not permitted.

Per Section 122-203(s), “a substance abuse treatment facility is defined as:

1. Boarding. Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing of or distribution of drugs as part of the treatment, where individuals receiving the treatment live on the premises for a period of time, including overnight stays.
2. Walk-in. Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing or distribution of drugs as part of the treatment plan, where no one resides on the premises overnight.”

Staff recognize that there is a need for harm reduction services, and that these services differ from substance abuse treatment facilities. Harm reduction focuses on minimizing the negative consequences of drug use without requiring abstinence, whereas substance abuse treatment facilities aim to help individuals achieve abstinence through therapeutic programs that address the underlying causes of addiction and support the development of healthier habits and coping strategies. Despite these differences, Section 122-371(a) requires all questions concerning administrative decisions under the Zoning Ordinance to first be presented to the applicable City official, which in this case is the City Planner. As the City Planner, it is my job to interpret which use category most accurately reflects the uses taking place, and as mentioned above, the closest use to harm reduction in the Zoning Ordinance was interpreted as a substance abuse treatment facility, hence the issuance of an illegal use violation letter.

Following the issuance of the illegal use violation letter, staff met with Williams to discuss his options moving forward. Staff informed Williams that he can submit an appeal of an administrative decision application to have the Zoning Board of Appeals weigh in on staff's interpretation. In addition to this suggestion, Williams was informed that he is required to submit a business occupancy license to operate his business within the city. Ultimately, an appeal of an administrative decision application was never submitted, and upon review of the submitted business occupancy, staff followed up with Williams on June 12th, 2025, inquiring about the business hours of operation, the kind of personal services that will be occurring, and what supplies will be distributed. After receiving no response, staff followed up on August 1st, 2025, requesting a response by August 8th, 2025. Williams responded to informing staff that operations were no longer occurring at 124 Pearl and stated that they hope to submit another application to reopen in a new location. **Following his response, staff have not received a new application and recently have become aware of illegal operations at 211 E. Michigan without a business occupancy license.**

Next Steps:

1. **Review Harm Reduction Ordinances:** The Planning Commission will need to review harm reduction ordinances in other communities. Staff will provide a few ordinances and resources to review at next month's meeting; however, Commissioners are encouraged to do their own research as well. Following the review of other ordinances, the Planning Commission will then need to decide on whether the city should pursue a Zoning Ordinance text amendment.
2. **Propose Draft Revisions:** If the Planning Commission decides to pursue a zoning text amendment, staff will draft revisions for review and discussion. As part of this discussion, we will need to consider alignment with the master plan, defining "harm reductions services," draft use-based regulations, and consider which zoning districts they would be permitted in.
3. **Planning Commission Public Hearing:** Once the draft language is finalized, the Planning Commission will then hold a public hearing on the proposed ordinance. Following the public hearing, the Planning Commission will need to make a recommendation motion on the ordinance to the City Council.
4. **City Council First Reading and Public Hearing:** Once the Planning Commission has made a recommended motion, the ordinance will be brought to Council for review and consideration. The City Council will also need to hold a public hearing on the proposed changes. If Councilmembers are content and approve of the language, then the ordinance will be brought back to Council for a second and final reading.
5. **City Council Second Reading:** If the City Council approves the text amendment in their second reading, the ordinance will then enter a 30-day protest period before it is officially adopted.

December 14, 2025.

I am responding to your invitation to consider the proposed ordinance for harm reduction.

It appears that the phrase “substance abuse” is being replaced in the literature, law, and the regulations by the phrase “substance use” and that they both now mean the same thing in that mere use of a particular substance may lead to harm depending on the scope of use. In the current context “substance” now appears to mean “substance whose improper or excessive use will cause harm.”

The purported dichotomy between harm reduction and treatment in my view is false. Both “harm reduction” and “treatment” implicate individual health and public health. The State of Michigan has undertaken to regulate all aspects of individual and public health, including harm reduction. Harm reduction oversight is the responsibility of:

Michigan Department of Public Health and Human Services
Harm Reduction and Viral Hepatitis Prevention Unit
333 South Grand Avenue, 4th Floor
P.O. Box 30195
Lansing, MI 48933

Our ordinance should require certification of individuals who provide harm reduction services. Harm reduction certification is the responsibility of the Michigan Certification Board for Addiction Professionals, 616 S. Creyts Rd, Suite A, Lansing, MI 48917.

There are nine different full certifications available.

Certified Alcohol and Drug Counselor

Certified Advanced Alcohol and Drug Counsellor

Certified Clinical Supervisor

Certified Prevention Specialist

Certified Prevention Consultant

Certified Peer Recovery Mentor

Certified Criminal Justice Professional Michigan

There are two limited certifications available.

Limited Certified Alcohol and Drug Counselor

Limited Certified Advanced Alcohol and Drug Counselor

The Michigan Overdose Prevention Engagement Network (OPEN) is a diverse team dedicated to improving lives and reducing harms of substance use. It provides training and certification. It is located at: OPEN, 2800 Plymouth Road, North Campus Research Complex (NCRC) (U of M), Building 16, Ann Arbor, MI 48109. I will check this organization for publications.

The Washtenaw Recovery Advocacy Project (WRAP) is a Recovery Community Organization (RCO) that advertises having trained counselors. The extent and type of training received by these counselors is not available on the website. We should look further at that organization to determine how counselors are trained. The project should be able to give us the scope and source of training for its counselors. The address is: WRAP, 3115 Professional Dr., Ann Arbor, MI 48104. (734) 975-1602

DEFINITIONS – Official

Harm Reduction

From Harm Reduction International - Harm reduction refers to policies, programmes and practices that aim to minimize the negative health, social and legal impacts associated with drug use, drug policies, and drug laws.

From the National Harm Reduction Coalition - Harm reduction is a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use.

From the Agency for Healthcare Research and Quality (DHHS) -
“...Unlike methods that focus solely on achieving total abstinence, harm reduction strategies prioritize the health and well-being of individuals, even if they continue to use substances. By addressing the immediate risks and reducing the long-term harms associated with substance use, harm reduction provides practical solutions that meet people where they are, *helping to protect their health and dignity* while offering a path toward improved health and well-being.”

I favor the Agency for Healthcare Research definition.

Definitions – Schier

Certified Individual. An individual who holds a certification in at least one category of the certifications recognized or granted by the Michigan Certification Board for Addiction Professionals

Limited Certified Individual. An individual who holds a limited certification recognized or granted by the Michigan Certification Board for Addiction Professionals.

Harm reduction services are substance use disorder health services.

Requirements

Employees, consultants (third party, non-employee contractors) or providers who interact with individuals seeking harm reduction services, advice, counselling, or treatment must be licensed health care providers or hold one or more certifications from the Michigan Certification Board for Addiction Professionals.

Discussion: Your definition of the care provided is medical care. Do you want to broaden that to health care? Health care providers? That description includes doctors. You draft calls for medical licensure. Would one or more of the certifications available suffice? We would have to look at the level of training required for each category of certification. National Plan and Provider Enumeration System is the system developed by the Centers for Medicare & Medicaid Services (CMS) to assign unique National Provider Identifiers (NPIs) to healthcare providers. Do we want harm reduction or prevention service locations operated by individuals who can get registered under this system?

The operator/owner of the LEAF facility registered his business as a limited liability company with the Department of Licensing and Regulatory Affairs. The statement of purposes indicates an intent to receive a sec. 501(c)(3) determination from the IRS. It is very difficult for a limited liability company to obtain a public charity determination. Much easier to get one for a non-profit corporation. The owner paid the state fee to organize and register with LARA. He did not pay the 2025 annual fee or file an annual report with LARA.

One aspect I haven't checked is the potential for criminal liability for a harm reducer when an addict shows up with a scheduled drug and wants to consume it on the premises. Where does harm reduction begin and aiding and abetting end?

I mean to exhaust what information is available from the state and Washtenaw County. I will keep looking.

You are a good draftsman, and I haven't done any serious drafting for this ordinance. I can help with that if you wish. I am not supposed to lawyer as a commissioner but if you are pressed and I can ease the burden I will.

Carl Schier



Memorandum

21 January 2026

FOR: Planning Commission
FROM: Randolph Barker, City Attorney
SUBJECT: Zoning Ordinance Text Amendment: Harm Reduction

My general comments to this are as follows:

- To avoid confusion there should be a provision expressly exempting the SST program and testing products from a licensed facility in 74-216 of the paraphernalia ordinance. Something along the lines of "drug paraphernalia" does not include testing products utilized in determining whether a controlled substance contains chemicals, toxic substances, or hazardous compounds in quantities that can cause physical harm or death."
- I recommend reference to approving use and distribution of Fentanyl Test Strips and any other as part of the testing procedures.
- I recommend including a good Samaritan provision similar to what has been proposed at times at the state level to provide limited immunity from arrest or prosecution under the YCO for individuals who call for medical help during an overdose emergency, for themselves or others. We cannot immunize any state or federal law violations.
- I struggle with the designation of approved consumption spaces since it creates liability risks for the City and potentially runs afoul of state or federal law (i.e. preemption). YPD might also have enforcement concerns.
- Consider a requirement that a HRSF/OPC must be within a certain distance of St. Joe's or other emergency medical facility. Although it is possible that such a provision could limit access to clients, travel time and related infrastructure (I see access to major thoroughfare is required) are paramount. The closer to the ER the better, and perhaps this also makes first responder access more efficient.
- Consider separate licensing procedure for HRSFs to allow inspections, etc.
- Consider language confirming that an HRSF cannot operate as a shelter for unhoused individuals
- Include a savings clause to address possible preemption issues.

Harm Reduction Centers and Zoning

Designed to destigmatize Harm Reduction Centers and guide organizations through the zoning process for establishing Harm Reduction Centers.

**Bloustein School of Planning and Public Policy & New
Jersey Department of Health - December 12, 2025**

December 12, 2025

A Public Health Crisis

Cities across the United States face a growing public health crisis rooted in addiction and drug use. People who use drugs (PWUDs) experience rising rates of overdose, homelessness, health complications, and untreated needs. Federal, state, and municipal governments each play distinct but interconnected roles in shaping access to care. Most importantly, planners and harm reduction advocates increasingly recognize land use and zoning as essential public health tools that connect individuals to necessary services and resources.

The Department of Community Affairs and Rutgers University collaborated to create a guide with the intention of destigmatizing harm reduction centers, people who use drugs, and providing an essential navigation tool for Harm Reduction Centers to navigate through the complex municipal zoning process.

Harm Reduction

Harm Reduction is a set of practical strategies and tools to prevent and reduce the harms of substance use, sex work, or other potentially problematic behaviors. Harm Reduction is also a

movement for social justice built on a belief in, and respect for, the rights of people who use drugs. It is not simply access to sterile syringes, naloxone, or condoms but a lifesaving movement of mutual aid by and for people who had been relegated to harm or death by society more broadly. Harm reduction must be seen as an evolving and emergent set of strategies that can be utilized and adapted by people who use drugs or engage in sex work. Public health officers and medical professionals **must work in tandem with local communities** to implement harm reduction interventions and promote harm reduction policies to prevent harms associated with these practices.

Harm Reduction was inspired by many movements and strategies that emerged across the United States in the 1960s, '70s, and '80s:

- The Black Panther Party's survival programs such as Free Breakfast for Children and health clinics
- The Young Lords' launch of an acupuncture program for heroin users in the South Bronx
- The women's health movement emerging from 1970s feminist activism and the fight for reproductive health
- The grassroots and activist mutual-aid response to the HIV/AIDS crisis in the 1980s and beyond

Harm reduction is a global movement. Harm reductionists around the world have advocated for decriminalization of drug use, paraphernalia, and sex work; access to sterile supplies, naloxone, and drug consumption sites; and low-barrier access to methadone and buprenorphine.

The earliest harm reduction efforts originated in the Netherlands in the 1980s, when the Junky Union distributed sterile syringes in solidarity with community health care workers to prevent HIV and hepatitis B transmission. In the United States, early needle exchanges emerged in Tacoma, Washington, and in New Haven, Connecticut.

Harm Reduction is associated with programs aimed at promoting safer sex and drug use, but its basic principles of emphasizing

compassion, dignity, and respect humanize stigmatized populations.

Examples of Harm Reduction for people who use drugs include naloxone distribution, safe syringe exchanges, clean supplies and first aid distribution, and fentanyl test strips. These materials can be distributed at a variety of places including in harm reduction vending machines.

Resources:

<https://harmreduction.org/about-us/principles-of-harm-reduction>

<https://harmreduction.org/movement/evolution/>

Johnson, S., & Sue, K. L. (2024). Drawing on black and queer communities' harm reduction histories to improve overdose prevention strategies and policies. *AMA Journal of Ethics*, 26(7). <https://doi.org/10.1001/amajethics.2024.580>

Harm Reduction Centers

Harm Reduction Centers (HRCs) are community-based programs that provide a safe, trauma-informed, non-stigmatizing space for people who use drugs to access sterile syringes, needles, injection equipment and the overdose reversal drug naloxone (also known as Narcan), along with education on safer use, overdose prevention and safe disposal of used equipment. Clients can exchange their used syringes for new sterile ones. Staff meet people where they are at with no judgement to try and reduce the harms that come from drug use.

The programs and services offered at HRCs have strong scientific support. HRCs provide a comprehensive approach to harm reduction by integrating behavioral interventions and access to services to prevent and reduce the transmission of HIV, viral hepatitis, and other blood-borne diseases, and risk of overdose deaths. HRCs offer services via mobile sites and fixed sites. The Substance Abuse and Mental Health Services Administration acknowledge that harm reduction approaches have strong

scientific support in preventing premature death, injury, disease, overdose, and substance misuse.

<https://library.samhsa.gov/product/overdose-prevention-response-toolkit/pep23-03-00-001>

New Jersey Marks Progress in Harm Reduction

Governor **Murphy** issued a proclamation marking August 31, 2025, as International Overdose Awareness Day, in remembrance of lives lost and action to prevent deaths. As Harm Reduction Centers expand across the state, recent data reflect a decline in opioid deaths. More than 2,800 residents died of overdose in 2023, an 11 percent decline from the year before, with preliminary 2024 data showing a continued decrease. As of July 31, 2025, NJDOH has authorized 54 **harm reduction centers** (HRCs), with at least one authorized site in each of New Jersey's 21 counties. These sites, which include fixed, mobile, and mail-based services, provided support to over 5,800 people in 2024, a 122% increase from two years prior. Nearly 80 percent of these clients were new, depicting the growing reach of these programs. The Administration also launched the nation-leading **Naloxone365** initiative, administered by the Department of Human Services, which allows anyone 14 years or older to acquire naloxone anonymously and at no cost at over 650 participating pharmacies across New Jersey.



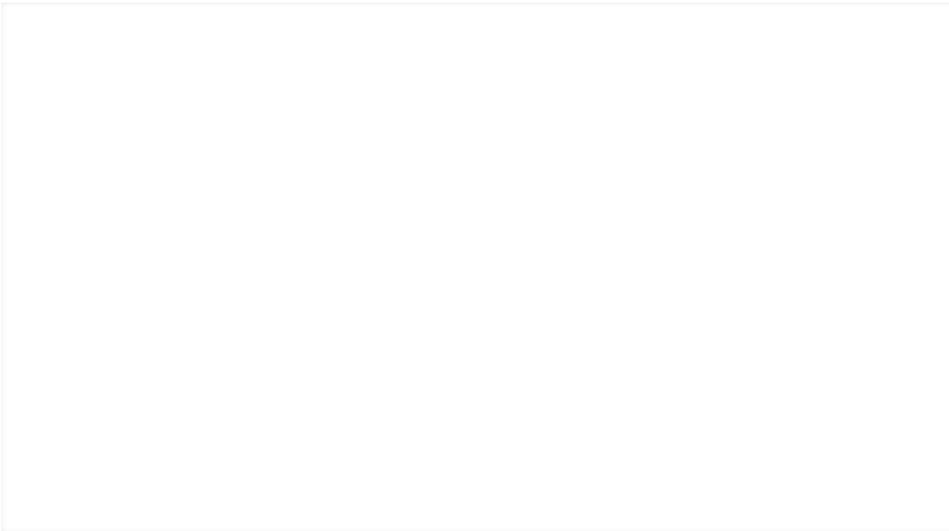


Sources for the previous infographic

Naloxone & Solutions

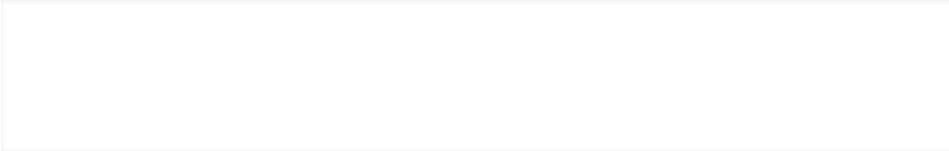
Naloxone, also known as Narcan, is an emergency treatment for an opioid overdose, commonly found in the form of a nasal spray.

Naloxone may be distributed in a Harm Reduction Vending Machine, oftentimes found outside of Harm Reduction Centers and other community-oriented organizations. Pictured below is an example of a Harm Reduction Vending Machine, which can distribute essential public health items like Naloxone:



Source: <https://www.putnamcountyny.gov/county-executive-articles/item/putnam-county-reveals-new-harm-reduction-vending-machine>

You can get naloxone for free at one of New Jersey’s seven Harm Reduction Centers, located in Asbury Park, Atlantic City, Camden, Jersey City, Newark, Paterson, and Trenton.

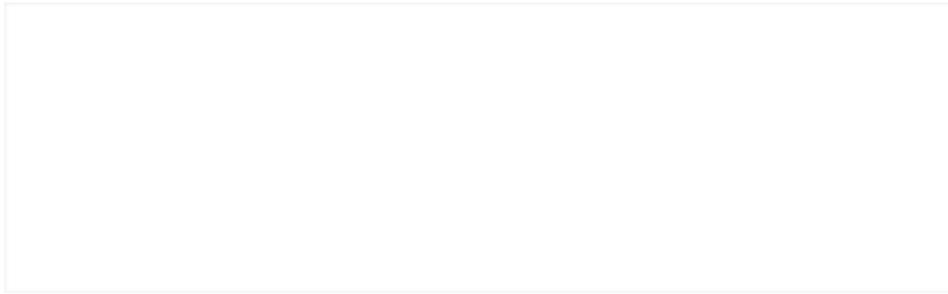


Source: <https://nj.gov/humanservices/stopoverdoses/>



To learn more about addiction treatment and recovery, visit ReachNJ.gov or call 844-ReachNJ (732-2465). ReachNJ is a 24-hour-a-day, 7 day-a-week addictions hotline where people who have Substance Use Disorder (SUD) or friends and family of people with SUD can get immediate assistance and support from live, New Jersey-based, trained addiction counselors.

Source: <https://nj.gov/humanservices/stopoverdoses/>



Source: <https://www.cdc.gov/overdose-resources/files/naloxone-billboard.html>

Naloxone365: NJ Free Naloxone at Pharmacies Progra...

No description

https://data.nj.gov/Human-Services/Naloxone365-NJ-Free-Naloxone-at-Pharmacies-Program/nfsa-3664/data_preview

Benefits of Harm Reduction Centers

Studies of Harm Reduction Centers across **the world** have found that they reduce transmission rates of HIV and Hepatitis C, have a positive impact on an individuals mental and physical health, and reduce overdose rates and deaths. There is also no association with increased crime or drug use in communities where HRCs are located.

What Harm Reduction Centers Look Like

Photos inside Sea Change Recovery Community Organization & Harm Reduction Center which has locations in Ocean County, NJ.

<https://www.seachangerco.org/>



Photo by Stephanie Faughnan

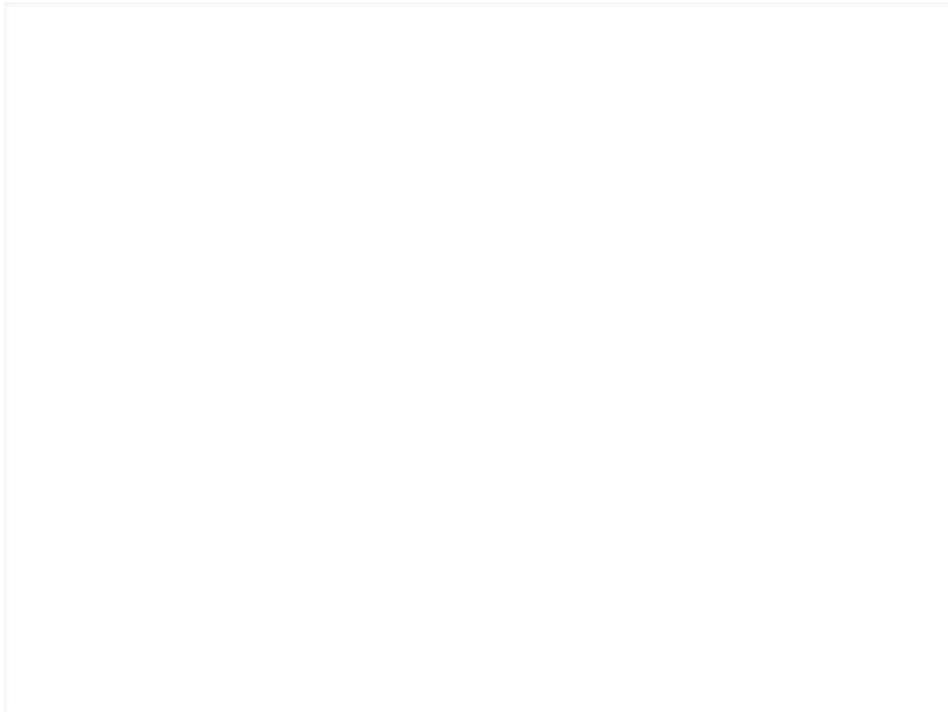


Photo by Stephanie Faughnan

The harm reduction model of drug addiction treatment | Mark Tyndall

Zoning



Harm reduction saves lives, zoning shapes access.

Zoning is a regulatory tool that cities and municipalities use to control the use and development of land. In simple terms, zoning separates land in municipalities into different areas, or zones, each with rules that determine the permitted use of land within that zone. It is the legal framework that translates a community's vision. For more information: <https://www.planetizen.com/definition/zoning-codes>

"A zoning ordinance is a municipal law that outlines permitted uses for various sections of land. Thus, some lands may be dedicated to industrial use, while others may be set aside for residential or commercial use only. A zoning ordinance may also regulate building height, restrict sound, or require open space. It may also include parking and sign regulations ."

Source: https://www.law.cornell.edu/wex/zoning_ordinance

Zoning is essential to communities, as it effectively guides land use, promoting public health and safety, fostering economic growth, and enabling environmental protection.

What Are Zoning Codes?

Each **municipality** has its own set of zoning codes. There is no national or state standard in zoning. Thus, within a municipality, various zones regulate how land is utilized. Understanding zoning is essential to knowing where a Harm Reduction Center can be

permitted within a municipality. Each municipality is divided into five types: boroughs, cities, towns, townships, and villages. For more information: <https://www.njlm.org/644/Forms-of-Municipal-Government---New-Jers>

Harm Reduction Centers and Zoning in New Jersey

Municipalities can control where a Harm Reduction Center can operate through their zoning ordinance. They can place them within specific zones. To those looking to open a Harm Reduction Center, it is important to know the property address of the location and the zone it is located in the municipality.



564

Municipalities in New Jersey (2025)

Powered by [Esri](#)

New Jersey Municipalities sorted by County

Below is an example of an interactive zoning map for the City of Newark, New Jersey. There are similar zoning maps for all municipalities in New Jersey. These maps guide whether a Harm Reduction Center is a permitted use.

Newark Zoning Map

Harm reduction: NJ expanding access to combat overdoses (NJ Spotlight, 2024)

Harm reduction: NJ expanding access to combat overdoses

Existing Harm Reduction Centers

Powered by [Esri](#)

The Map above shows the existing location of fixed HRCs throughout the state and assesses if they are located in zones that permit "Medical Offices" or a similar use.

New Jersey's Syringe Access Law (2022)



"On January 18, 2022, Governor Murphy signed the Syringe Access Bill into law. The new law, which went into effect immediately and will be followed by more detailed implementing regulations, authorizes expanded provision of harm reduction services to distribute sterile syringes and provide support services to people who use drugs."

Source: <https://njharmreduction.org/syringe-access/>



"The new law eliminates the need for municipalities to explicitly authorize the operation

of a syringe access program through ordinance. Now, New Jersey Department of Health (NJDOH) is solely responsible for syringe access program registration. NJDOH continues to have regulatory authorization over program operation. This means that any eligible entity (for example, a Federally Qualified Health Center or community based organization) may establish a syringe access program with approval of a registration from NJDOH in accordance with its regulations and, if appropriate, after obtaining any approvals that may be otherwise required under municipal land use regulations."

Source: <https://njharmreduction.org/syringe-access/>

New Jersey Overdose Deaths per County (2020)

Powered by [Esri](#)

Overdose Deaths per County (2020)

New Jersey Overdose Deaths per County (2024)

Powered by [Esri](#)

Overdose Death per New Jersey Counties (2024)

Opening a Harm Reduction Center

To apply for a Zoning Application for a Harm Reduction Center in New Jersey, you need to:

- Find a potential property address.
- Identify what the Harm Reduction Center will do.
- Contact the Zoning Officer for the zone of the Property Address, with a detailed operations report, outlining hours of operation, number of employees, etc.
- Ask if the use is permitted at that property address – be sure to describe to the Municipal Zoning Officer what you will be doing.
- If the use is permitted and the site can accommodate the use (parking, deliveries, etc.), apply for a Zoning Application.
- Ask if any other permits are needed for your property, such as Sign Permits, Construction Permits, and Building Permits.

Please note that many municipalities in New Jersey may not specifically state "Harm Reduction Centers" as a use in their ordinances. Thus, it is the responsibility of the Zoning Officer or Planning Director to interpret the ordinance. Many Harm Reduction Centers may fall under a Medical Office Use. Should you wish for a formal interpretation of the zoning ordinance, you would have to file for an "interpretation" of the zoning ordinance, which would result in a public hearing before the local zoning board of adjustment.

If a harm reduction center is not a permitted use in the zone where you want to locate it, you'll need to apply for a use variance under New Jersey's Municipal Land Use Law (MLUL).

Here's a step-by-step guide for navigating the variance process at the municipal level:

1. Conduct pre-application research, ensuring that the use is not permitted. **First, hire a land use attorney and strongly**

consider hiring a planner (P.P.) to legally justify the Use D(1) Variance, as it is a complex and lengthy process.

2. Schedule a pre-application meeting with the municipal planner to discuss your proposal and whether it triggers other variances (bulk, parking, etc.) **(Please note: If the township believes that the site is not currently suitable for the use then, in addition to a Use D(1) variance approval, site plan approval may also be required.)**
3. Prepare your variance application with the appropriate fees and plans, demonstrating **why** the variance should be granted. **Please first affirm the submission instructions that each municipality or city follows with each land use development application. This is where land use attorneys and a professionally licensed planner (P.P.) are helpful.**
4. **Once formally submitted, your application will be reviewed for completeness, which can take up to 45 days. Once the township finishes its review, it will reach out with a completeness determination. They will reach out with next steps, whether that be a formal board hearing or requesting additional documents for their review. If the township does not render a decision within those 45 days, then the applicant is awarded a default complete application and is ready for a formal zoning board hearing.**
5. **Once your hearing has been scheduled,** notify the public through certified mail.
6. Publish a legal notice in the **township's** official newspaper (this is different for every township/city).
7. **The notice for your public meeting must be completed TEN (10) DAYS BEFORE YOUR HEARING. It is strongly encouraged to reach out to the local newspaper and mail out certified mailings at least two (2) weeks before your hearing.**
8. Appear at the Zoning Board Hearing, presenting your case at the public hearing before the Zoning Board of Adjustment.

9. The Board will decide.

Please note that a use D(1) variance is the most difficult to obtain. Political and community support matters. If denied, you may appear to state Superior Court within 45 Days.

<https://hnwlaw.com/real-estate-law/nj-zoning-laws/application-process-before-a-municipal-zoning-board-of-adjustments-or-planning-board/>

<https://ecode360.com/36806472>





The flow chart above outlines how to develop a HRC from a vacant plot of land





The flow chart above outlines how to open a HRC when a building already exists on site.

How does zoning affect the location of Harm Reduction Centers?

Zoning ordinances can have significant impact on the success of Harm Reduction Centers and their services. The location of an HRC, access to the location, and whether the center is a fixed or temporary site can impede those seeking a safe and supportive place to use, seek help, and find community. Despite the noted health and social benefits of harm reduction centers and SSPs for

users, stigma remains. Without intervention, stigma can become policy. Harm Reduction Center operators must be prepared to confront attempts to prohibit them from operating within an area they have chosen or within any zone of a local municipality. Using zoning to enforce such a prohibition is known as **exclusionary zoning**.

Forms of exclusionary zoning

Exclusionary zoning is defined as the practice of allowing the development of very few uses in a neighborhood (What Is Exclusionary Zoning? | Planopedia, n.d.). Other forms include:

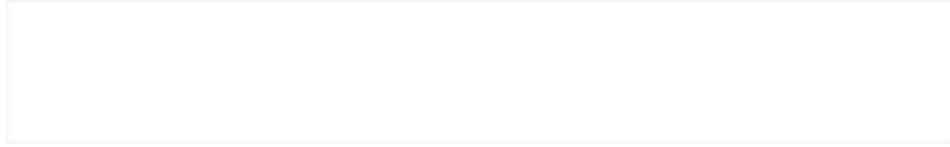
- **Buffer zoning** – A type of zoning designed to avoid conflicts between incompatible land uses and protect the interests of the community by preserving specific areas from the adverse effects of other land uses, often agricultural. (Allen et al., 2016)
- **Spot zoning** - described as the singling out and rezoning of one piece of property otherwise indistinguishable from surrounding land.

These zoning exclusions have been labelled **stigma zoning**, which is a type of exclusionary zoning that identifies unwanted land use and services the local community consents to restrict (Ezell et al., 2021). Stigma-based policy and zoning are associated with NIMBYism aka "Not in My Backyard".

Community stigma and NIMBYism

NIMBYs are not a fixed group; those who may not want an HRC in their city or town may use various reasons, such as associating violence with addiction, addiction and immorality, support for punitive-policy measures against syringe usage (Kruis et al., 2024). Some may also pushback due to the belief that HRCs will lower property values of nearby homes and businesses. Thus, their arguments stem from threats to existing quality of life.

Example: Vineland, New Jersey, and the fight to include HRCs in its zoning ordinance



The Local Lens

In February 2025, Vineland City Council discussed relocating substance abuse and mental health treatment centers away from areas designated **B-2** or neighborhood business. This included HRCs. Due to bad weather, the vote was delayed until the next council meeting in April 2025. During both sessions, residents opposed the programs because of quality-of-life issues, such as fears for safety and concerns about living too close to an HRC. One resident mentioned existing adult entertainment venues and truck stops as reasons for avoiding an HRC in her neighborhood. Another resident raised safety concerns related to a nearby clinic. HRC advocates wanted the centers to be easily accessible to the city's most vulnerable populations and opposed relocation. The debate over harm reduction programs revealed that Vineland's concern was zoning: where should HRCs be located?



Downtown Vineland, NJ (source: Wikipedia)

Before April 2025, "harm reduction center" wasn't part of Vineland's zoning ordinance, even though such programs existed. There was no official language for HRCs, leaving them in a legal gray area. HRCs operated in **IN-1** and **B-2** zones as "substance abuse counseling and treatment centers," which include medical and educational facilities and allow rehab operations. The City Council voted to move HRCs and SSPs to **B-3** zones, which are farther industrial and commercial areas, raising access concerns.

Though HRCs operate on the city's outskirts, HRC advocates successfully convinced the Vineland City Council to include harm reduction in its zoning ordinance. Ordinance 2025-28 now includes "mental health" and "harm reduction" as permitted services under zones B-2 (Business Zone 2) and conditional under B-3 (Business Zone 3). SSPs can now operate within zone B-3 and with conditional usage in zone IN-1.

Permitted uses and the gray zone

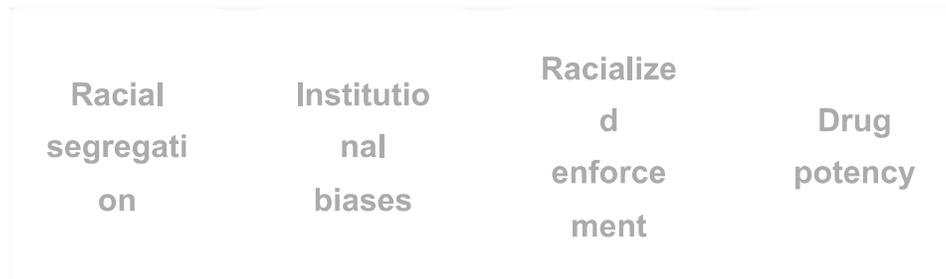
Before revising Ordinance 2025-28, Vineland was not the only city to allow HRCs to operate within a legal gray area. For example, neither Newark nor Jersey City's zoning ordinances specified

"Harm Reduction Center" as a permitted use. As of July 2025, Newark has two HRCs, and Jersey City has one HRC and a planned mobile program. The centers can operate because, depending on their services, they fall into one of three broad categories: medical offices, community health centers, or social service facilities.

Community stigma, racial discrimination, and access

In multiple studies, harm reduction scholars and people who use drugs (PWUDs) note the compounding existence of racialized discrimination and discrimination from drug usage. We use the term "PWUD" to include people who struggle with drug use and those who use drugs medicinally and/or recreationally. Using PWUD also serves to reduce stigma by using language that puts people first.

There are a few underlining issues that keep some trapped in a system of harm:



Racial segregation and structural biases

Racialized PWUDs may not live near harm reduction services or centers because of zoning laws and existing racial segregation. They might not have access to these services because they live too far away and lack reliable transportation. As a result, they are unable to reach these services and must depend on themselves and their immediate communities for care. For example, access to these services is especially complicated for Native PWUDs. According to Smith et al (2024), Native PWUDs experience higher overdose rates due to the complex network that includes the "chronically underfunded" Indian Health Service on reservations

and difficulties coordinating care between the Indian Health Service, tribal, and state health systems in urban areas.

Institutional biases

Some PWUDs seeking harm reduction services did not feel welcomed because of their race. In a 2022 study exploring racism and harm reduction, respondents of color who used drugs reported feeling out of place in harm reduction centers, specifically describing them as a "white-dominated space" (Godkhindi et al, 2022). There are also discrepancies in naloxone training and access for racialized PWUD compared to white PWUDs (Jegade et al, 2024). Others felt that harm reduction services were overlooked until white PWUDs experienced more overdoses than other racialized PWUDs.

Racialized enforcement

Black and Brown PWUDs experience more police interactions because they often live in over-surveilled areas. Black and Latinx PWUDs report facing increased harassment from police officers when trying to access harm reduction services or just for having syringes (Lopez et al, 2022). ICE raids on Latinx communities also create fear of violence and intimidation among PWUDs. Due to the overpolicing of racialized communities, PWUDs are stuck in a cycle of harm when trying to access essential services.

Drug Potency

Due to the inclusion of drugs like fentanyl, the potency of drugs has increased. Higher potency puts PWUDs at greater risk for overdose if they do not have access to reversal medication like naloxone. PWUDs are caught in a cycle of recidivism due to the rising potency of some drugs. Those who have been incarcerated may have lower tolerances because of their time away, which also increases their risk of overdose if harm reduction services are not available (Kumiko et al, 2019).

For more information on how harm reduction services can better serve racialized people, please see the National Harm Reduction Coalition's "[Harm Resource Intersects](#)", which outlines the various connected social movements that are related and NEXT Distro's [BIPOC Plan](#) (BIPOC = Black-Indigenous-People of Color) centered on racial equity, and coalitions such as the National Black Harm Reduction Network.

Local Support Matters

Local community support matters when applying for a variance because zoning boards and planning commissions consider both the legal criteria for a variance and the potential impact on neighbors and the surrounding community.

Harm Reduction Centers (HRCs) play a vital role in community health and safety and should be thoughtfully integrated into local zoning frameworks. Zoning for HRCs must not only account for their potential impacts but also actively incorporate community voices through ongoing dialogue and engagement. By seeking and listening to community input, Harm Reduction Centers can build trust, reduce stigma, and ensure their presence aligns with neighborhood needs and values.



Source: [Vital Strategies](#)

Example: Health and Hope West Virginia's Community Engagement Guide

Community engagement is “a process of developing relationships that enable stakeholders to work together to address health-related issues and promote well-being to achieve positive health impact and outcomes.” By building community trust and relationships, community engagement may benefit substance use prevention by promoting implementation of evidence-based practices (EBPs), selecting EBPs to meet community needs and adapting them, as needed; and increasing EBPs’ sustainability." (<https://helpandhopewv.org/docs/pep22-06-01-005.pdf>)

1. Community engagement starts with an organizing group, such as a coalition or community advisory board
2. Community engagement typically involves a set of activities.
3. Many community engagement activities are ongoing, extending over several years or for the duration of the substance use prevention intervention
4. Community engagement is an important component of many behavioral health programs.
5. Research-based evidence is currently not the best source material for practitioners seeking guidance on how to operationalize or translate community engagement principles into practice.

Zoning Office Directory

When opening a Harm Reduction Center, it is essential to contact the local zoning or planning department. The Zoning Information Directory is a resource designed to make municipal zoning information more accessible to the public. [The Directory](#) contains online links to all known municipal zoning maps and zoning ordinances as of March 9, 2023. Please note that the most recent information is generally found on your municipality's website.

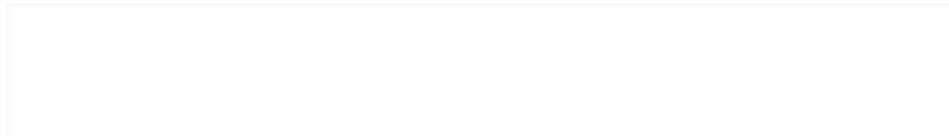
NJ Department of Community Affairs

Looking to the future: Federal oversight, SAMHSA, and the dismantling of harm reduction services

The SAMHSA or the **Substance Abuse and Mental Health Services Administration** is an agency of the US Department of Health and Human Services. It was established in 1992.

SAMHSA's mission is to "advance the behavioral health of the nation and to improve the lives of individuals living with mental and substance use disorders, and their families." ([samhsa.gov](https://www.samhsa.gov)).

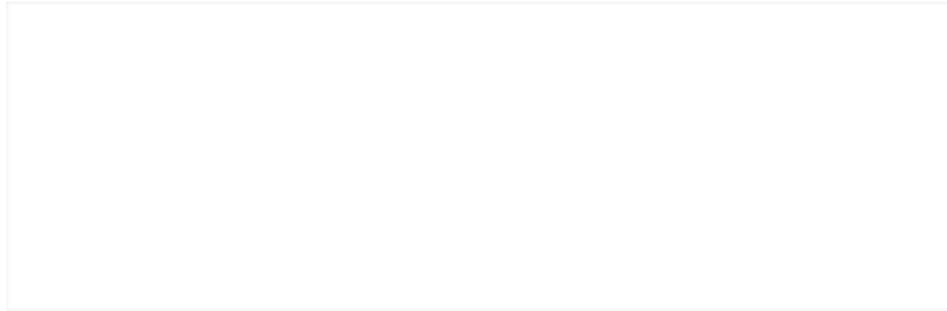
In FY 2022, SAMHSA administered its first Harm Reduction grant. The three-year grant provides a total of \$29,250,000 to 25 recipients spanning municipalities, tribal nations, health centers and hospitals, and non-profit organizations.



Salon.com via Yahoo!News

In 2025, SAMHSA is due to be combined under the umbrella of the planned **Administration for a Healthy America (AHA)**. In the

AHA's FY2026 Justification of Estimates for Appropriates Committee request, the term "harm reduction" was not mentioned.



CBS News Health Watch

"Ending Crime and Disorder on America's Streets"

On July 25, 2025, the Trump Administration issued an un-numbered Executive Order titled, "Ending Crime and Disorder on America's Streets". In this executive order, SAMHSA will not be directed to fund programs and services relating to harm reduction and safe injection sites citing perceptions of abetting "illegal drug use". Health centers, non-profit organizations, and operators of safe injection sites may be fined and shut down according to the parameters established under **21 U.S. Code § 856**. These operators may also have any HHS grants frozen, if determined to be in violation of this code.

21 U.S. ;Code § 856 is a federal law code associated with "maintaining drug-involved premises". It states: "it shall be unlawful to—

(1) knowingly open, lease, rent, use, or maintain any place, whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any **controlled substance** ;

(2) manage or **control** any place, whether permanently or temporarily, either as an owner, lessee, **agent**, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing, or using a **controlled**

substance." (source:

<https://www.law.cornell.edu/uscode/text/21/856>)

Safe injection sites will be considered sites administering "controlled substances". According to Cornell Law School's Legal Information Institute, operators may face a term of imprisonment up to 20 years, fined up to \$500,000, or both, or a fine upwards of \$2,000,000. (source: <https://www.law.cornell.edu/uscode/text/21/856>).

Under this executive order, harm reduction services and safe injection sites will be rendered illegal and strides in reducing the stigma of syringe usage will be reduced.

Please note that executive orders are not laws; they're directives. These directives are issued through the Presidential Office, often as a signal for future policies and bills. Executive orders are generally adhered to because they form the foundation for future bills. Still, the difference between an executive order and a law is that Congress must vote on laws.

General Legal Information

In the State of New Jersey, everything that is not permitted by municipal code is prohibited.

Certificate of Zoning: Zoning permits must be approved or denied in a timely manner. **A municipality has 10 days to approve or deny your permit.**

Planning Board or Zoning Board of Adjustment: When you apply to the **Planning Board or Zoning Board of Adjustment**, the municipality has **45 days** to review it for completeness. After that, the **Board must approve/deny** within **45 to 120 days**, depending on the type of application. If they fail to act, the law allows for **default approval**, though that's rare because municipalities usually seek extensions with the applicant's consent. For applications

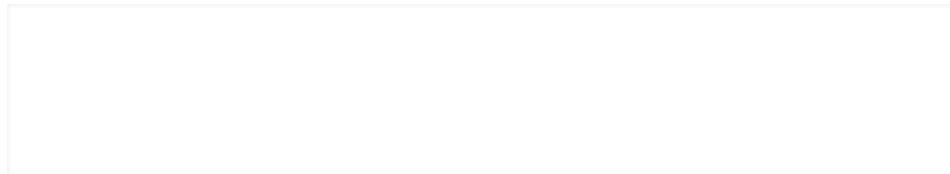
taken to the Planning Board or Zoning Board of Adjustment, it is important to seek a Land Use Attorney.

When applying for a variance, there are different types of variances you can apply for. **If Harm Reduction Centers are not permitted in your municipality**, you will likely apply for a D1 Variance, more commonly referred to as a use variance. The list of D-Variations includes: 1) D1 - Use Variance, 2) D2 - Expansion of non-conforming use, 3) D3- Conditional use variance (you can do this if...), 4) D4 - Floor Area Ratio, 5) D5 - Density Variance, and 6) D6 - Height. Other types of Variations include C-Variance Applications, which is basically any variance that is not D-Variance.

Contact Local Zoning/Planning Boards

If you have questions regarding your zoning application, need clarification on submittal requirements, or would like to confirm the status of your application, you may contact your local Planning Staff. Some municipalities in New Jersey do not employ full-time planning or zoning staff. In these cases, inquiries should be directed to the **Board Secretary or Municipal Clerk**, who will coordinate with you towards the appropriate professionals (e.g., contract planner, zoning officer, or board attorney).

Team



Glossary

Common acronyms

1. **CDC** - Center for Disease Control and Prevention

2. **HHS** - (Department of) Health and Human Services
3. **HRC** - Harm Reduction Center
4. **HR** - Harm Reduction
5. **NIMBY** - Not in My Back Yard
6. **PWUDs** - People Who Use Drugs
7. **SSP** - Safe Syringe Program

Terminologies and phrases

1. **Buffer zoning** - “A type of zoning designed to avoid conflicts between incompatible land uses and protect the interests of the community by preserving specific areas from the adverse effects of other land uses, often agricultural. (Allen et al., 2016)”.
Example: wildlife management areas or protected forests. See: “exclusionary zoning”; “spot zoning”; and “stigma zoning”
2. **Exclusionary zoning** - “Exclusionary zoning is defined as the practice of allowing the development of very few uses in a neighborhood” (Planopedia, n.d.). Example: A subdivision zoned for low-residential housing, or single-family housing, only. See: “buffer zoning”; “spot zoning”; and “stigma zoning”
3. **Harm reduction** - a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm Reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs.
4. **Harm reduction center** - community-based programs that provide a safe, trauma-informed, non-stigmatizing space for people who use drugs to access sterile syringes, needles, injection equipment and the overdose reversal drug naloxone (also known as Narcan), along with education on safer use, overdose prevention and safe disposal of used equipment.
5. **Naloxone/Narcan** - Medicine that can reduce an opioid overdose. Can be administered through a nasal spray or through injection.
6. **NIMBY/NIMBYism** - Stands for “Not in my Backyard”, a loose movement of residents who oppose changes to buildings and

infrastructure in their communities. May be opposed on the grounds of morality, feelings of safety, and support for punitive measures against addiction.

7. **People who use drugs (PWUDs)** - Common phrase used by scholars and practitioners within public health and social work. “People-first” language is used to reduce the stigma of drug usage.
8. **Spot zoning** - Described as the singling out and rezoning of one piece of property otherwise indistinguishable from surrounding land. See: “exclusionary zoning”; “buffer zoning”; and “stigma zoning”
9. **Stigma zoning** - A type of exclusionary zoning that identifies unwanted land use and services the local community consents to restrict (Ezell et al., 2021). See: “exclusionary zoning”; “buffer zoning”; and “spot zoning”
10. **Zoning** - is a regulatory tool that cities and municipalities use to control the use and development of land.
11. **Zoning ordinance** - A zoning ordinance is a municipal law that outlines permitted uses for various sections of land. A zoning ordinance may also regulate building height, restrict sound, or require open space. It may also include parking and sign regulations.” (Legal Information Institute, n.d.)

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REVIEW

Open Access



U.S. substance use harm reduction efforts: a review of the current state of policy, policy barriers, and recommendations

Bailey E. Pridgen^{1*}, Andrew P. Bontemps², Audrey R. Lloyd³, William P. Wagner¹, Emma S. Kay⁴, Ellen F. Eaton³ and Karen L. Cropsey¹

Abstract

A wealth of research demonstrates that harm reduction interventions for substance use (SU) save lives and reduce risk for serious infectious diseases such as HIV, hepatitis C, and other SU-related health conditions. The U.S. has adopted several harm reduction interventions at federal and state levels to combat SU-related harm. While several policy changes on the federal and state levels decriminalized interventions and further support their use, other policies limit the reach of these interventions by delaying or restricting care, leaving access to life-saving interventions inconsistent across the U.S. Federal and state policies in the U.S. that restrict access to medications for opioid use disorder (MOUD), criminalize possession of drug paraphernalia, prevent syringe service programs and overdose prevention centers from operating, and limit prescribing of pre-exposure prophylaxis (PrEP) pose significant barriers to harm reduction access and implementation. This paper aims to bridge publications and reports on current state and federal harm reduction intervention policies and discuss policy recommendations. Federally, the DEA and SAMHSA should expand certification for methadone dispensing to settings beyond dedicated opioid treatment programs and non-OTP prescribers. Congress can decriminalize items currently categorized as paraphernalia, permit purchasing of syringes and all drug checking equipment using federal funds, amend the Controlled Substances Act to allow for expansion of overdose prevention centers, protect Medicaid coverage of PrEP, and expand Medicaid to cover residential SU treatment. At the state level, states can reduce regulations for prescribing MOUD and PrEP, decriminalize drug paraphernalia, codify Good Samaritan laws, and remove restrictions for syringe service program and overdose prevention center implementation. Lastly, states should expand Medicaid to allow broader access to treatment for SU and oppose Medicaid lock-outs based on current SU. These changes are needed as overdose deaths and serious infectious disease rates from SU continue to climb and impact American lives.

Keywords Naloxone, Drug checking equipment, Syringe service programs, Overdose prevention centers, Medications for opioid use disorder, Pre-exposure prophylaxis

*Correspondence:

Bailey E. Pridgen

bpridgen@uab.edu

Full list of author information is available at the end of the article



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The severity of substance use morbidity and mortality in the U.S.

In 2023, 48.5 million Americans aged 12 or older met criteria for a substance use disorder, including both alcohol and drug use disorders [1]. Additionally, fatal drug overdose is a leading cause of injury-related death in the U.S. [2]. Over 105,000 substance use-related deaths occurred in 2023 alone [3], a 307% increase over the last 20 years. Additionally, over 65.9% of people who died in 2023 from an overdose had at least one potential opportunity for intervention, defined as a potential bystander physically nearby before or during the overdose, past substance use treatment, witnessing a fatal drug overdose, a mental health diagnosis, a prior overdose, or recent release from a correctional institution or inpatient substance use or mental health facility [4]. Racial disparities in overdose deaths have emerged in recent years, with 2022 data showing overdose death rates declining among White Americans and increasing for all other racial and ethnic groups [5–7]. Disparities in overdose deaths are most pronounced among Black Americans and Native Americans, reaching 1.4 times and 1.8 times the rate of White Americans, respectively [7]. Unfortunately, overdose deaths among sexual and gender minority (SGM) adults is relatively less-studied, with a recent systematic review calling for more research after finding only one study from 2001 investigating overdose mortality in SGM populations [8]. Others have found that while mortality is less studied, SGM adults are more likely than cisgender and heterosexual adults to use both prescription and illicit opioids, suggesting a potential unstudied disparity in overdose deaths [9]. More research examining risk factors for fatal overdoses is needed, and future research should specifically investigate overdose risk and fatalities among individuals across multiple racial and sexual and gender identities.

Fentanyl, a powerful synthetic opioid, is the current driver of overdose deaths [10–12], with over 75.2% of overdose deaths involving fentanyl in 2023 [4]. Fentanyl has been increasingly present in other opioid-based and non-opioid illicit substances (e.g., stimulants) since 2013 [13], causing unintentional use by persons who are unaware of fentanyl adulteration in their drug supply. While much of the focus of public policy has centered around opioid overdose prevention, methamphetamine and cocaine overdose deaths are rapidly increasing each year independent of the presence of fentanyl, [14, 15], increasing 317% from 2013 to 2019 [10]. Additionally, xylazine, a veterinary sedative, is also adulterated in the illicit drug supply, and death rates involving xylazine continue to increase each year [16]. A recent analysis utilizing methods by a 2017 CDC study [17] estimated a total economic cost of the opioid epidemic at \$2.7 trillion

in 2023, with \$1.1 trillion (41%) from opioid overdose deaths, \$1.34 trillion (39%) lost in quality of life, and \$277 billion (10%) from healthcare costs, labor productivity, and criminal legal system-related costs [18].

Injection drug use rates have risen in the past ten years, with current estimates indicating that 3.6 million adults injected drugs within the last year [19]. Many people who inject drugs report sharing needles or drug injection equipment with others, putting themselves and those they share needles with at high risk for hepatitis C (HCV) [20] and human immunodeficiency virus (HIV) infection [21]. Increased injection drug use has led to an increase in serious infectious disease rates, being referred to as a dual epidemic by the National Academy of Sciences, Engineering, and Medicine [22]. HCV infections have increased 124% between 2013 and 2020 after decades of a steady decline in new cases [23], largely due to the increase in injection opioid use [24, 25]. The economic burden of HCV infections in the U.S. is estimated at \$10 billion per year from direct medical costs, reduced quality of life, and work productivity [26].

While HIV infection rates in the U.S. remain stable (i.e., between 37,000 to 40,000 new infections each year), HIV infection rates specifically among people who inject drugs have increased [27]. A 2018 study from the Centers for Disease Control and Prevention (CDC) examining HIV risk behaviors among people who inject drugs reported that one in three injection drug users reported using a syringe in the past year that had been used by someone else [28]. In 2020, one in fifteen people who acquired HIV acquired it through injection drug use [27]. During this time, uptake of pre-exposure prophylaxis (PrEP) to prevent HIV transmission remains low among persons who inject drugs [29, 30]. Lifetime HIV-related medical costs are estimated at \$420,285 in direct medical costs [31] and \$120,000 in loss of productivity per HIV infection [32]. Lastly, hospitalizations for severe injection-related infections have increased, including infective endocarditis, sepsis, bone and joint infections, and skin and soft-tissue infections [33–35]. While national monitoring of this increase has been limited [36, 37], a 2018 study using public health data sources estimated that there were 98,000 hospital visits due to serious injection-related infections a year [38].

Frameworks to address substance use problems

There are two prevalent substance use treatment approaches within public policy: abstinence-only and harm reduction. The abstinence-only model aims for sustained cessation of all substance use [39]. An underlying belief of the abstinence-only model, particularly pronounced within the U.S., is that drug use is morally wrong and therefore, people who use substances should

be punished [40]. This belief is reflected in current U.S. criminal legal policy which criminalizes substance use at both the federal and state level [41, 42]. The abstinence-only model has been the primary model utilized within substance use treatment settings and historically has been framed within policy and practice as the only appropriate approach to address individual and societal substance use in the U.S. [39]. Data from substance use treatment providers indicate that often abstinence-only group (e.g., 12-step programs like Alcoholics Anonymous/Narcotics Anonymous) attendance is required [43] and acceptance of non-abstinence goals from providers remains low for illicit drug use [44].

Alternatively, a harm reduction approach moves away from abstinence as the primary goal [45, 46], acknowledging that people may not desire total abstinence from substances. A harm reduction approach aligns with research that demonstrates that incremental behavioral changes are more sustainable over time [40, 47]. The harm reduction model centers the people who use substances as experts in what positive change may look like [47], with the goal of improving health and wellbeing overall. Many harm reduction interventions achieve this by focusing on minimizing negative consequences of substance use such as overdose, serious injection-related infections, employment issues, and interpersonal conflict [45].

Harm reduction approaches are needed for several reasons. First, people who use substances may be interested in treatment, but have different recovery goals than total abstinence, such as reducing their use, engaging in safer use behaviors (e.g., stopping injection use or syringe sharing), and increasing their self-efficacy and social support [48–50]. Because abstinence-only programs require a commitment to total abstinence, substance use treatment has traditionally been accessible to only a small number of people [51]. Second, the harm reduction approach has been shown to prevent a return to use. Returning to substance use post-treatment and returning to treatment are both common occurrences, regardless of substance use goals [52]. The abstinence-only model pathologizes any return to use as a recovery failure [53], which often results in feelings of guilt, self-blame, and a perceived loss of control [54]. These feelings have been shown to increase the likelihood that an individual will disengage from treatment or engage in prolonged use [55, 56]. Common treatment policies enforce this further by requiring abstinence and terminating persons from care who test positive for substances, potentially increasing harm during a critical time point when more recovery support is needed [51]. In sum, harm reduction allows for flexibility in what recovery looks like, incorporates the individual's values and goals, and focuses on areas of

functioning impacted by substance use identified by the individual, all of which show efficacy in sustaining long-term behavioral changes and improved well-being. These strengths of the harm reduction approach are missing from the abstinence-only model.

The efficacy of harm reduction interventions (HRIs) for illicit substance use, U.S. policy, and barriers to HRI expansion

Federal and state public policy have shifted over time to recognize harm reduction interventions (HRIs) as evidence-based practices [57, 58] and support expansion of these efforts as a key component of opioid use and overdose strategy plans [59, 60]. Many of these approaches were first conceptualized and piloted by people who use substances in response to government inaction on these issues, often risking potential legal problems [47]. Despite the current legal and public health shift, federal and state HRI policies vary significantly, creating a patchwork of accessible HRI interventions across the US. Naloxone, PrEP, and medications for opioid use disorder (MOUD; e.g., methadone, buprenorphine, and naltrexone) are all approved by the U.S. Food and Drug Administration (FDA), so people who use drugs can legally access them in any state [61]. However, federal and state regulations involving prescribing and receipt of medications such as methadone and buprenorphine create significant access barriers. The legality of other HRIs such as syringe service programs, overdose prevention centers, and drug checking equipment vary by state and have complex nuances making the legality of utilizing these services and obtaining these supplies unclear [62–64].

Harm reduction-related substance use treatment Medications for opioid use disorder (MOUD)

Efficacy of MOUD

There are several FDA-approved MOUD which function by alleviating withdrawal symptoms and blocking the agonist effects of other opioids [65, 66]. Opioid agonist medications such as methadone (full-agonist) and buprenorphine (partial-agonist) are considered the gold-standard treatment for opioid use disorder (OUD) [61]. Both methadone and buprenorphine have substantial evidence demonstrating reductions in returning to opioid use and overdose rates [67, 68], as well as increased treatment retention and quality of life [69, 70]. Naltrexone, an injectable opioid antagonist, is used to treat both opioid and alcohol use disorders. A systematic review on the use of naltrexone for OUD concluded that naltrexone reduces opioid use and rates of return to use [71], although more studies are needed. High rates of attrition before and after naltrexone administration are common, in part because naltrexone is an antagonist medication

that requires opioid detoxification and withdrawal before initiating naltrexone treatment [72, 73]. Additionally, an important limitation of extended-release naltrexone injection is that patients develop decreased opioid tolerance and risk potentially fatal overdose, if they return to non-medical opioid use after discontinuing naltrexone or if they try to overcome the naltrexone opioid blockade [74, 75].

To further illustrate, studies have shown no significant reduction in overdose risk for individuals taking naltrexone compared to non-medicated controls [67, 76], while others have shown that naltrexone treatment is associated with lower fatal opioid overdoses and similar non-fatal overdoses compared to treatment with other medications [77]. Future research needs to address barriers to treatment initiation and completion to better determine the effectiveness of naltrexone for opioid use. All MOUD are associated with a reduction in HCV and HIV infections through reductions in injection-related and sex-related risk behaviors, in addition to increased adherence to HIV antiretroviral therapy and an increased probability of viral suppression [78–82]. Research on the cost effectiveness of MOUD measured by mortality, quality of life-adjusted years, and medical and criminal legal system costs indicates that compared to no treatment, lifetime cost savings per person were \$100,000 for methadone, \$60,000 for buprenorphine, and \$40,000 for naltrexone [83].

Current federal and state policies regarding MOUD

While MOUD are legal to obtain, there are several policies that regulate prescribing and dispensing methadone and buprenorphine. For buprenorphine, prescribers were federally required to apply for a waiver on their Drug Enforcement Administration (DEA) license (e.g., the X-Waiver), complete additional training, and had limits on the number of patients they could prescribe the medication to [84, 85] until December 2022. Now, prescribers are not required to obtain an X-Waiver [84], meaning any practitioner with Schedule-III prescriptive authority can prescribe buprenorphine [85]. However, while federal regulations have shifted to remove barriers to buprenorphine, policies in several states further regulate buprenorphine and restrict access. As of September 2024, twelve states currently include outdated X-waiver provisions in existing buprenorphine prescribing policies [85]. Additionally, several states include restrictions beyond federal requirements which limit patients' ability to obtain buprenorphine such as visit frequency requirements, mandated counseling (including length and number

of sessions), restrictions on the format or content of the counseling, additional drug testing beyond federal requirements, noncompliance policies, and restrictive dosing regulations [85].

Methadone, in contrast, can only be prescribed by certified providers within federally certified clinics referred to as opioid treatment programs, where the medication must also be dispensed [86]. While methadone cannot be filled in the pharmacy for persons with opioid use disorder, methadone can be filled at the pharmacy when prescribed for pain management [87]. This practice is not common in countries other than the U.S. where methadone can be dispensed at a pharmacy for opioid use disorder or pain [87]. The Substance Abuse and Mental Health Services Administration (SAMHSA) recently finalized rules enacted during the COVID-19 pandemic that allow up to 7 days of take-home doses of methadone during the first 2 weeks of treatment, 28 days of take-home doses of methadone for patients following one month of treatment, removed counseling prerequisites, and allowed initiation of methadone treatment via telehealth if video is used [88, 89].

Several states go beyond federal methadone requirements by stipulating new centers file a certificate of need to open a new facility; additionally, Indiana has a limit on the number of facilities in the state, and Wyoming has a moratorium on opening new facilities [90, 91]. Other facility-related barriers include obtaining a pharmacy license or registration, pharmacy regulation adherence, pharmacist service requirements, and state zoning restrictions. Further, several policies impose burdens on patients including daily attendance in clinic for dosing of methadone and engagement in a behavioral treatment program, making it difficult to maintain employment or other responsibilities. These treatment requirements are more restrictive than prescribing full-agonist opioid medications like morphine or oxycodone. Other barriers to receipt of methadone across states include requiring specific frequencies of patient visits, mandated counseling (including length and number of sessions), restrictions on the format or content of the counseling (e.g., restrictions on telehealth), restrictive criteria beyond federal requirements for take-home doses, prohibiting and/or requiring special authorization for specific dosage levels, and requirements for additional urine drug screenings beyond federal requirements [88, 90, 91]. Finally, restrictive policies from Medicaid may also require prior authorization or the failure of other pharmaceutical interventions in order for patients to qualify for methadone treatment, further impeding the ability of both patients and providers to access these medications [92].

Remaining policy barriers and policy recommendations for MOUD

While methadone and buprenorphine are considered gold-standard treatments due to the longstanding evidence of their impact on mortality, nonfatal overdose, treatment retention, and quality of life, several policies remain that create barriers to the distribution of these medications. Federally, the restriction of methadone dispensing to opioid treatment centers, which require daily clinic attendance, limits access significantly and is a stark contrast to patients with chronic pain who can receive methadone through their pharmacy. At the state level, policy barriers for methadone also remain on the opioid treatment center level, such as additional certifications to open an opioid treatment center, pharmacy-related regulations (e.g., obtaining a pharmacy license or registration, pharmacy regulation adherence, pharmacist service requirements), and zoning restrictions [88–90]. State policies for both methadone and buprenorphine that impact patients directly include visit frequency requirements, mandated counseling (i.e., length and number of sessions), format- or content-related restrictions for counseling, additional drug testing beyond federal requirements, noncompliance policies, and restrictive dosing regulations. Specifically for methadone, state policies also place additional restrictions beyond federal requirements on take-home doses [85, 88–90].

Federally, the government should expand methadone dispensing to settings other than specific opioid treatment programs such as pharmacies and expand prescribing to office-based addiction specialists, primary care physicians, nurse practitioners, and physician assistants [86]. This will allow for broader access to an efficacious treatment modality, potentially increasing uptake of treatment and reducing burden on the health-care system [86]. If this recommended change is made, Medicaid Part D policy should be revised to include coverage of methadone dispensed by pharmacies. Currently, Medicare Part D does not cover methadone dispensed in pharmacies to treat opioid use disorder, but does cover methadone dispensed in pharmacies for pain [93].

Additionally, state policies on restrictions for buprenorphine and methadone should be amended to align with federal policy by removing requirements shown to create barriers for access to medications for opioid use disorder (e.g., frequency of visits, mandated counseling, format or content-related restrictions for counseling, dosage limits, additional urine drug screenings, non-compliance policies) and the operations of opioid treatment programs (e.g., state certifications, zoning laws, additional pharmacy regulations) [90].

Overdose prevention harm reduction interventions

Drug checking equipment and services

Efficacy of drug checking equipment and services

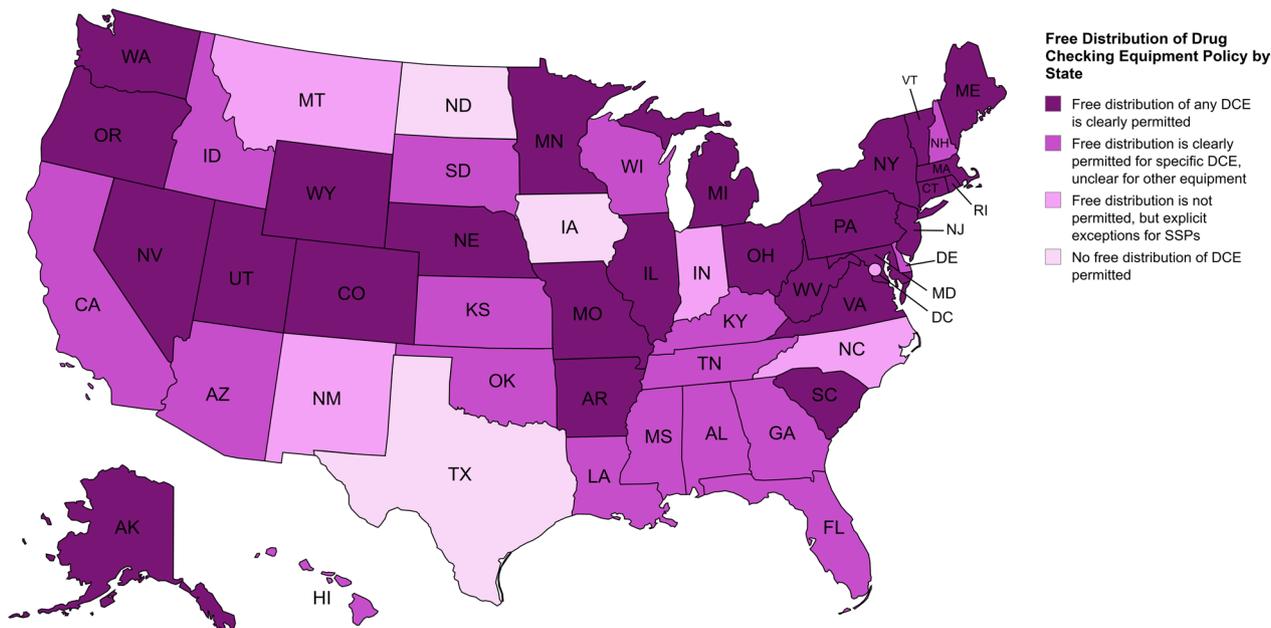
Fentanyl test strips, originally developed to detect fentanyl in urine samples as part of urinalyses, are now available over-the-counter in some states as a type of drug checking equipment to identify the presence of fentanyl in one's drug supply [94]. Recent studies show that use of fentanyl test strips reduced frequency of illicit opioid use, solitary drug use, and frequency of drug injection among persons at high risk for opioid overdose, such as sex workers who use opioids and people who inject drugs [95, 96]. Xylazine, a sedative with anesthetic properties used in veterinary settings, has recently appeared in the drug supply and has been implicated in overdose deaths across the U.S. [97]. Recent testing of newly developed xylazine test strips has demonstrated that they are acceptable in detecting xylazine in drug samples and are now available for purchase in some states [98, 99]. Qualitative research has shown that people who use drugs are concerned about undesired exposure to xylazine and are interested in using xylazine test strips [100–102]. Now that xylazine test strips are available for purchase online and in-person in some states, research examining the impact of xylazine test strips on behavioral outcomes is needed. Additionally, future research should evaluate the cost savings of utilizing test strips in relation to substance use and overdose outcomes.

While test strips offer a low-cost option for detecting substances present in illicit drugs, more sophisticated drug testing services from harm reduction agencies are increasingly being offered in the U.S. using onsite testing technologies such as Fourier-transform infrared spectroscopy, reagent testing, Raman spectroscopy, fentanyl immunoassay test strips, and paper spray mass spectrometry [103]. Several sites also offer confirmatory offsite testing using mass spectrometry technology (e.g., gas or liquid chromatography), high performance liquid chromatography, reagent testing, and nuclear magnetic resonance. In addition to informing persons who use drugs about their supply, some programs offering drug testing services have also partnered with government public health entities utilizing data collected to inform broader communication to persons in the community about new substances detected [104, 105]. More information on organizations in the U.S. providing drug checking services can be found in Park and colleagues' survey [103]. As programs continue to pilot drug testing services, research on their impact on substance use and overdose outcomes are needed.

Other state policies regarding possession of drug checking equipment include exemptions for participants and/or staff of syringe service programs, protection against charges for drug checking equipment under Good Samaritan laws, and policies regarding free distribution of drug checking equipment. Most states have enacted Good Samaritan laws which protect persons who overdose and/or witnesses of overdoses from criminal liability for possession of controlled substances or drug paraphernalia when seeking medical assistance during an overdose [111]. Currently, 39 states and the District of Columbia cover drug checking equipment under their current Good Samaritan laws [110, 111]. Due to the nuance of drug checking equipment exemptions related to staff and participants of syringe service programs, it is recommended that interested individuals refer to The Network for Public Health Law’s fact sheet [110], which is updated each August.

Policies regarding free distribution of test strips varies by state as well (see Fig. 2). As of August 2024, 26 states permit free distribution of any drug checking equipment, 17 states limit free distribution to specific equipment, 4 states and Washington D.C. generally do not permit free distribution of drug checking equipment

clearly but have explicit exceptions for syringe service programs, and 3 states do not permit free distribution (2 of these states do not authorize syringe service programs generally, so no exceptions would exist) [109, 110]. Examining policies regarding free distribution in context of the legality of drug checking equipment shows inconsistency state-to-state. For example, California permits possession of any drug checking equipment, but free distribution is limited to equipment specific to fentanyl, ketamine, and gamma hydroxybutyric acid [110]. Alternatively, Arkansas permits possession of fentanyl test strips *only*, but free distribution of any drug checking equipment is permitted. The Network for Public Health Law states that lack of clear legalization of possession and free distribution of drug checking equipment does not equate to those activities being illegal, pointing out the free distribution of drug checking equipment via public health entities in states where it is not clearly legal to do so. They recommend modifying or repealing current laws for clarity regarding criminalization [110]. Overall, this demonstrates the complex and sometimes confusing nature of drug policies in the U.S. as states grapple with the rapid rise of overdose deaths due to fentanyl and other adulterating substances.



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Fig. 2 Free Distribution of Drug Checking Equipment Policy by State as of August 2024 [117]

Remaining policy barriers and policy recommendations for drug checking equipment

While it is promising that most states now permit fentanyl test strips to prevent further harm from overdose deaths, several states provide exemptions of particular equipment, the source of the equipment, or the context in which the equipment is used rather than providing exemptions for drug checking equipment broadly. New legislation providing additional exceptions to specific drug testing equipment would need to be passed in response to emerging trends in drug adulterants and overdoses. Overdose deaths involving fentanyl started to increase in 2013 and accounted for over 67.8% of total overdose deaths by 2017 [11], but most state legislative responses followed 4 to 6 years later. Additionally, while several states explicitly permit free distribution of specific drug checking equipment (e.g., fentanyl test strips), distribution of other drug checking equipment (e.g., xylazine test strips) remains unclear. Providing exemptions for certain equipment and/or entities who can distribute it, rather than legalizing the equipment broadly, limits the ability for people to use the equipment to reduce risk from unintentional overdoses involving adulterated substances. Considering the rapid proliferation of trends in overdoses and the lengthy legislative process, broad changes are needed.

The federal drug paraphernalia statute (i.e., 21 U.S. Code § 863) and individual state statutes include devices used for smoking or inhaling drugs as paraphernalia, despite evidence that these practices are safer than injecting substances in context of preventing the spread of infections (i.e., HIV, hepatitis). Decriminalizing all drug paraphernalia federally would prevent legal concerns about possessing syringes, clarify that drug checking equipment possession is legal, and smoking and inhaling-related devices and may reduce harm [112]. Additionally, federal policies allowing the use of federal funds to purchase fentanyl test strips should be expanded to all drug checking equipment. States should also consider repealing drug paraphernalia laws and decriminalizing the possession, distribution, and sale of items currently considered as drug paraphernalia (e.g., syringes, drug testing equipment, smoking and inhalant devices) to reduce barriers to evidence-based harm reduction interventions [112, 113]. At minimum, state paraphernalia laws should exclude drug checking equipment from current drug paraphernalia laws and prohibit additional restrictions on drug checking equipment from local jurisdictions [114]. While most states have passed legislation excluding drug testing equipment to some extent (e.g. fentanyl test strips), more widespread and comprehensive policy changes are recommended [114], as the lengthy legislative process cannot keep up with the changing nature

of overdose in the U.S. The rapid proliferation of fentanyl and xylazine adulteration in the drug supply within the last decade [4] and the delayed legislative response demonstrates this. Excluding drug checking equipment broadly allows for swift reduction of harm. To this end, the Legislative Analysis and Public Policy Association provides a guide for state policymakers to introduce legislation authorizing possession, distribution, and sale of drug checking equipment, allow state funds for these activities, and prohibit local jurisdictions from passing policies in conflict with state legislation [114].

Naloxone

Efficacy of naloxone

Naloxone is a medication that can rapidly reverse opioid overdose-induced respiratory depression and death from secondary cardiac arrest [115]. It is available in the U.S. as a nasal spray and as an injectable medication. While primarily administered by trained medical professionals since its development in 1970, overdose education and naloxone distribution (OEND) programs have been developed to distribute naloxone and provide training on overdose prevention, recognition, and responses to laypersons who may witness an opioid overdose [116]. An umbrella review of systematic reviews concluded that OEND programs effectively reduce opioid overdose-related deaths [117, 118]. Cost-effectiveness analyses examining naloxone distribution to laypersons and first responders resulted in savings of \$15,950 per quality-adjusted life years gained [119].

Current federal and state policies regarding naloxone

Historically, naloxone was only available by persons at risk for overdose requesting the medication from their medical provider, due to requirements that prescribers must have examined, diagnosed, or treated the person the medication is being prescribed for [120]. By 2017, all states passed policies to provide greater access to naloxone [121] through third-party prescribing, in which anyone who may be a potential bystander can request naloxone from prescribers, or standing orders, in which pharmacists can dispense naloxone directly to the public [120, 122]. While naloxone is still available through standing orders, prescriptions from providers, and community distribution, the FDA has since approved the nasal spray version of naloxone for over-the-counter purchase [123], removing a critical policy barrier to access. The nasal spray for naloxone is currently covered by Medicaid and is on the Medicaid preferred drug list, which encourages the prescription of several drugs, in 38 states as of 2024 [124]. However, more research is needed to determine access to naloxone at local pharmacies, as

previous data suggests many pharmacies do not have naloxone in stock [125].

As stated above, Good Samaritan laws protect people who overdose and/or witnesses an overdose from legal consequences when seeking or providing emergency services. As of April 2024, all states but Kansas and Wyoming have Good Samaritan laws, most of which were passed in 2015 or later [111]. However, state laws vary by who they protect (e.g., a witness versus the person experiencing the overdose), what potential crimes they protect against (e.g., low-level drug offenses, possession of paraphernalia), and the stage of the criminal legal process (e.g., arrest, prosecution, or providing an affirmative defense of an allegation during court proceedings) [111]. In a small number of states (Alabama, Indiana, Maine, Oklahoma, and Wisconsin), only the witness seeking assistance is provided protection against legal consequences. Additionally, in 25 states and the District of Columbia, protection against arrest and prosecution is provided for low-level drug offenses, whereas the policies in remaining states that have Good Samaritan laws only provide protection against prosecution for this crime. All but two states (Arkansas and South Dakota) provide protection against possession of drug paraphernalia charges under Good Samaritan laws by explicit legal protection or due to policies generally allowing possession of paraphernalia if there is no intent to sell it. Other policies pertaining to the conditions of Good Samaritan laws can be found in Legislative Analysis and Public Policy Association's review [111].

Remaining policy barriers and policy recommendations for naloxone

While several barriers to naloxone have been removed (e.g., prescriber abilities, over-the-counter access, Medicaid coverage), barriers on the state level remain concerning Good Samaritan laws. The remaining states which have not codified Good Samaritan laws should enact this policy to ensure rapid overdose responses. Currently, in states which have Good Samaritan laws, the variability in protection against legal consequences prevents these laws from successfully accomplishing what they were enacted for, which is to prioritize the personal safety of the person overdosing by removing concerns of legal consequences. Therefore, states should amend their policies to ensure both witnesses and people experiencing an overdose are protected at the earliest stage (e.g., arrest) from low-level drug offenses and possession of drug paraphernalia.

Overdose prevention centers (OPCs)

Efficacy of OPCs

Overdose prevention centers (OPCs), also known as supervised injection sites or safe injection facilities, are

another harm reduction approach to preventing overdose. OPCs are facilities in which people can use drugs under medical supervision to reduce overdose risk while removing fear of criminal prosecution. OPCs aim to reduce infectious disease transmission by providing sterile injection devices, safe disposal of injection devices, screening for infections and diseases, and connect persons to treatment through referrals to health and substance use services [126]. Systematic and scoping reviews on OPCs have concluded that OPCs provide a safe environment to use drugs, reduce drug use behaviors associated with infection and disease transmission (e.g., syringe sharing), reduce risk for both fatal and non-fatal overdoses, and increase access to substance use and health-related services [127, 128]. OPCs also positively impact the surrounding environment by reducing public drug injections and the number of syringes left in public spaces without increasing crime in the area [128, 129]. OPCs have been in operation in Europe as early as 1986 [130] and have demonstrated effectiveness. Additionally, the few OPCs open in the United States demonstrate that operating an OPC in the U.S. is feasible, saves lives (e.g., all overdoses at the facility were nonfatal), reduces emergency department visits and hospitalizations, and does not increase crime in the area [131–135]. Future research examining the cost-effectiveness of overdose prevention centers in the U.S. is needed as no data was publicly available at the time of writing.

Current federal and state policies regarding OPCs

The Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513, 84 Stat. 1236) [136], referred to as the Controlled Substances Act (21 U.S.C. § 856), declares that it is unlawful to manage any place for the purpose of using a controlled substance [137, 138]. This federal policy was enacted in the 1980's to prevent “crack houses”, where persons would purchase and use crack [137–139]. Citing concerns about federal challenges, several bills on the state level authorizing OPCs have been vetoed. See the Drug Policy Alliance's summary for the status of policies passed and being considered at the state and local levels to explicitly authorize OPCs as of December 2024 [139].

Furthermore, enforcement of policies surrounding OPCs in the U.S. remains unclear as OPCs have opened and only one court case has been brought to the federal level to challenge their opening as of December 2024 [139]. The first OPC opened in 2014 in an undisclosed urban area of the U.S. without authorization from state or local entities [132, 133]. The Philadelphia city council voted in favor of opening an OPC in 2019, but halted plans after the U.S. Department of Justice declared that the opening of the

facility is in violation of the Controlled Substances Act [140]. The Third Circuit U.S. Court of Appeals ruled in favor of the U.S. Department of Justice in 2024 (*United States v. Safehouse*), finding that the Philadelphia OPC would violate 21 U.S.C. § 856 and stating that change can only occur if Congress amends the current policy to exclude OPCs from the statute [140]. However, the case remains ongoing as Safehouse has filed another appeal. Most importantly, because the Supreme Court declined to hear the case, the current ruling that the Safehouse OPC cannot open only applies within the Third Circuit's jurisdiction (e.g., Pennsylvania, New Jersey, and Delaware), leaving the larger question of whether OPCs violate U.S. federal law unanswered. More details about the status of the case as of December 2024 can be found in the brief from the Drug Policy Alliance [139]. In 2021, the city of New York was the first city in the U.S. to authorize the opening of OPCs, and two are open as of 2024. In 2021, the state legislature of Rhode Island authorized a pilot program for OPC [141] and opened their first OPC in December of 2024 [142]. Lastly, Vermont passed legislation in 2024 to authorize the operation of OPCs.

Remaining policy barriers and policy recommendations for OPCs

Significant policy barriers remain on the federal and state levels that prevent the opening and operation of OPCs. On the federal level, all OPCs currently opening or operating are at risk of legal challenge by the U.S. Department of Justice under 21 U.S.C. § 856, as seen with the *United States v. Safehouse* case. Since that court case remains open on appeal, the legality of OPCs federally remains unclear. Some states and local jurisdictions have comparable statutes to the Controlled Substances Act, but whether state policy will be enforced is also unclear, as there have been no known OPCs that have been challenged by state or local entities. Other than Rhode Island and Vermont, which have authorized OPCs on the state level, all other states have not authorized OPCs, and some state and local governments have passed legislation explicitly banning OPCs. Federal and state policies should be amended to allow for the establishment of a nationwide network OPCs that reduce substance use-related harm (e.g., overdoses, infectious diseases) and increase treatment initiation [127, 128, 143]. Congress should repeal 21 U.S.C. § 856 to ensure OPCs can legally operate in the U.S. and ensure that state-level policies authorizing OPCs will not be federally challenged. Additionally, all states should pass legislation explicitly authorizing OPCs to operate, repeal state policies

modeled after the Controlled Substances Act, and prevent local jurisdictions from enacting policies prohibiting OPCs at the local level. These recommended policy changes will remove current OPC-related policy barriers and allow for a significant opportunity for people who use substances by ensuring a safe environment that protects them from fatal overdoses and criminal legal concerns, provides crucial health-related services, and connects individuals interested in recovery with referrals to treatment.

Infection prevention harm reduction interventions

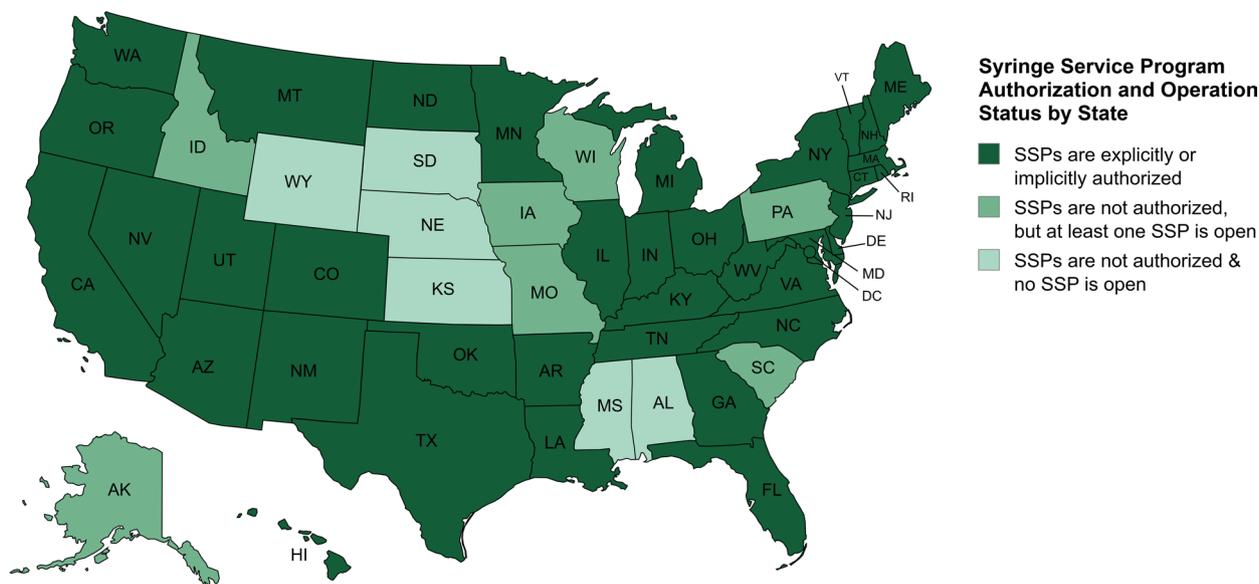
Syringe service programs (SSPs)

Efficacy of SSPs

Syringe service programs (SSPs) are community-based programs that provide access to sterile needles and syringes, safe disposal of used syringes, safer use education, health-related testing, and referrals similar to overdose prevention centers [144]. SSPs are effective in reducing transmission of HIV and HCV, reducing injection drug use overall, and increasing the likelihood of individuals entering substance use treatment [143, 145]. Research on the cost-effectiveness of SSPs and other harm reduction strategies in reducing cases of HCV among persons who inject drugs found a total of \$363,821 in incremental cost savings per HCV case avoided [146]. Efforts to increase the availability of SSPs in non-urban areas is needed [109].

Current federal and state policies regarding SSPs

Following Congress' lift on the total ban on the use of federal funds to support SSP activities in 2016 [147], several federal entities now support funding of syringe service program infrastructure, training, and general operations due to the various health-related services they provide (e.g., screenings for infections and diseases, medical and substance treatment referrals) [64, 148]. Despite federal support, policies vary on the state and local levels regarding authorization to operate, requirements to involve law enforcement in implementation, and requirements for SSP participants. SSPs are authorized implicitly or explicitly by statutes, regulations, or executive orders in 37 states and the District of Columbia [64]. However, local jurisdictions have additional authority in 11 states by requiring authorization (California, Colorado, Florida, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, North Dakota, Rhode Island, and West Virginia). Three of these states also permit termination of SSPs from local jurisdictions (Indiana, Kentucky, and Maryland) [64]. Seven states (i.e., Alaska, Idaho, Iowa, Missouri, Pennsylvania, South Carolina, and Wisconsin) that do not authorize SSPs have at least one SSP currently



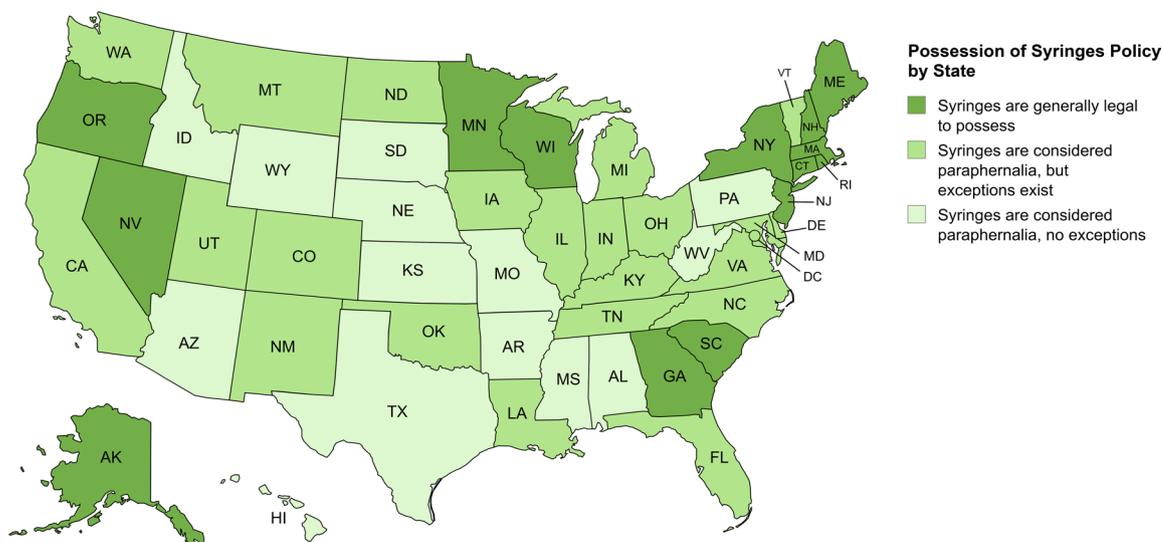
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Fig. 3 Syringe Service Program Authorization and Operation Status by State as of April 2025 [64]

open that publicly acknowledges providing syringe services [64, 149]. Comparing policies to implementation of overdose prevention centers (described above) and SSPs, it is clear there is a difference between state policy and actual practice [147, 148]. Figure 3 below depicts the current status of SSP authorization and operation in each state. Currently, policies in 10 states require consultation or communication with law enforcement before an SSP is implemented (California, Colorado, Georgia, Maine, North Carolina, Ohio, Rhode Island, Tennessee, Utah, and Virginia). The CDC recommends collaboration with law enforcement agencies [64].

Policies beyond the authorization of SSPs further regulate and restrict access to SSPs. Several states restrict operations of SSPs by requiring program participants to register personal information as part of enrollment and/or specific identification for employees, volunteers, and/or participants. Additionally, syringes themselves are often considered drug paraphernalia. Federal policy on drug paraphernalia does not explicitly list syringes but defines paraphernalia in a way that describes syringes: “any equipment, product, or material of any kind which is primarily intended or designed for use in ...injecting, ingesting, inhaling, or otherwise introducing into the

human body a controlled substance” (21 U.S.C. 863), making federal policy on syringe possession unclear. Federal funding for SSPs cannot be used to purchase syringes themselves if funding is distributed by the Department of Labor, Health and Human Services, or Education, but can be used for other SSP-related costs, and other federal agency funds can be allocated for syringe costs [150]. At the state level, drug paraphernalia laws include syringes in their definition in 36 states and the District of Columbia; however, 22 of these states and the District of Columbia have exceptions for persons who use drugs under specific circumstances (e.g., syringes are from SSPs, public health programs, are for disease prevention purposes, or possession is permitted when there is no intent to sell) [64]. A total of 14 states provide no exceptions for syringes under current paraphernalia laws. In the remaining 14 states, syringes are legal to possess because they are not included in current paraphernalia definitions or in rare cases the state does not have a law criminalizing paraphernalia. See Fig. 4 for the legal status of possession of syringes [64]. Similarly, additional policies specific to syringes for SSPs include requiring the exchange of used syringes or needles in order to receive new ones and requiring syringes to be able to be traced



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Fig. 4 Possession of Syringes Policy by State as of April 2025 [64]

back to the SSP they were received from. See the Legislative Analysis and Public Policy Association’s review for additional policies beyond authorization and possession of syringes (e.g., distribution policies for SSPs) in your state [64].

Remaining policy barriers and policy recommendations for SSPs

Despite decades of evidence demonstrating the effectiveness of SSPs in reducing substance use-related harm through infection and disease prevention and the connection to important health and substance use treatment, federal and state policies limit the reach of SSPs. On the federal level, the remaining policy barriers are the current legal definition of drug paraphernalia that describes syringes and the inability to directly purchase syringes using federal funds. On the state level, numerous policies serve as barriers. Thirteen states do not authorize SSPs and within seven of these states, SSPs currently operating may be subject to legal challenges because there is no corresponding policy authorizing their operations. The various authorization policies (and in some cases lack thereof) are systems-level barriers which impede the swift and successful implementation of SSPs. Additionally, states that authorize SSPs have program participant

requirements (e.g., registration, identification as a participant, syringe exchanges) that place an unnecessary burden on persons who inject drugs [64], despite CDC recommendations to provide anonymity and remove program requirements [151]. Lastly, several state drug paraphernalia definitions include syringes. Though several policies provide exceptions for syringe possession, the burden of proof remains on the person who uses drugs to provide a defense recognized as permissible in that state (e.g., identify themselves as an SSP participant, show syringes were received from a public health entity, or demonstrate syringes are for personal use or disease prevention).

As stated in the drug checking equipment section above, Congress should amend 21 U.S.C. 863 to decriminalize possession of all drug paraphernalia, thereby explicitly permitting possession of syringes. At minimum, Congress should amend 21 U.S.C. 863 to explicitly exclude syringes from current drug paraphernalia definitions. In addition, federal funding policies should be amended to permit the purchasing of syringes directly.

States should pass legislation to authorize the operation of SSPs. All states should review and amend current policies as applicable to include the following changes: preventing local jurisdictions from restricting the opening

and/or operations of SSPs locally and removing burdensome participant requirements such as registration, special identification, and used syringe exchange policies to allow anonymity and ease of access. In addition, states should decriminalize possession of drug paraphernalia, or alternatively, remaining states that criminalize possession of syringes should amend current paraphernalia laws to exclude syringes across all contexts, which would remove the need to pass policies providing exceptions for possession. These recommended changes will remove current barriers to allow persons who use drugs to engage in safer injection practices, thereby reducing harm.

Pre-exposure prophylaxis (PrEP)

Efficacy of PrEP

PrEP is a series of oral and injectable medications that prevent HIV infection for people at risk of exposure through sex and injection drug use. When taken once daily as prescribed, oral PrEP medications are effective in reducing HIV infections between 75 to 86% among men who have sex with men and sexual partners of people living with HIV [152]. However, a systematic review of knowledge and uptake of PrEP among persons who inject drugs demonstrates that while awareness of and willingness to use PrEP is high, uptake remains low [29]. More research is needed to determine PrEP's effectiveness in reducing HIV among heterosexual men and women and people who inject drugs [152]. CDC clinical practice guidelines on PrEP identify persons who inject drugs as a priority group for PrEP receipt [153]. Overall, the HIV + Hepatitis Policy Institute, a U.S.-based non-governmental organization focused on promoting healthcare for HIV, hepatitis, and other transmissible diseases, estimates that increasing long-acting PrEP in addition to current oral-only PrEP would lead to a 10-year medical cost savings of over \$4 billion [154].

Current federal and state policies regarding PrEP

Federally, the U.S. Preventative Services Task Force (USPSTF) has assigned an "A" grade to PrEP for qualifying adults and adolescents, indicating that it is a highly recommended method of preventative care [153, 155]. This guidance from USPSTF ensures that under current guidance, PrEP is free under almost all insurance plans, allowing for free access to medication as well as medical visits and tests needed to receive the medication. At the state level, however, some states limit access to PrEP not through insurance coverage of PrEP but through limiting the ability of advanced practice providers (APPs; e.g., nurse practitioners [NPs],

physician assistants [PAs]) to prescribe the medication without the supervision of a physician through "scope of practice" recommendations [156]. In states that limit the ability for APPs to prescribe PrEP independently, access to PrEP is necessarily limited by the supervising physician's knowledge of and willingness to prescribe PrEP. Specifically, research has found that in states that gave APPs greater scope of practice, there were more prescriptions for PrEP written by NPs and PAs [156]. As of 2019, 27 states had laws that allowed NPs to practice independently without restrictions, including the ability to prescribe medications like PrEP, increasing public access [157, 158].

Remaining policy barriers and policy recommendations for PrEP

Federally, PrEP continues to be covered by Medicaid as the time of writing. However, a recent federal court case (*Braidwood Management Inc. v. Becerra*, No. 23–10,326 (5th Cir., June 21, 2024)) is challenging the Affordable Care Act's (ACA) mandate to cover preventative care, including medications like PrEP. In June 2024, a federal appeals court ruled against the ACA coverage but, as of the current writing, only gave an exemption for preventative care coverage to the plaintiffs in the case. Portions of the case are currently under consideration by the U.S. Supreme Court, specifically questioning whether the USPSTF is legally allowed to make legally binding recommendations. If the USPSTF is found to be unconstitutionally appointed, the ruling could eliminate Medicaid coverage of many preventative care treatments, including PrEP [159]. As a result, it is recommended that Congress take action to amend the ACA to enshrine protected coverage of preventative treatments generally and PrEP specifically.

As noted above, states that give APPs greater scope of practice to prescribe PrEP find that there are more prescriptions and greater uptake of PrEP. Therefore, it is recommended that states increase the scope of practice for APPs to include prescription of PrEP. Additionally, states can move to expand or establish state-wide assistance programs for PrEP to reduce the cost of the medication for patients, even if they do not have insurance coverage.

Expanding Medicaid to cover substance use treatment

Finally, while the scope of this paper focused on harm reduction interventions and related policy barriers, changes to Medicaid policies are needed to increase access to substance use treatment broadly and ensure coverage for persons who use substances. Expansion of Medicaid has resulted in decreased opioid-related

Medications for Opioid Use Disorder (MOUD)

- The DEA and SAMHSA should expand certification for methadone dispensing to settings other than specific opioid treatment programs (e.g., pharmacies) and expand prescribing to additional medical professionals (e.g., office-based addiction specialists, primary care physicians, nurse practitioners, physician assistants)
 - Medicaid Part D should then be amended to cover methadone dispensed in pharmacies for persons with opioid use disorders

Drug Checking Equipment (DCE)

- Congress should repeal drug paraphernalia laws and decriminalize possession and distribution of items currently considered paraphernalia (e.g., drug checking equipment, syringes, smoking/inhalation supplies, drug test strips)
- Alternatively, Congress should explicitly exclude all DCE from current drug paraphernalia laws
- Congress should permit the use of federal funds to purchase all DCE

Overdose Prevention Centers (OPCs)

- Congress should allow for expansion of OPCs by amending the Controlled Substances Act

Syringe Service Programs (SSPs)

- Recommended changes above decriminalizing drug paraphernalia apply to syringes
- Alternatively, Congress should explicitly exclude syringes from current drug paraphernalia laws
- Congress should permit the use of federal funds to purchase syringes

Pre-Exposure Prophylaxis (PrEP)

- Congress should amend the Affordable Care Act to ensure protection of Medicaid coverage for preventative medicine services generally, including PrEP

Broader Substance Use Treatment

- Congress should amend current Medicaid coverage to include residential substance use treatment

Fig. 5 Summary of Federal Policy Recommendations

hospitalizations in expansion states, likely due to better medical treatment and expanded access to medication (e.g., buprenorphine, PrEP) [160, 161]. Persons who have Medicaid coverage are more likely to seek out regular care and rely less on emergency departments, lowering the burden on medical providers and the economic

system as well [161, 162]. Additionally, state Medicaid expansion is associated with reductions in opioid overdose deaths [163] and all-cause mortality. As of February 2025, 10 states have not adopted Medicaid expansion [164]. All states should expand Medicaid to increase access to substance use treatment for the most vulnerable

Medications for Opioid Use Disorder (MOUD)

- States legislatures should remove policies restricting the opening and operation of opioid treatment programs (e.g., state certifications, zoning laws, additional pharmacy regulations)
- State legislatures should also remove burdensome participant requirements for buprenorphine and methadone by aligning current policy with federal requirements (e.g., frequency of visits, mandated counseling, format or content-related restrictions for counseling, dosage limits, additional urine drug screenings, non-compliance policies)

Drug Checking Equipment (DCE)

- State legislatures should repeal drug paraphernalia laws and decriminalize possession and distribution of items currently considered paraphernalia (e.g., drug checking equipment, syringes, smoking/inhalation supplies, drug test strips)
- Alternatively, states should explicitly exclude all DCE from current drug paraphernalia laws

Naloxone

- Remaining state legislatures should codify Good Samaritan laws
- States with current Good Samaritan laws in place should amend policies to ensure persons experiencing an overdose are protected at the earliest stage (e.g., arrest) from low-level drug offenses and possession of drug paraphernalia

Overdose Prevention Centers (OPCs)

- State legislatures should authorize the opening and functioning of OPCs and prohibit additional restrictions on OPCs from local jurisdictions

Syringe Service Programs (SSPs)

- Remaining states should explicitly authorize SSPs
- States which authorize SSPs should amend current policies to prohibit additional restrictions on SSP implementation from local jurisdictions and remove burdensome participant requirements (e.g., registration, special identification, and used syringe exchange policies)
- Recommended changes above decriminalizing drug paraphernalia apply to syringes

Pre-Exposure Prophylaxis (PrEP)

- States should expand prescribing abilities for PrEP to advanced practice providers (e.g., nurse practitioners, physician assistants)

Broader Substance Use Treatment

- Remaining states should approve expanded Medicaid to improve access to substance use disorder treatment options
- States should oppose Medicaid coverage lock-outs due to substance use

Fig. 6 Summary of State Policy Recommendations

people in society. States should also oppose changes to Medicaid that may require regular drug screening or work requirements to qualify or lock individuals out of coverage due to substance use.

Second, the Institute of Mental Diseases (IMD) exclusion policy that restricts Medicaid coverage for residential substance use treatment should be amended to allow for greater patient access to comprehensive substance use care [165]. Currently, states may apply to the Centers for Medicare and Medicaid Services for Section 1115 waivers to cover residential treatment services, and as of October 2024, IMD payment exclusion 1115 waivers have been approved across 37 states and 5 more are pending approval [165, 166]. Rather than force states to request exceptions to federal policy and thus give variable access to care based on the state in which a patient resides, Congress should act to allow Medicaid to broadly cover the treatment of substance use disorders across the U.S., enhancing equitable care.

Conclusion

Substance use and injection drug use both pose significant health and mortality risks within the U.S. Despite readily available harmreduction and treatment options, there are significant barriers that reduce or prevent their uptake. Therefore, policy reform is recommended to remove access barriers to efficacious, lifesaving harm reduction interventions. Recommendations noted above are summarized in Figs. 5 and 6 below. In sum, while opioid and injection drug use are at the center of a public health crisis within the U.S., there are still substantive steps that both governmental officials and policy makers at the local, state, and federal levels can take to reduce substance use-related harm through evidence-based interventions and improve the physical and mental health of the population at large.

Abbreviations

ACA	Affordable Care Act
APPs	Advanced practice providers
CDC	Centers for Disease Control and Prevention
DEA	Drug Enforcement Administration
DCE	Drug checking equipment
FDA	Food and Drug Administration
HCV	Hepatitis C virus
HIV	Human Immunodeficiency Virus
HRIs	Harm reduction interventions
MOUD	Medications for opioid use disorder
OEND	Overdose education and naloxone distribution programs
OPC	Overdose prevention centers
PrEP	Pre-exposure prophylaxis
SGM	Sexual and gender minority
SSP	Syringe service program
SU	Substance use
SAMHSA	Substance Abuse and Mental Health Administration
SSP	Syringe service program
USPSTF	U.S. Preventative Services Task Force

Author contributions

BP conducted the policy review, created Figs. 1–4, wrote the main manuscript text, and substantively revised the final draft of the manuscript. AB also wrote the main manuscript text, created Figs. 5–6, and substantively revised the original and final draft of the manuscript. AL contributed to the concept of the manuscript and substantively revised the original draft. WW substantively revised the original and final draft. EK contributed to the concept of the manuscript and substantively revised the original draft. EE contributed to the concept of the manuscript and substantively revised the original draft. KC contributed to the concept of the manuscript and substantively revised the original and final draft. All authors read and approved the final manuscript.

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Declarations

Competing interests

The authors declare no competing interests.

Author details

¹Department of Psychiatry and Behavioral Neurobiology, University of Alabama at Birmingham, 1670 University Blvd., Volker Hall, Suite L107, Birmingham, AL 35233, USA. ²Department of Psychiatry, University of Colorado Anschutz Medical Campus, Aurora, CO, USA. ³Heersink School of Medicine, University of Alabama at Birmingham, Birmingham, AL, USA. ⁴School of Nursing, University of Alabama at Birmingham, Birmingham, AL, USA.

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Zoning Text Amendment to define Harm Reduction and Drug Checking Note and draft

- There are clear definitions for drug checking and harm reduction
 - Drug testing vs drug checking
 - Substance use treatment vs harm reduction
- SAMHSA, MDHHS, Washtenaw co health department all interpret these definitions differently than Ypsi city is choosing to interpret them
- Definitions
 - The Substance Abuse and Mental Health Services Administration (SAMHSA) defines harm reduction as a transformative public health approach that incorporates community-driven strategies to empower people who use drugs (PWUD) and their families. The goal is to provide people with the tools and information to live healthy, self-directed, and purposeful lives, regardless of whether they are ready to stop using drugs.
 - SAMHSA defines a Substance Use Disorder (SUD) as when recurrent use of alcohol and/or drugs causes clinically significant impairment or distress, leading to health problems, disability, and failure to meet responsibilities. SUD treatment, a long-term, chronic illness approach, encompasses coordinated care including behavioral therapies, medications, and recovery supports tailored to individual needs, aiming to prevent misuse and promote recovery through various settings like individual counseling, residential programs, and opioid treatment centers.
 - The Washtenaw County Health Department defines harm reduction as a public health approach that focuses on minimizing the negative consequences of drug use, rather than requiring abstinence. This non-judgmental and compassionate philosophy meets people "where they are at" to help them make healthier choices and increase safety.
 - The Michigan Department of Health and Human Services (MDHHS) defines harm reduction as a public health approach that focuses on using practical strategies to reduce the negative consequences of drug use. The strategy aims to improve health and well-being while recognizing that any step toward safety is meaningful.
 - Core principles - The MDHHS approach to harm reduction includes several key principles:
 - Meets people where they are: It recognizes that many people are not ready or able to stop using drugs, so it promotes safer practices when possible.
 - Empowers people: The strategy is designed to give individuals who use drugs the resources and power to live a healthy, self-directed life.
 - Focuses on safety and dignity: It emphasizes reducing the harm associated with drug use while treating all people with dignity and respect.

- Testing for Fentanyl – Urgent Need for Practice-Relevant and Public Health Research | New England Journal of Medicine
<https://share.google/6Y6tqsiT9LjTrLPGw>
- Conversation/Discussion
 - Need does not necessarily align with where zoning for health and human services is

November 19, 2025 Ypsilanti Planning Commission Meeting

DEFINING HARM REDUCTION IN ZONING ORDINANCE FOR PUBLIC HEALTH EQUITY

Presented by Kat Layton, LMSW
Chair, Ypsilanti Human Relations Commission

PURPOSE OF PRESENTATION

- **Explain why** this amendment is necessary
- **Clarify the difference** between harm reduction and substance use treatment facility
- **Show alignment** with city goals and public health priorities
- **Request** the Planning Commission's **support** for adoption

WHY WE'RE HERE

- A **harm reduction organization** was forced to cease operations downtown after being **misclassified as a substance use treatment facility** in Spring 2025
- This occurred because “harm reduction” is **not defined** in current zoning language
- The Human Relations Commission identified this as a **policy gap** and recommended an amendment
- Members of City Council referred this matter to the **Planning Commission** for review and vote

CURRENT ZONING ORDINANCE LANGUAGE

- No definition exists for “**harm reduction**”
- Zoning code categorizes harm reduction as “**substance abuse treatment facility**”
- Harm reduction services are **effectively invisible** in the current code
- This limits where harm reduction can legally operate, including in **areas with the highest need**

CURRENT TREATMENT FACILITY DEFINITION AND USE REGULATION

- **Current zoning law** defines “**substance abuse treatment facilities**” as **clinical services** providing treatment, counseling, or drug dispensation, either with or without residential stays

Substance abuse treatment facility means:

- (1) *Boarding.* Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing of or distribution of drugs as part of the treatment, where individuals receiving the treatment live on the premises for a period of time, including overnight stays.
- (2) *Walk-in.* Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing or distribution of drugs as part of the treatment plan, where no one resides on the premises overnight.

Page 34 of [City of Ypsilanti Zoning Ordinance](#) (Chapter 122)

Sec. 122-555. Substance abuse treatment facilities.

Substance abuse treatment facilities shall be subject to the conditions hereinafter imposed:

- (a) Such facilities shall have direct access to a major thoroughfare, in accordance with §122-673.
- (b) Such uses shall not be located within 1,000 feet of an R1, CN-Mid, or CN-SF district or of another such facility.

Page 185 of [City of Ypsilanti Zoning Ordinance](#) (Chapter 122)

KEY DISTINCTIONS

- **Substance abuse treatment** is **clinical and treatment-focused**, often requiring medical oversight or counseling credentials
- **Harm reduction** can **exist independently** of clinical treatment, focused on public health, social justice, and **risk reduction**
- **Not all treatment facilities provide harm reduction** (e.g., abstinence-only treatment facility may not offer overdose prevention or safer use supplies)
- Some harm reduction services **may be offered by or alongside treatment facilities**, but a zoning distinction is important

DEFINING HARM REDUCTION (NATIONAL HARM REDUCTION COALITION)

- **Harm reduction** incorporates a **spectrum of strategies**
- Strategies include **safer use, managed use, abstinence, meeting people where they are**
- Addresses **conditions of use** along with the use itself
- Demands that **interventions and policies designed** to serve people who use drugs **reflect** specific **individual and community needs**
- There is no **universal definition** of or formula for **implementing** harm reduction

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) DEFINITION

- Practical and **transformative approach** incorporating **community-driven public health strategies**
- Includes **prevention, risk reduction, and health promotion**
- Empowers **people who use drugs (PWUD)** and their families with the choice to live **healthier, self-directed, and purpose-filled lives**
- Centers the lived and living experience of PWUD, especially those in underserved communities

Source: SAMHSA (2024). Interdepartmental Substance Use Disorders Coordinating Committee Summary Report on ISUDCC Workgroups and Recommendations for Integrating Harm Reduction into the Prevention, Treatment, and Recovery Continuum of Care. Report.

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (MDHHS) DEFINITION

- **Public health approach** using practical strategies to **reduce harm** and **improve well-being**
- Recognizes that every step toward **safety** and **wellness** matters
- Meets people **where they are**, empowering them to **prevent overdose**
- Honors **autonomy** and **dignity** in practice

Source: Harm Reduction and Syringe Service Programs overview on [MDDHS Webpage](#)

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEAST MICHIGAN (CMHPSM) DEFINITION

- Set of **practical strategies** and ideas aimed at **reducing negative consequences** of drug use
- Also a **movement for social justice**, grounded in respect for the **rights** of people who use drugs

Source: Harm Reduction overview on [CMHPSM Webpage](#)

SUGGESTED ZONING ORDINANCE AMENDMENT(S)

- **Step 1:** Add Harm Reduction Services to Article II (Definitions)
- **Step 2:** Consider suggested below definition of Harm Reduction Services
 - Harm Reduction Services means **practices, programs, and strategies** designed to reduce the **negative consequences** associated with drug use, including but not limited to the provision of **safer use supplies, overdose prevention tools, and drug checking services.**
 - Harm Reduction Services are **non-clinical** and **public health-focused**, meeting people where they are, supporting autonomy, safety, and well-being, and addressing the **conditions of drug use** rather than providing **treatment or counseling.**
 - Harm Reduction Services **shall not** be considered a **Substance Abuse Treatment Facility** and may operate **independently** of clinical treatment programs.

WHAT THIS SUGGESTED AMENDMENT DOES

- Clarifies that **harm reduction** is **distinct** from **treatment**
- Ensures zoning laws align with **evidence-based, data-driven,** and **public health** best practices
- Allows **equitable access** to **life-saving services** in high-need areas
- Prevents **future misclassification** and unnecessary **disruption**

ALIGNMENT WITH CITY GOALS

- **Chapter 58** of Ypsilanti City Code: Commitment to **equity** and **mutual understanding**
- **Resolution No. 2020-115A**: Declares **racism a public health crisis** and prioritizes **equitable access, public health, and anti-racism policies**
- An **amendment** to the zoning law to include **harm reduction services operationalizes these values** through **clear, inclusive policy**, ensuring services reach **marginalized communities**

BROADER IMPACT

- Makes **harm reduction services visible** and formally recognized in **city law**
- Strengthens **community safety, trust,** and **equitable public health outcomes**
- Aligns **city policy with county policy** (e.g., Washtenaw County Prosecutor's Office Policy Directive 2025-001) and with state and pre-Trump administration federal **definitions**
- Supports Ypsilanti's leadership in **evidence-based, inclusive,** and **equitable public health policy**

REQUESTED CALL TO ACTION

- **HRC requests the Planning Commission to:**
 - **Support a zoning text amendment** to include a **definition of harm reduction** that **aligns** with its **true intended purpose**
 - **Vote** to recommend **adoption** to **City Council**
 - **Ensure** Ypsilanti's **zoning laws reflect** its values of **diversity, equity, and mutual understanding**

QUESTIONS?



January 21st, 2026

**Text Amendment Staff Review
Harm Reduction**

GENERAL INFORMATION

Staff's Requested Action

Proposed zoning text amendment to permit and establish regulations for harm reduction services. The amendment includes the following sections of the Ordinance:

Definitions

- Section 122-203 – Definitions D, H, N, O (New Definitions)

Permissible Use Charts

- Section 122-416 – Parks (P) Permissible Uses Chart
- Section 122-421 – Single-Family Residential (R-1) Permissible Uses Chart
- Section 122-426 – Multiple Dwelling Residential (MD) Permissible Uses Chart
- Section 122-431 – Production, Manufacturing, And Distribution (PMD) Permissible Uses Chart
- Section 122-441 – Core Neighborhoods (CN-SF, CN-Mid, CN) Permissible Uses Chart
- Section 122-446 – Center (C) Permissible Uses Chart
- Section 122-451 - Corridors (HC, NC, GC) Permissible Uses Chart
- Section 122-461 – Health & Human Services (HHS) Permissible Uses Chart

Amended Section Numbers

- Sections 122-502-509. Reserved.
- Sec. 122-510. Adult drop-in centers or neighborhood counseling centers.
- Sec. 122-511. Adult foster care small homes with more than six persons for whom care is being provided, adult foster care large group homes, and adult foster care congregate facilities.
- Sec. 122-512. Adult regulated uses.
- Sec. 122-513. Alternative Energy
- Sec. 122-514. Auction House.
- Sec. 122-515. Automobile service or repair.
- Sec. 122-516. Automobile filling stations.
- Sec. 122-517. Automobile wash establishments.
- Sec. 122-518. Automobile parking garages.

- Sec. 122-519. Automobile parking lot as principal use.
- Sec. 122-520. Bed and breakfasts and inns.
- Sec. 122-521. Child care centers and group day care homes.
- Sec. 122-522. Designated consumption establishment.
- Sec. 122-523. Drive-through or drive-in facilities.
- Sec. 122-524. Essential services.
- Sec. 122-525. Excess Marihuana Grower.
- Sec 122-526. Firearms Range.
- Sec 122-527. Firearms Sales Establishments.
- Sec. 122-528. Garage sales, rummage sales, yard sales, and owner-made craft sales.
- Sec. 122-529. Gardens/Community Gardens
- Sec. 122-530. Group Residences and Roominghouses.

SUMMARY

The City of Ypsilanti is committed to improving our zoning systems, encouraging public health and safety. It is the purpose of this zoning text amendment to permit and establish regulations for harm reduction services that protect neighboring uses and empower people who use drugs (PWUD) to choose to live a healthier, self-directed, and purpose-filled life.

BACKGROUND

On August 21st, 2025, the Human Relations Commission passed resolution 2025-787 requesting the City Council to direct the Zoning Department to provide a clear definition of harm reduction services. The City Council then requested at their September 23rd, 2025, meeting that the Planning Commission review and provide a clear, defined definition of harm reduction services.

CURRENT ORDINANCE & CODE SECTION AMENDMENTS

Amendments can be referenced by ~~Red~~ text with a strikethrough being deleted; green text underlined is proposed to be added. Sections shall be renumbered accordingly.

<u>Sec. 122-502-509 508. Reserved.</u>
<u>Sec. 122-510 509. Adult drop-in centers or neighborhood counseling centers.</u>
<u>Sec. 122-511 510. Adult foster care small homes with more than six persons for whom care is being provided, adult foster care large group homes, and adult foster care congregate facilities.</u>
<u>Sec. 122-512 511. Adult regulated uses.</u>
<u>Sec. 122-513 512. Alternative Energy.</u>
<u>Sec. 122-514 513. Auction House.</u>
<u>Sec. 122-515 514. Automobile service or repair.</u>
<u>Sec. 122-516 515. Automobile filling stations.</u>
<u>Sec. 122-517 516. Automobile wash establishments.</u>
<u>Sec. 122-518 517. Automobile parking garages.</u>
<u>Sec. 122-519 518. Automobile parking lot as principal use.</u>
<u>Sec. 122-520 519. Bed and breakfasts and inns.</u>
<u>Sec. 122-521 520. Child care centers and group day care homes.</u>
<u>Sec. 122-522 521. Designated consumption establishment.</u>
<u>Sec. 122-523 522. Drive-through or drive-in facilities.</u>
<u>Sec. 122-524 523. Essential services.</u>
<u>Sec. 122-525 524. Excess Marihuana Grower.</u>
<u>Sec 122-526 525. Firearms Range.</u>
<u>Sec 122-527 526. Firearms Sales Establishments.</u>
<u>Sec. 122-528 527. Garage sales, rummage sales, yard sales, and owner-made craft sales</u>
<u>Sec. 122-529 528. Gardens/Community Gardens</u>
<u>Sec. 122-530 529. Group Residences and Roominghouses.</u>

Parks (P)

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES		NOTES	SPECIFIC REGULATIONS
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Park	P		
Outdoor and indoor education areas	P		
Outdoor recreation areas such as swimming pools, tennis courts, and performance venues	P		
Conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens, public tree or plant nurseries	P		
Privately owned or operated uses accessory to City parks	S	Includes but not limited to concession stands, canoe liveries, or bicycle liveries.	
INFRASTRUCTURE			
Essential Services	P		Section 122- 524 523
Solar Farms	S		Section 122- 513 512
Alternative Energy	A		Section 122- 513 512
Parking Garage	S		Section 122- 518 517
SERVICES			
Cemetery	P		
Crematory	S		All principal buildings must be set back at least 75 feet from all property lines.
TEMPORARY USES			
Mobile food establishments	P		Section 122-335
URBAN AGRICULTURE			
Community Gardens	P		Section 122- 529 528
Passive solar building	P		

Single-Family Residential (R-1)

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	R1	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL			
Single-Family Detached Dwelling	P	Manufactured and premanufactured dwellings may be located and installed according to same standards that would apply to a site-built single-family dwelling on the same lot.	
Single-Family Attached Dwellings	P	Permitted on corner lots only, otherwise prohibited.	Corner lot must contain at least 30' of frontage on two or more street sides.
Accessory Dwelling Unit	A		
Two-Family Dwelling	P	Permitted on corner lots only, otherwise prohibited.	Corner lot must contain at least 30' of frontage on two or more street sides.
Home Occupation	A		Section 122-531
Family Child Care Home	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	Up to 12 children	<u>Section 122-521520</u>
Adult foster care family homes	A	1-6 adults, excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	Must be licensed by the state and must comply with the minimum state standards for such facilities.
RECREATION, EDUCATION & PUBLIC ASSEMBLY			
Park	P		
Primary & Secondary Schools (public & private), less than 15,000 square foot footprint	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private) , less than 15,000 square foot footprint	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution, less than 15,000 square foot footprint	S		Section 122-550
Municipal, county, regional & state service uses	S		Section 122-542
SERVICES			
Bed & Breakfast or Inn	S		<u>Section 122-520519</u>
Farmers' Market	A		When accessory to a nonresidential use. Temporary use only.
Garage Sales	A		<u>Section 122-528527</u>
INFRASTRUCTURE			

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	R1	NOTES	SPECIFIC REGULATIONS
Essential Services	P		Section 122- 524 523
Communication Devices	A		Article V, Division 3
Alternative Energy	A		Section 122- 513 512
GARDENS/COMMUNITY GARDENS			
Community Gardens	P		Exempt from area regulations in §122-422. Subject to § 529 528
Toolhouses, sheds, garages, and other similar buildings for the storage of domestic supplies	A		Must meet accessory structure regulations for lot coverage and maximum floor area. Rear or side yard only.
Passive solar building	A		Must meet accessory structure regulations for lot coverage. Rear or side yard only. Must meet regulations in §122-422, with an exception for an up to 200 sq ft passive solar building if floor area of existing detached accessory structures are less than 200 sq ft or equal to the gross floor area of the ground floor of the principal structure. Maximum square footage is 800 sq ft.

Multiple-Dwelling (MD)

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	MD	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL			
Group Residences	S		Single-family building type only.
Townhomes/rowhomes	P		
Two-Family Dwelling	P		
Multiple Family Dwellings, maximum of 6 units per building	P		Responsible party for management must be on file with the City.
Multiple Family Dwellings, more than 6 units per building	S		Responsible party for management must be on file with the City.
Home Occupation	A		Section 122-531
Family Child Care Home	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	Up to 12 children	<u>Section 122-521520</u>
Group living with support staff, not licensed by State of Michigan	S		
Adult foster care family homes	A	1-6 adults, day care and 24 hour care, excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Adult foster care small & group homes, adult congregate facilities	S	7 or more adults, licensed by State of Michigan	<u>Section 122-511510</u>
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	S		
RECREATION, EDUCATION & PUBLIC ASSEMBLY			
Park	P		
Indoor recreation	A		Section 122-533
Social facility for multiple dwelling residents and their guests	A		
Primary & Secondary Schools (public & private)	S	Public schools are subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private)	S	Public schools are subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S		Section 122-550

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	MD	NOTES	SPECIFIC REGULATIONS
Municipal, county, regional & state service uses	S		Section 122-542
SERVICES			
Bed & Breakfast or Inn	S		Section 122- 520 519
Child care centers and day care centers	S		Section 122- 521 520
Nursing homes	S		Section 122-543
Medical or Dental Clinics, less than 5,000 square feet	S		
Financial services, including banks	S		Drive through facilities are not allowed in MD
Personal service establishments	A		
COMMERCIAL			
Food stores, excluding sale of alcohol, less than 15,000 square feet	S		
Farmers' Market	A		
Garage Sales	A		Section 122- 528 527
RESTAURANTS			
Carry-out and/or delivery restaurant	S		Drive through facilities are not allowed in MD
Café or coffee shop	S		Drive through facilities are not allowed in MD
INFRASTRUCTURE			
Essential Services	P		Section 122- 524 523
Communication Devices	A		Article V, Division 3
Alternative Energy	A		Section 122- 513 512
Automobile Share Parking	A		
GARDENS/COMMUNITY GARDENS			
Community Gardens	P		Exempt from area regulations in §122-427, subject to § 529 528
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A		<ul style="list-style-type: none"> • Must meet accessory structure regulations for lot coverage and maximum floor area. • Rear or side yard only.
Passive solar building	A		<ul style="list-style-type: none"> • Must meet accessory structure regulations for lot coverage and maximum floor area. • Rear or side yard only. • Maximum square footage is 800 square feet.

Production, Manufacturing, Distribution (PMD)

<i>P=Principal; A=Accessory; S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise permitted; S=Special Land Use</i>			
USES	PMD	NOTES	SPECIFIC REGULATIONS
INFRASTRUCTURE			
Essential Services	P		<u>Section 122-524523</u>
Communication Devices	A		Article V, Division 3
Radio & Television Studios or Stations	P		
Radio and television towers, public utility microwaves, and public utility television transmitting towers, mobile communications towers, cellular phone towers and their accessory facilities	P		Article V, Division 3
Utility buildings including electric and gas service buildings and yards, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, and water and propane tank holders.	P		
Railroad yards not including manufacture and repair	S/Res		
Energy, electricity and heat generation plants	S	Includes solar farms and geothermal plants	<u>Section 122-513512</u>
Landfill	S	May include anaerobic digester.	
Water or sewage treatment plant	S		
Biofiltration Facility	P		
Alternative Energy	A		<u>Section 122-513512</u>
SERVICES			
Business and professional offices and services, 15,000 square feet or more	P		
Business and professional offices and showrooms	A		
Kennels, commercial	S/Res		Section 122-535
Offices for skilled trade services including but not limited to plumbing, electric, heating, and painting establishments	P		
Repair of appliances, machines or vehicles	P		
Self-storage facilities	P		
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	P		Section 122-549
Construction and Landscape Contractors, contractor's yards, equipment and materials storage	P		
Recycling centers	S		

*P=Principal; A=Accessory;
S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise permitted;
S=Special Land Use*

USES	PMD	NOTES	SPECIFIC REGULATIONS
Adult Regulated Uses (1): Adult book or supply stores; Adult hotels or motels; Adult motion picture theatres/adult live stage performing theaters; Adult mini-motion picture theaters; Cabarets	P		<u>Section 122-512511</u>
Adult Regulated Uses (2) or (3): Massage parlors/massage establishments; Pawnshops	S		<u>Section 122-512511</u>
Firearms Sales Establishments	S/Res		<u>Section 122-527526</u>
Firearms Range	S		<u>Section 122-526525</u>
AUTO-ORIENTED			
Automobile Wash & Detailing	P		
Automobile Share Parking	A		
Truck Wash	S		
Automobile Repair	P		<u>Section 122-515514</u>
Automobile rental (parking, storage, wash & repair)	P		
Vehicle &/or Recreational Vehicle Storage and Towing	S/Res		No storage of vehicles is permitted in setback from R-1, CN-SF, CN-Mid, CN, MD district.
Junkyards; Vehicle Wrecking, Salvage, Storage of Inoperable Vehicles	S		Section 122-534
RESEARCH			
Laboratories	S/Res		
Development & Research	S/Res		
Marihuana safety compliance facility	S		Section 122-539
PRODUCTION, MANUFACTURING & DISTRIBUTION			
Manufacture or processing of food products including brewing & distilling	P		
Craft manufacturing	P		
Storage, warehousing, and wholesale distribution	S/Res	Outdoor storage is a special land use subject to section 122-544	
Central dry cleaning plants	S		
Clothing production	P		
Software, film, music, television and radio, and video game development & physical production	S/Res		
Assembly and production, from prefabricated parts, of household appliances, electronic products, hardware products, and similar products	S/Res		
Processing or assembling of parts for production of finished equipment	S/Res		
Dry cleaning plants or laundries	S		

*P=Principal; A=Accessory;
S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise permitted;
S=Special Land Use*

USES	PMD	NOTES	SPECIFIC REGULATIONS
Manufacturing, Compounding, Processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, and toiletries, except the rendering or refining of fats and oils	S/Res		
Manufacturing of alcohol; ammonia; bleaching powder or chlorine; asphalt, including refining; brick, tile or terra cotta; chemicals; concrete or cement products; lampblack; oil cloth or linoleum; paint, oil, shellac, turpentine, lacquer or varnish; petroleum products; plastics; soap; sodium compounds; tar distillation or tar products	S		
Manufacturing of machine tools, machinery, vehicles of all types, machine or vehicle components or that requires metal plating or galvanizing, plastic extrusion or molding or similar process	S		
Metal Foundry or fabricating plant and heavyweight casting	S		
Manufacture of construction materials	S		
Manufacturing of textiles, rubber or synthetic treated products	S		
Manufacture and repair of train cars, locomotives and track	S		
Animal slaughter and processing	S	Does not include aquaculture and aquaponics.	All activities must take place inside a fully enclosed building.
Ethanol, petroleum and fuel production, refining and storage	S		
Passive solar building	P		
Hydroponics, aquaculture, aquaponics, and similar raising of food	P		All activities must take place inside a fully enclosed building.
Excess marijuana grower	S		Section 122- 525 524
Marijuana growing and/or processing facility	S		Section 122-536
Marijuana microbusiness	S		Section 122-537
Marijuana secure transporter	S		Section 122-540
STORAGE			
Outdoor storage	S/Res		Section 122-546
Storage of liquid and solid fuels	S		Section 122-652

Core Neighborhoods (CN-SF; CN-Mid; CN)

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	CN-SF	CN-MID	CN	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL					
Single-Family Detached Dwelling	P	P	P		
Single-Family Attached Dwellings	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In "townhome" building type only. In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Accessory Dwelling Unit	A	A	A		
Two-family dwelling units	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Multiple Family Dwellings, maximum of 4 units per building	--	S	P		
Multiple Family Dwellings, more than 4 units per building	--	--	S		
Apartments located above ground floor of permitted nonresidential uses	--	--	P		
Home Occupation	A	A	A		Section 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	S	S	Up to 12 children	<u>Section 122-521520</u>
Adult foster care family homes	A	A	A	1-6 adults, day care and 24 hour care	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group residence and Roominghouses	--	--	S		<u>Section 122-530529</u>
Group living with support staff, not licensed by State of Michigan	--	--	S		Section 122-556
Adult foster care small & group homes, adult congregate facilities	--	S	S	7 or more adults. Licensed by State of Michigan.	<u>Section 122-511510</u>
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	--	--	S		
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Park	P	P	P		
Indoor recreation	--	--	A		Section 122-533

Primary & Secondary Schools (public & private)	S	S	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private)	S	S	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S	S	S		Section 122-550
Private assembly, including banquet hall	--	--	S		
Municipal, county, regional, & state service uses	S	S	S		Section 122-542
Public Art	A	A	A		
SERVICES					
Bed & Breakfast or Inn	S	S	S		Section 122-520519
Child Care Center	S	S	S		Section 122-521520
Funeral Homes	--	S	S		
Nursing Homes	--	S	S		Section 122-543
Medical or Dental Offices, less than 5,000 square feet	--	S	S		
COMMERCIAL					
Arts & crafts studios	--	--	S		
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	S	S		
Farmers' Market	A	A	A		When accessory to a non-residential use.
Garage Sales	A	A	A		Section 122-528527
RESTAURANTS					
Carry-out and/or delivery restaurant	--	--	S		
Café or coffee shop	--	--	S		
AUTO-ORIENTED					
Automobile Filling Station - no repair	S	S	S		Section 122-515514
Automobile Share Parking	--	--	A		
INFRASTRUCTURE					
Essential Services	P	P	P		Section 122-524523
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513512
GARDENS/COMMUNITY GARDENS					
Community gardens	P	P	P		Section 122-529528

Passive solar building	A	A	A		<ul style="list-style-type: none"> • Must meet accessory building regulations for building type. • Maximum square footage is 800 square feet.
Toolhouses, sheds, and other similar buildings for the storage of domestic supplies	A	A	A		Must meet accessory building regulations for building type.

Center (C)

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	C	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL			
Single-family attached dwellings	P		In "Townhome" building type only
Multiple Family Dwellings	P		In "Apartment Building" building type only
Apartments located above ground floor of permitted nonresidential uses	P		
Home Occupation	A		Section 122-531
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Museums & libraries	P		
Parks	P		
Public Art	A		
Indoor recreation	P		
Performance venues/theaters	P		
Municipal, county, regional & state service uses	P	Only subject to State regulations regarding location and construction.	Section 122-542
Post-secondary educational institutions (public & private)	P	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
INFRASTRUCTURE			
Essential Services	P		<u>Section 122-524523</u>
Communication Devices	A		Article V, Division 3
Alternative Energy	A		<u>Section 122-513512</u>
Public & Private Transportation Passenger Terminals	S		Section 122-548
SERVICES			
Business and professional offices and services	P		
Financial services, including banks	P		No drive through or drive-in facilities are permitted in C.
Personal service establishments	P		
Body Art Facilities	P		
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	S		
Hotels & motels	P		
Child Care Centers	P		<u>Section 122-521520</u>
Laundromats and dry cleaners	P		No dry cleaning on premises.
Medical or dental clinics	P		

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	C	NOTES	SPECIFIC REGULATIONS
Catering services	A		
Self-storage	S		Section 122-554
COMMERCIAL			
Retail stores	P		
Resale stores	P		
Arts & crafts studios	P		
Food stores, excluding sale of alcohol	P		
Food stores less than 15,000 square feet, with sale of alcohol	S		
Food stores greater than 15,000 square feet, with sale of alcohol	P		
Farmers' market and other open-air markets	P		
Auction houses	P		<u>Section 122-514513</u>
Designated consumption establishment	S		<u>Section 122-522521</u>
Marihuana retailers and/or provisioning centers	P		Section 122-538
RESTAURANTS			
Carry-out and/or delivery restaurant	P		
Café or coffee shop	P		
Sit-down	P		
Bar/Lounge	P		
Tasting room and/or restaurant	A		Carry-out sales allowed with proper licenses.
Outdoor cafes	A		Section 122-547
Fast Food	P		No drive through or drive-in facilities are permitted in C.
RESEARCH			
Limited research and development	S		Section 122-552
AUTO-ORIENTED			
Parking lot	S	Permitted as an accessory use without special use permit.	<u>Section 122-519518</u>
Parking Garage	S		<u>Section 122-518517</u>
Automobile Share Parking	A		
Autonomous vehicle rideshare	A		
Electric mobility charging stations	A		
Indoor vehicle storage	A		
Vehicle technological service	A		
PRODUCTION, MANUFACTURING & DISTRIBUTION			
Microbrewer/ small distiller /small wine maker	P		Carry-out sales allowed with proper licenses.

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	C	NOTES	SPECIFIC REGULATIONS
Marihuana microbusiness	S		Section 122-537
TEMPORARY USES			
Mobile Food Establishments	P		Section 122-335
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE			
Operation between 2 a.m. and 6 a.m. during any 24-hour period	P		
Sale of alcoholic beverages for consumption off the premises, not otherwise specified above.	S		

Corridors (HC; NC; GC)

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL					
Single-Family Detached Dwelling	P	--	--		
Single-Family Attached Dwelling	--	P	P		In "Townhome" building type only
Accessory Dwelling Unit	A	--	--		
Two-family dwelling units	P	P	P		
Multiple Family Dwellings, maximum of 4 units per building	P	P	P		
Multiple Family Dwellings, more than 4 units per building	S	S	P		Section 122-541
Apartments located above ground floor of permitted nonresidential uses	P	P	P		
Apartments located below the ground floor of permitted nonresidential uses	P	P	P		
Home Occupation	A	A	A		Section 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	A	A	A	Up to 12 children	<u>Section 122-521520</u>
Adult foster care family homes	A	A	A	1-6 adults	Must be licensed by the state and must comply with the minimum state standards for such facilities.
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Parks	P	P	P		
Outdoor recreation	--	S	P		Section 122-533
Museums & libraries, less than 15,000 square feet	P	P	--		
Museums & libraries 15,000 square feet or more	S	S	--		
Primary & Secondary Schools (public & private)	S	S	--	Public schools are only subject to State regulations regarding location and construction.	Section 122-553

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Post-secondary educational institutions (public & private)	S	S	--	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S	S	--		Section 122-550
Private assembly, including banquet halls	S	S	--		
Indoor recreation less than 15,000 square feet	--	P	P		
Indoor recreation 15,000 square feet or more	--	--	P		
Municipal, county, regional & state service uses	S	P	P		Section 122-542
Public Art	A	A	A		
SERVICES					
Business and professional offices, less than 15,000 square feet	P	P	P		
Business and professional offices, 15,000 square feet or more	--	S	P		
Financial services, including banks, less than 15,000 square feet	P	P	P		Drive through or drive-in facilities require special land use
Financial services, including banks, 15,000 square feet or more	--	S	P		Drive through or drive-in facilities require special land use.
Homeless Shelter	--	--	P		Section 122-532
Personal service establishments, less than 15,000 square feet	P	P	P		
Personal service establishments, 15,000 square feet or more	--	--	P		
Body art facilities	--	--	P		
Offices for skilled trade services including but not limited to plumbing, electric, heating, and painting establishments	--	S	P		Section 122-544
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	--	S	S		Section 122-549
Bed & Breakfast or Inn	P	S	--		<u>Section 122-520519</u>
Hotels & motels	--	--	P		

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Child Care Centers	S	P	P		<u>Section 122-521520</u>
Funeral homes	S	S	S		
Laundromats and dry cleaners, less than 15,000 square feet	--	P	P		No dry cleaning on premises.
Laundromats and dry cleaners, 15,000 square feet or more	--	--	P		No dry cleaning on premises.
Nursing Homes	S	--	S		Section 122-543
Medical or dental clinics, less than 10,000 square feet	P	P	P		
Medical or dental clinics, 10,000 square feet or more	S	S	P		
Veterinary hospitals and clinics	--	S	S		Section 122-557
Kennels, commercial	--	--	S		Section 122-535
Substance abuse treatment facilities	--	--	S		Section 122-554
Catering services, less than 15,000 square feet	P	P	P		
Catering services, 15,000 square feet or more	--	--	P		
Self-storage	--	--	P		Section 122-554
COMMERCIAL					
Retail stores, less than 15,000 square feet	S	P	P		
Retail stores, greater than 15,000 square feet	--	--	P		
Resale stores	--	P	P		
Arts & crafts studios	P	P	P		
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	P	P		
Food stores, with sale of alcohol, less than 15,000 square feet	--	S	P		
Food stores greater than 15,000 square feet with or without sale of alcohol	--	--	P		
Commercial Greenhouse			P		
Farmers' market and other open-air markets	--	P	P		
Outdoor retail sales	--	S	S		Section 122-545
Firearms Sales Establishments	--	--	S		<u>Section 122-527526</u>
Designated consumption establishment	--	--	S		<u>Section 122-522521</u>

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Marihuana retailers and/or provisioning centers	--	--	S		Section 122-538
Marihuana retailers and/or provisioning centers, less than 5,000 square feet gross floor area	--	S	S		Section 122-538
RESTAURANTS					
Carry-out and/or delivery restaurant	--	P	P		
Café or coffee shop	P	P	P		
Sit-down, with seating limit of 50 seats	P	P	P		
Sit-down, no seating limit	--	--	P		
Bar/Lounge	--	S	P		
Tasting room and accessory to microbrewer/ small distiller/ small wine maker	--	S	P		Carry-out sales allowed with proper licenses.
Fast Food	--	S	P		Must be located on major thoroughfare. Drive through or drive-in facilities require special land use.
Drive through restaurant of any type	--	--	S		<u>Section 122-523522</u>
Outdoor cafes	A	A	A		Section 122-547
AUTO-ORIENTED					
Parking lot	--	--	S	Permitted as an accessory use without special use permit.	<u>Section 122-519518</u>
Parking Garage	--	--	S		<u>Section 122-518517</u>
Automobile Sales	--	--	S		
Automobile Filling Station - no repair	--	S	S		<u>Section 122-516515</u>
Automobile Filling Station with repair	--	--	S		Sections 122- 516 515 and <u>122-515514</u>
Automobile Wash & Detailing	--	--	S		
Automobile Repair	--	--	S		<u>Section 122-515514</u>
Automobile repair, less than 5,000 square feet	--	P	P		All repair and storage must be within a fully enclosed building. Business hours are limited to 7:00am to 10:00pm.
Automobile Share Parking	A	A	A		
Automobile rental or share organization (parking, storage, wash & repair)	--	--	S		
Vehicle, Recreational Vehicle, Storage and Towing	--	--	S		

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
RESEARCH					
Laboratories	--	--	S		
Research & Development	--	--	S		
PRODUCTION, MANUFACTURING & DISTRIBUTION					
Craft production, clothing production or food production, less than 16,000 square feet	--	P	P		
Craft production, clothing production or food production, 16,000 square feet or greater	--	--	S		
Microbrewer/ small distiller /small wine maker, less than 16,000 square feet	--	P	P		
Microbrewer/ small distiller /small wine maker, 16,000 square feet or greater	--	--	S		Carry-out sales allowed with proper licenses.
Wholesale or distribution facility with total gross floor area of less than 16,000 square feet	S	S	P		
Wholesale or distribution facility with total gross floor area 16,000 square feet or greater	--	--	S		
Marihuana growing and/or processing facility	--	--	S		Section 122-536
Marihuana microbusiness	--	--	S		Section 122-537
Marihuana secure transporter	--	--	S		Section 122-540
TEMPORARY USES					
Mobile Food Establishments	--	P	P		Section 122-335
INFRASTRUCTURE					
Essential Services	P	P	P		Section 122-524523
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513512
GARDENS/COMMUNITY GARDENS					
Passive solar building	A	A	A		Must meet accessory structure regulations for building type. Maximum square footage is 800 square feet in the HC zoning district.
Community gardens	--	A	A		Section 122-529528

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE					
Operation between 2 a.m. and 6 a.m. during any 24-hour period	--	S	S		
Drive through facilities	--	S	S		<u>Section 122-523522</u>
Ongoing outdoor retail sales or display	--	S	S		Section 122-545
Outdoor storage	--	S	S		Section 122-546

Health & Human Services (HHS)

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	HHS	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL			
Single-Family Attached Dwelling	P		In "Townhome" building type only
Two-family dwelling	P		
Multiple Family Dwellings, maximum of 6 units per building	P		
Multiple Family Dwellings, more than 6 units per building	S		Section 122-541
Apartments located above ground floor of permitted nonresidential uses	P		
Home Occupation	A		Section 122-531
Group living with support staff, not licensed by State of Michigan	P		Section 122-555
Family Child Care Home	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	A	Up to 12 children	<u>Section 122-524520</u>
Adult foster care family homes	A	1-6 adults, day care and 24 hour care Excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	Must be licensed by the state and must comply with the minimum state standards for such facilities.
GROUP LIVING			
Group residence, maximum of 6 residents	P		<u>Section 122-530529</u>
Group residence with 7 or more residents	S		<u>Section 122-530529</u>
Adult foster care small & group homes, adult congregate facilities	P	7 or more adults, licensed by State of Michigan	Section 122- <u>544510</u>
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	S		
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Parks	P		
Public Art	A		
Indoor recreation	P		
Municipal, county, regional & state service uses	P		Section 122-542
Post-secondary educational institutions (public & private)	S		Section 122-553
Outdoor recreation	A		Section 122-533

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	HHS	NOTES	SPECIFIC REGULATIONS
INFRASTRUCTURE			
Essential Services	P		<u>Section 122-524523</u>
Communication Devices	A		Article V, Division 3
Alternative Energy	A		<u>Section 122-513512</u>
SERVICES			
Business and professional offices and services	P		
Financial services, including banks	P		Drive through or drive-in facilities require special land use
Adult drop-in center	P		<u>Section 122-510509</u>
Homeless Shelter	P		Section 122-532
Personal service establishments	P		
Child Care Centers	P		<u>Section 122-521520</u>
Funeral homes	S		
Nursing Homes	P		Section 122-543
Medical or dental clinics	P		
Hospitals	P		
Substance abuse treatment facilities	S		Section 122-555
Catering services	P		
COMMERCIAL			
Retail stores less than 15,000 square feet	P		
Food stores, excluding sale of alcohol	P		
Farmers' market and other organized markets	P		
RESTAURANTS			
Carry-out and/or delivery restaurant	P		
Café or coffee shop	P		
Cafeteria	A		
AUTO-ORIENTED			
Parking Garage	S		<u>Section 122-518517</u>
Automobile Share Parking	A		
RESEARCH			
Laboratories	P		
Marihuana safety compliance facility	S		Section 122-539
TEMPORARY USES			
Food concession sales	P		Section 122-335
URBAN AGRICULTURE			
Community gardens	A		Exempt from area regulations in

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	HHS	NOTES	SPECIFIC REGULATIONS
			§122-462, subject to §122- 529 528
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A		Must meet accessory structure regulations for building type.
Passive solar building	A		Must meet accessory structure regulations for building type.
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE			
Operation between 2 a.m. and 6 a.m. during any 24-hour period	S		

PROPOSED ORDINANCE

Amendments can be referenced by ~~Red~~ text with a strikethrough being deleted; green text underlined is proposed to be added. Sections shall be renumbered accordingly.

Section 122-203. Definitions. D (New Language)					
<u>Drug Checking Equipment & Services</u> means a harm-reduction service in which a small quantity of a substance is voluntarily provided for the purpose of analyzing its contents to identify contaminants, adulterants, or toxic substances. Drug checking may include the use of reagent tests, test strips, spectrometry, or other public-health screening tools.					
<u>Drug Testing</u> means a practice performed by a licensed medical professional that analyzes a person's urine, blood, saliva, hair, or other biological specimen for the purpose of detecting the presence, absence, or concentration of controlled substances, alcohol, or related metabolites.					
Section 122-203. Definitions. H (New Language)					
<u>Harm Reduction Service Facility</u> refers to a state-licensed medical establishment that provides public-health services designed to reduce the risks associated with substance use. Services may include syringe service programs (SSPs) and disposal, naloxone or other overdose-prevention supplies, drug checking, harm-reduction counseling, basic health assessments, and referrals to medical care, treatment, or social services.					
Section 122-203. Definitions. N (New Language)					
<u>Naloxone</u> means an opioid antagonist medication that temporarily reverses the life-threatening effects of an opioid overdose. Naloxone may be provided or administered by trained staff or laypersons and includes any FDA-approved formulation, including nasal sprays and injectable products.					
Section 122-203. Definitions. O (New Language)					
<u>Overdose Prevention Centers (OPCs)</u> means a facility where individuals may consume pre-obtained substances under the supervision of trained medical or harm-reduction personnel who can intervene in the event of an overdose or other medical emergency. Services may include the provision of sterile consumption supplies, drug checking, overdose response, basic medical assessment, and referrals to treatment or social services.					
Section 122-446. Center (C) Permissible Uses Chart (Amended Language)					
Uses	C	Notes		Specific Regulations	
Services					
<u>Harm Reduction Service Facility</u>	<u>S</u>			<u>Section 122-530</u>	
Section 122-451. Corridors (HC, NC, GC) Permissible Uses Chart (Amended Language)					
Uses	HC	NC	GC	Notes	Specific Regulations
Services					
Substance abuse treatment facilities	--	<u>S</u>	S		<u>Section 122-555</u>
<u>Harm Reduction Service Facility</u>	--	<u>S</u>	<u>S</u>		<u>Section 122-530</u>
Section 122-461. Health & Human Services (HHS) Permissible Uses Chart (Amended Language)					
Uses	HHS	Notes		Specific Regulations	
Services					
<u>Harm Reduction Service Facility</u>	<u>S</u>			<u>Section 122-530</u>	

Section 122-530. Harm Reduction Service Facilities (New Language)

- (a) **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under State or Federal law.
- (b) The following standards for harm reduction facilities shall apply:
 - (1) The facility shall be registered with and licensed by the State Department of Licensing and Regulatory Affairs.
 - (2) The facility shall have direct access to a major thoroughfare, in accordance with §122-673.
 - (3) The use shall not be located within 1,000 feet of a school and/or another such facility measured from the outermost boundaries of the lot or parcel.
 - (4) Substances tested through drug-checking services may be consumed indoors under the supervision of a licensed medical professional.
 - (5) The use shall operate entirely within an enclosed building.
 - (6) Queueing space shall be identified on the site plan and contained on-site or indoors.
 - (7) Security cameras shall be installed to monitor the entire site. Cameras shall operate continuously and store footage for at least 30 days.

*(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:*

- (1) The proposed amendment is consistent with the guiding values of the Master Plan; and*
- (2) The rezoning is consistent with description and purpose of the proposed district; and (Staff Note: This is not a rezoning.)*
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and*
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and*
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and*
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and*
- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or*
- (8) The proposed amendment is needed to correct an error or omission in the original text; or*
- (9) The proposed amendment will address a community need in physical or economic conditions or development practices; and*
- (10) The proposed amendment will not result in the creation of significant nonconformities in the City.*

RECOMMENDED MOTION

--

Joshua Burns,
City Planner



January 21st, 2026

**Text Amendment Staff Review
Levels of Review**

GENERAL INFORMATION

Staff's Requested Action

The proposed zoning text amendment is intended to reduce regulatory barriers within the Zoning Ordinance for businesses seeking to occupy existing buildings without modifications to the site or building footprint. The amendment includes the following sections of the Ordinance:

- Section 122-307(c)(3)

SUMMARY

The City of Ypsilanti is committed to improving our zoning systems. It is the purpose of this zoning text amendment to remove unnecessary regulatory burdens that may act as barriers to small businesses.

BACKGROUND

On December 17th, 2025, Commissioner Marin shared with the Planning Commission that within the levels of review section of the ordinance, the current process requires a full site plan for a use deemed as more intense by the City Planner, even with no proposed changes to the site or building footprint. She shared that this process is unnecessarily burdensome and may act as a barrier for small businesses, especially downtown. Following the discussion of this matter, the Planning Commission requested that staff propose amendments to this section.

**This may be a good time for the Planning Commission to review and discuss the revision requirements established for PUDs.

CURRENT ORDINANCE

(c) Levels of Review Table				
Activities or uses	Type of plan required	City Planner	Planning Commission	City Council
(1) New Construction				
Single or two-family dwelling on individual lot	Sketch	X		
Accessory dwelling unit or accessory building to single or two-family use	Sketch	X		
Essential services, electrical substations, private utilities and similar uses	Site	X		
Non-residential	Site	Review & recommend to PC	X	
Special Land Use or Limited Building Type	Site or Limited Site, at Planner discretion	Review & recommend to PC	X	
Subdivisions (both site condominiums & plats)	Site	Review & recommend to PC	Review & Recommend to City Council	X
Rezoning, including conditional rezonings	Site	Review & recommend to PC	Review & Recommend to City Council	X
Planned Unit Development (PUDs)	Site	Review & recommend to PC	Review & Recommend to City Council	X
(2) Expansion/Modification to Existing Buildings				
Single or two family dwelling on individual lot	Sketch	X		
Accessory dwelling unit	Sketch	X		
Where no requests for exceptions as allowed by this Chapter are made, and the proposed expansion/modification does not exceed 25% of the existing total gross floor area of the building (up to a maximum of 5,000 square feet), or 500 square feet, whichever is greater.	Site	X		

(c) Levels of Review Table				
Activities or uses	Type of plan required	City Planner	Planning Commission	City Council
Where a building encroaches into the required setback from a planned easement; or area of expansion exceeds the threshold permitted for administrative review; or when waivers are requested.	Site	Review & recommend to PC	X	
Expansion or intensification of a Special Land Use	Site	Review & recommend to PC	X	
(3) Change in Use				
Temporary uses, buildings & structures	Sketch	X		
Change in use to a new Special Land Use with <i>no</i> requests for waivers as provided in this chapter and no proposed changes to the site or building footprint	Limited Site	Review & recommend to PC	X	
Change to an equally or less intense use, as determined by the City Planner, that does not involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site	Sketch	X		
Change to a more intense use, as determined by the City Planner, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site	Site	Review & recommend to PC	X	
(4) Accessory Structures & Site Improvements				
Accessory buildings, structures, and off-street parking for single and two-family dwelling units on individual lots	Sketch	X		
Accessory buildings less than 250 square feet	Sketch	X		

(c) Levels of Review Table				
Activities or uses	Type of plan required	City Planner	Planning Commission	City Council
Accessory buildings, except when accessory to single and two-family dwellings, 250 square feet or more	Site	X		
New parking lot and/or garage, except when accessory to single and two-family dwellings, with no requests for waivers allowed in this Chapter	Site	X		
Expand or modify an existing parking lot that results in drainage alterations, changes in circulation patterns or access, or addition or replacement of base or subgrade, with no requests for waivers allowed in this Chapter	Site	X		
New parking lot and/or garage, or expand/modify existing parking lot, with requests for waivers allowed in this Chapter	Site	Review & recommend to PC	X	
(5) Other uses or site improvements				
Community garden as principal use	Sketch	X		
Infrastructure and paving improvements including sidewalks, bicycle facilities, and pathways on private property in excess of 500 sq ft, excluding parking areas and driveways; with no requests for waivers allowed in this chapter	Sketch	X		
Construction, relocation or erection of structures including signs, screening walls, trash receptacles, fences, walls, lights, poles, cooling/heating or other mechanical equipment	Sketch	X		
Swimming pools	Sketch	X		

PROPOSED ORDINANCE

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(c) Levels of Review Table				
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(1) New Construction				
Single or two-family dwelling on individual lot	Sketch	X		
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Essential services, electrical substations, private utilities and similar uses	Site	X		
Non-residential	Site	Review & recommend to PC	X	
Special Land Use or Limited Building Type	Site or Limited Site, at Planner discretion	Review & recommend to PC	X	
Subdivisions (both site condominiums & plats)	Site	Review & recommend to PC	Review & Recommend to City Council	X
Rezoning, including conditional rezonings	Site	Review & recommend to PC	Review & Recommend to City Council	X
Planned Unit Development (PUDs)	Site	Review & recommend to PC	Review & Recommend to City Council	X
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Where no requests for exceptions as allowed by this Chapter are made, and the proposed expansion/modification does not exceed 25% of the existing total gross floor area of the building (up to a maximum of 5,000 square feet), or 500 square feet, whichever is greater.	Site	X		

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Change to an equally or less intense use, as determined by the City Planner, that does not involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site	Sketch	X		
Change to a more intense use, as determined by the City Planner, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site	Site-Sketch	Review & recommend to-PC X	X	
(4) Accessory Structures & Site Improvements				
Accessory buildings, structures, and off-street parking for single and two-family dwelling units on individual lots	Sketch	X		
Accessory buildings less than 250 square feet	Sketch	X		

(c) Levels of Review Table				
Activities or uses	Type of plan required	City Planner	Planning Commission	City Council
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New parking lot and/or garage, or expand/modify existing parking lot, with requests for waivers allowed in this Chapter	Site	Review & recommend to PC	X	
(5) Other uses or site improvements				
Community garden as principal use	Sketch	X		
Infrastructure and paving improvements including sidewalks, bicycle facilities, and pathways on private property in excess of 500 sq ft, excluding parking areas and driveways; with no requests for waivers allowed in this chapter	Sketch	X		
Construction, relocation or erection of structures including signs, screening walls, trash receptacles, fences, walls, lights, poles, cooling/heating or other mechanical equipment	Sketch	X		
Swimming pools	Sketch	X		

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- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and*
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and*
- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or*
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RECOMMENDED MOTION

--

Joshua Burns,
City Planner



**City of Ypsilanti
Planning & Development Department**

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7444

Office Use Only:

Receipt: _____

Method: _____

Code: 178 Rezone

Acct: 101-4-7210-607-01

Planned Unit Development Application

Applicant

Name: Save Old Buildings LLC	
Address: 218 N Adams St Ypsilanti MI 48197	
Phone: (b) (1) (A)	E-Mail: (b) (1) (A)

*If applicant is not owner of property, a written, notarized statement from the owner authorizing this application must be included

Property

Name of project: Amendment of the Ypsilanti Performance Space Planned Adaptive Reuse (PAR) Project (2018)
Address: 218 N Adams St Ypsilanti MI 48197
List all parcel identification numbers included in development: 11-11-40-412-001
Current use: Save Old Buildings LLC has purchased the first congregational church at 218 N. Adams St. in the City of Ypsilanti and put the building back on the tax rolls as a contributing resource in the city of Ypsilanti. The use of the former church will continue as it has for the past 135 years, as a place of public gathering and a private banquet facility for events including, but not limited to: weddings, services, meetings, banquets, performances, classrooms, and community events. The existing office annex will continue to be used for offices. While the Current zoning allows medical and dental offices, the PAR also permitted general and professional offices.
Proposed use: All current uses in the PAR plus the accessory use of solar-powered battery-backed EV Chargers
Current Zoning: CN
Legal description of property (may be attached) CT File No.: 17.0351 Land situated in the City of Ypsilanti, County of Washtenaw, State of Michigan, to wit: The North 60 feet of Lot 338, Norris and Cross Addition to the City of Ypsilanti, Washtenaw County, Michigan, according to the recorded plat as recorded in Liber D, Page 864, Washtenaw County Records. AND Beginning on the East line of Adams Street, at the Northwest corner of Village Lot 342 according to the recorded plat of the Village (now City) of Ypsilanti; running thence East along the North line of said lot to a point one rod West of the West line of the alley lying between Lots 343 and 344 projected South; thence South to the South line of Lot 339 on said plat; thence West along the South line of said Lot 339 to Adams Street; thence North along Adams Street to the Place of

Beginning.

AND

Commencing at the Southwest corner of Lot 337, said corner also being the Northeast corner of Adams Street and Washtenaw Avenue in Norris and Cross' Addition to the Village (now City) of Ypsilanti, Washtenaw County, Michigan, as recorded in Liber D of Deeds, Page 865, Washtenaw County Records, thence North 90 degrees 00 minutes 00 seconds East 110.22 feet along the North line of said Washtenaw Avenue; thence North 00 degrees 02 minutes 30 seconds East 138.00 feet parallel to the East line of said Adams Street to the Point of Beginning; thence North 00 degrees 02 minutes 30 seconds East 60.00 feet parallel to the East line of said Adams Street, thence North 90 degrees 00 minutes 00 seconds East 65.06 feet; thence South 00 degrees 16 minutes 10 seconds West 60.00 feet parallel to the West line of Washington Street; thence South 90 degrees 00 minutes 00 seconds West 64.82 feet to the Point of Beginning, being a part of Lot 336, of said Norris and Cross' Addition being subject to easements or restrictions of record, if any.

Described by the assessor as:

Commencing at the Southwest corner of Lot 336; thence North 00 degrees 02 minutes 30 seconds East 138 feet to the Point of Beginning; thence North 00 degrees 02 minutes 30 seconds East 60 feet; thence North 90 degrees East 65.06 feet; thence South 00 degrees 16 minutes 10 Seconds West 60 feet; thence South 90 degrees West 64.82 feet to the Point of Beginning being part of Lot 336. Also the North 60 feet of Lots 338, 339 and 342, except the East 16.5 feet, Norris and Cross Addition.

This property may be located within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make all division(s) under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The checklist on the following page must be completed and initialed

Each PUD application must include the following information, in addition to the standard site plan application requirements below:

	A table of total land areas devoted to each type of use, usable floor areas, density calculations, number and type of any dwelling units, and building ground coverage.
	A table describing the extent and quantity of open space areas, indicating the proposed uses and improvements for such areas.
	Copy of agreements, covenants, or deed restrictions which will assure (sic) that the development will be completed and maintained as shown on the plans by the developer and successive owners.
	Narrative explaining how exceptions to the zoning ordinance will result in a higher-quality development than if those standards were strictly adhered to.

Required Information for a Site Plan

Project-identifying information	
	Name of project
	Brief description of project
	Location map showing major thoroughfares and site location (no scale necessary)
	Name, address and phone number of the site owner
	Name, address and phone number of the developer
	Name, address and phone number of the plan designer and their professional seal
Existing conditions	
	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
	Area of the site in square feet and acres, excluding all existing and proposed rights-of-way.
	Property lines and dimensions, including lines and dimensions of all rights-of-way & easements
	All structures and accessory structures, their uses and dimensions. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
	Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown.
	Use(s) of existing buildings
	Existing landscaping
	Dimensions of all structures and lot lines within 50 feet of the site
	Existing zoning of the site and all adjacent properties
Proposed conditions	
	Scale (minimum of one inch equals 50 feet), north arrow, date of original drawing and any revisions
	Any changes to site dimensions, and completed <i>Lot Split/Combination Application</i>
	Any exceptions to the ordinance requested
	Any changes to rights-of-way or easements on the property
	All structures and accessory structures, their uses and dimensions, and additional information that may be required by code. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
	Building floor plans and architectural wall elevations.
	Location and dimensions of any open-air uses, such as outdoor cafes, open-air sales, or outdoor storage
	Parking areas, access drives, or sidewalks, showing the method of surfacing, number and size of spaces, aisles, loading areas, and handicapped access ramps.
	Landscape plan in accordance with Article XI, division 5 of the Zoning Ordinance. Existing vegetation that is to be retained on the site shall be shown.
	Direction and method of stormwater drainage, ground elevations of all existing buildings, site contours at 2 foot intervals, drives and parking lots, and any unusual surface conditions. Include the method of collection; the method and location of the connection to existing stormwater system; and first flush method and type of device that is proposed.
	Indicate all areas of this site that are located within floodplains.
	If phased construction is to be used, each phase must be noted and each phase must stand on its own.

Site Designer initials: _____

The City Planner, Planning Commission, or City Council may require other data deemed necessary for adequate review of a project.

The City Planner or Planning Commission may grant waivers of data requirements when specific data is deemed unnecessary in determining compliance with the Zoning Ordinance.

The Planning and Development Department reserves the right to reject any incomplete submission.

Four full-size, folded copies of the plans, and one electronic copy (PDF preferred) are required for review, unless otherwise specified by the City Planner.

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.	
Signatur (b) (1) (A)(b) (1) (A)	Date: 12/17/2025
Print Name: Steve Pierce	

FEE SCHEDULE

Adaptive Reuse Planned Unit Development

\$550	PLUS:	Engineering fees (see below)	
Planned Unit Development			
\$2,000+	PLUS:	\$5 per 1,000 sq ft of commercial space and \$5 per residential unit	PLUS: Engineering fees (see below)

Engineering: Site Review Phase

Site Plan Review	500
Site Plan Review-Beyond Initial Two	250
Site Plan Review-Planned Unit Development-Adaptive Reuse PUD	500
Site Plan Review-Planned Unit Development-Less Than 5 Acres	1,000
Site Plan Review-Planned Unit Development-More Than 5 Acres	1,800
Planned Unit Development Review-Beyond Initial Two	500
Preapplication Meeting	200

Engineering: Plan Review Phase

Construction Estimate Less Than \$50,000	6% - Minimum 500
Construction Estimate Between \$50,000 - \$100,000	5% - Minimum 3,500
Construction Estimate Between \$100,000 - \$500,000	3% - Minimum 6,000
Construction Estimate More Than \$500,000	2.5% - Minimum 12,000

Engineering: Construction Phase

Construction Estimate Less Than \$50,000	9.0% - Minimum 1,000 Construction Escrow
Construction Estimate Between \$50,000 - \$100,000	6,000 + 8.0% of amount over 50,000 Construction Escrow
Construction Estimate Between \$100,000 - \$500,000	11,500 + 6.0% of amount over 100,000 Construction Escrow
Construction Estimate More Than \$500,000	35,000 + 5.0% of amount over 500,000 Construction Escrow

Notes:

Engineering Site Plan and Engineering Plan Review fees are nonrefundable.
 Initial Engineering Site Plan Review Fee covers two reviews.
 Initial Engineering Plan Review Fee covers three reviews.
 Construction Escrow collected in excess of incurred costs will be refunded upon final acceptance of project.
 These fees are for the City Engineer only. Additional fees from other City Departments may apply.



Ypsilanti

PRIDE | DIVERSITY | HERITAGE

Planned Unit Development

§122-335

PUDs

This Fact Sheet is not a substitute for the ordinance, but addresses common questions about City ordinances. For further information, please contact the Planning Department.

All permit applications are available from the Building Department and on our website (sic) www.cityofypsilanti.com under "Permits"

Completed applications are to be submitted to the Building Department.

City Hall

One South Huron
Ypsilanti, MI 48197

Building

3rd Floor, City Hall
Phone: (734) 482-1025
cityofypsilanti.com/building

Planning

3rd Floor, City Hall
Phone: (734) 483-9646
cityofypsilanti.com/planning

Historic District

3rd Floor, City Hall
Phone: (734) 483-9646
cityofypsilanti.com/hdc

All permits, fees, and factsheets can be found at cityofypsilanti.com/permits.

A planned unit development (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land or on two or more tracts of land that may be separated only by a street or other right-of-way. PUDs offer a flexibility that allows creativity in site design and the protection of environmentally sensitive lands not otherwise possible. In exchange for design flexibility, developers must provide a public benefit, including (but not limited to) amenities and infrastructure improvements, and often find it easier to accommodate environmental and scenic attributes.

The City allows for two types of PUDs: adaptive reuse and standard. Adaptive reuse PUDs are for re-use of existing non-residential structures in residential areas, and may have a historic component. Standard PUDs are generally for large or complex developments on sites greater than an acre in size.

Review Process and Timeline

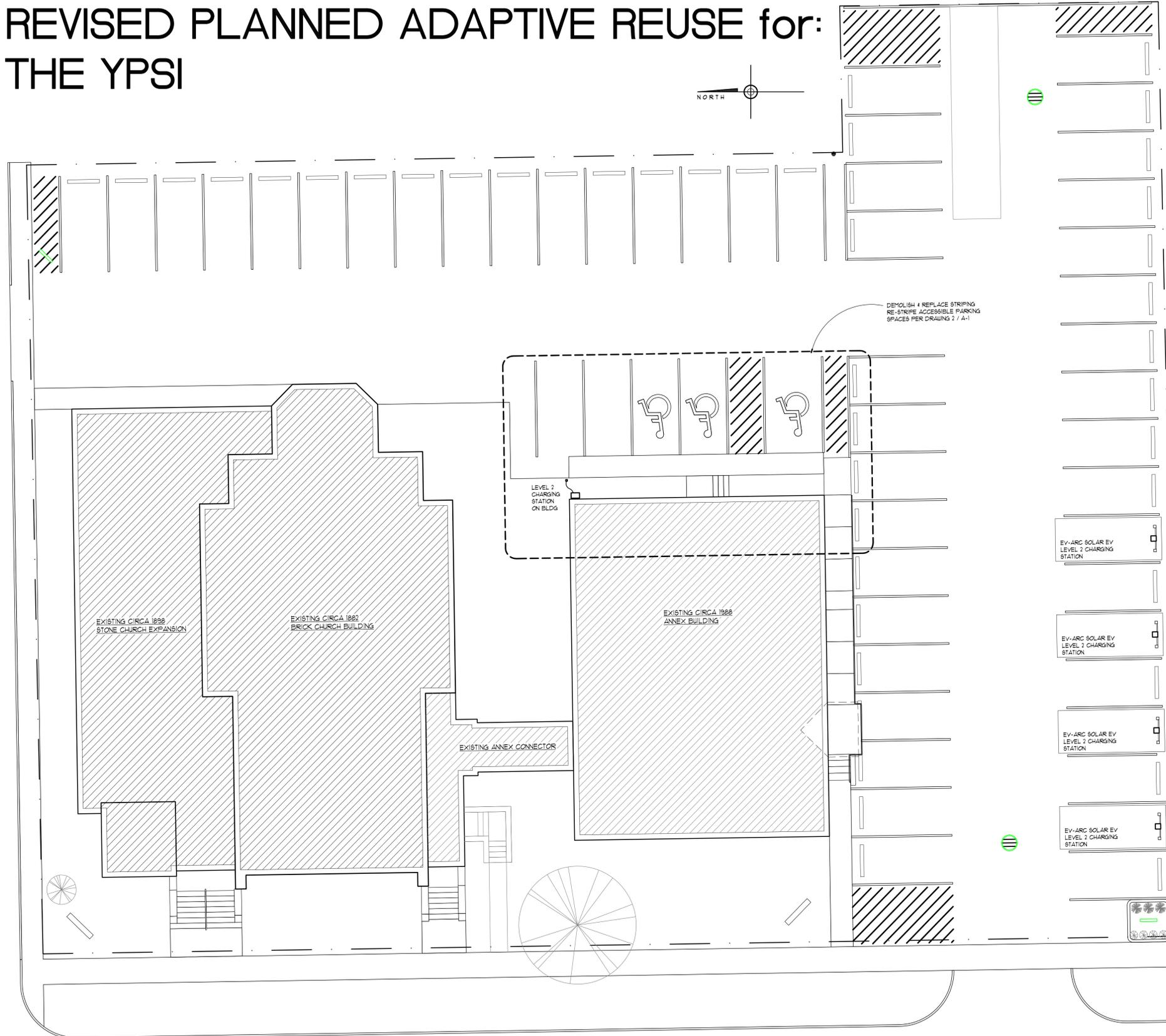
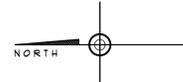
Both types of PUDs go through a similar process. Standard PUDs tend to be rather more complex than adaptive re-use PUDs, and we recommend a series of pre-application meetings to discuss site concepts before submitting an application. For adaptive reuse PUDs, we do recommend at least one meeting with staff prior to application. Once the application is received, staff will schedule a public hearing. If your application is complete and received by 4:00 p.m. on the third Wednesday of the month, it will be heard in front of Planning Commission at their regular meeting at 7:00 p.m. on the third Wednesday of the following month. During the intervening time, staff will review the application; notify neighbors within 300' by first-class mail, and place a notice in the Washtenaw Legal News.

At their meeting, Planning Commission will hold a public meeting, where the public is invited to address them about the proposed PUD. They also hear a staff report about the PUD's conformance with the Master Plan, conformance with the spirit of the zoning ordinance, and public benefit. The applicant will also be invited to speak. With the information they gather at this meeting, they make a recommendation to City Council.

City Council will generally hear the PUD application and the Planning Commission recommendation at their regularly scheduled meeting on the second Tuesday of the following month. There is another public hearing at this meeting, advertised again in the Washtenaw Legal News, and the PUD is addressed as the first reading of an ordinance change, as PUDs are treated as site-specific rezoning. The PUD ordinance must be read and approved a second time before it is considered adopted. The PUD takes effect thirty days after adoption by City Council.

Once the PUD has been approved by the Planning Commission and City Council, the applicant will work with staff to address the next steps, which usually include, at a minimum, a preconstruction meeting.

REVISED PLANNED ADAPTIVE REUSE for: THE YPSI



OWNER

SAVE OLD BUILDINGS LLC
218 NORTH ADAMS STREET
YPSILANTI, MI 48197
TEL: 734.252.9774

ARCHITECT

CHARLES BULTMAN, architect
220 SOUTH HURON STREET
YPSILANTI, MI 48197
TEL: 734.223.1358

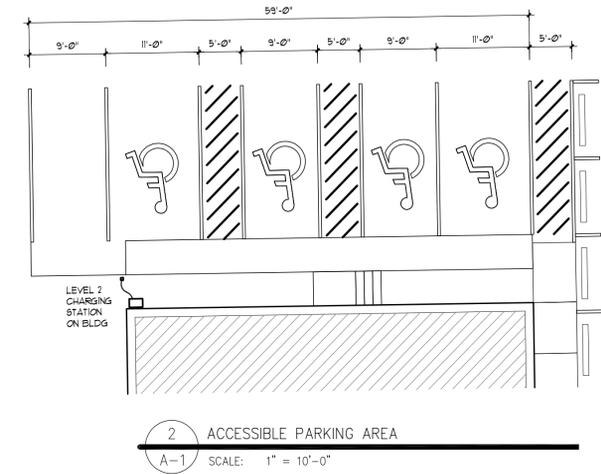
DRAWING INDEX

A-1 REVISED SITE PLAN and NOTES

Charles Bultman
Architect

cbultman + flash.net
734 223 1358
220 south huron street - ypsilanti, mi 48197

ISSUE / DATE
11 DEC 2015 - PAR REV



1 SITE LAYOUT - APPROX.
A-1 SCALE: 1" = 10'-0"



REVISED PLANNED ADAPTIVE REUSE FOR
THE YPSI
218 NORTH ADAMS STREET
YPSILANTI, MICHIGAN

OWNER
218 n adams A-Ldwg

DESIGNED
CIB/CIB

SCALE
AS NOTED

SITE LAYOUT
AND
GENERAL NOTES

SHEET NO.
A-1

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EV ARC™

The EV ARC™ from Beam Global is the only rapidly deployed, 100% renewable, transportable but permanent EV charging solution. Grid independent, it deploys in minutes with no permitting, no construction, no electrical work and no utility bill. It will charge electric vehicles with the EV charger brand of your choice, even during grid outages.

Sustainable EV Charging

Each EV ARC™ system generates and stores its own clean electricity and tracks the sun to generate up to 25% more energy. Battery storage allows you to charge during the night, inclement weather and power outages. It fits inside a standard parking space and because vehicles easily park on the base pad you won't lose a single spot. Reaching as many as 12 vehicles, you can charge up to six EVs at the same time.

Join organizations like Google, New York City and Caltrans who are Driving on Sunshine.



EV Charging Deployed in Minutes Not Months



Rapidly Scalable



No Construction,
No Electrical Work



Any Brand Charger,
Pre-Mounted



Charge 24/7: Night,
Rain, Grid Failures

Get the Charger Brand You Want



Fastest Deployed



Most Scalable



Lowest TCO

Vital Energy When and Where You Need It

The EV ARC™ system is off-grid so generates no utility bill and can charge EVs during power outages. It provides emergency power for first responders, is wind-rated to 160 mph, flood-proof to 9.5' and ADA compliant. Units are deployed in minutes by a Beam Deployment Expert and require zero contact.

EV ARC™ Specifications

Performance	
Solar Array ¹	4.3 kW
Range ²	Up to 265 e-miles in a single day
Battery Storage Options	20, 30, 40 kWh
Total EV Charger Power ³	Up to 5.76 kW
EV Charger Type ^{4,5}	Any brand; 1-6 plugs; type J1772
Certified Wind Load	160 mph
Operating Temperature	-20° C to 50° C

Major Component Ratings	
EV ARC™:	UL 9540 Pending
EVSE:	UL 2231, UL 2594
Battery:	UL 1973
Solar Panels:	UL 1703
Inverter:	UL 1741-2010/2018, IEEE1547a-2003/2014, FCC 15 class B, UL 1741SA, CA Rule 21, HECO Rule 14H

Mechanical	
Array Dimensions	20.7 L x 10.7 W ft
Max Height	15.3 ft
Min Clearance	9 ft
Base-Pad Footprint	18 L x 7.5 W ft
Weight ⁶	<10,500 lbs
Surface Loading ⁷	8.14 psi
Standard Shipping Methods	ARC Mobility™ Trailer/ Truck & Trailer / Shipping Container
EV ARC™ Stowed Ship Size ⁸	18 L x 7.5 W x 7.6 H ft

1. Solar array output may vary +/-5%
2. Range will vary based on local conditions
3. Actual total output power depends on EV model and charger model
4. Supports a variety of quality EV chargers that come pre-mounted
5. Power may be reduced based on number of circuits, EV model and charger model
6. Exact weight varies based on EV ARC™ model and options
7. Pressure calculated by weight distributed over 8in x 24in anti-skid pads
8. Enables domestic and international shipping on a standard flatbed trailer or shipping container

Drive on Sunshine™

Dodd Mossa & Associates, LLC

Consulting Engineers

9801 Mira Mesa Blvd. San Diego, CA 92131
(619)260-0057

July 22, 2025

Desmond Wheatley
CEO Beam Global
5660 Eastgate Dr.
San Diego, CA 92121
(858) 799-4583

desmond.wheatley@beamforall.com

Re: Beam Global - Solar Array Seismic Design (EV-ARC)

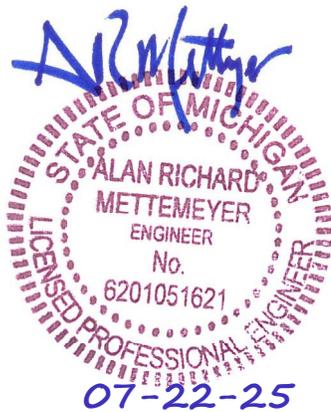
Dear Desmond,

Based on our structural calculations performed for the EV-ARC 2020 solar array, the system has been designed to withstand all 2021 International Building Code (IBC) chapter 16 structural provisions and load combinations. The structural members are adequate to support the required environmental loading for the 218 N. Adams St, Ypsilanti, Michigan installation location. The structural members were analyzed for 115mph ultimate wind speed based a 3 second gust, assuming of a maximum Exposure category of C and the installation location not being atop an escarpment, or on any type of hill. The framing members were analyzed for a maximum ground snow load of 25 psf. Seismic load has been considered with a site specific Sds value of 0.112 for the proposed installation. Also, it should be noted that the structure is not embedded into soil and full seismic ground motions will not translate to the structure because of its construction type.

Please contact our office if you have any questions or concerns.

Sincerely,

Jerry Dodd, P.E.





January 21st, 2026

**Staff Review of Adaptive Reuse Planned Unit Development
(PUD) Amendment Application
Ypsilanti Performance Space – EV Arcs
218 N. Adams St.**

GENERAL INFORMATION

Applicant:	Steve Pierce
Project:	Ypsilanti Performance Space - EV Arcs
Application Date:	December 19 th , 2025
Location:	Southeast corner of the N. Adams and Emmet Intersection
Zoning:	Overlying PUD w/ underlying "CN" Core Neighborhood
Action Requested:	Approval
Staff Recommendation:	Approval

PROJECT AND SITE DESCRIPTION

The subject property consists of two linked buildings and a large parking area, fronting both N. Adams and Emmet. The parcel is approximately 0.75 acres (32,670 sq ft).

In 2018, the city officially approved an Adaptive Reuse Planned Unit Development (PUD) application for the Ypsilanti Performance Space at 218 N. Adams (Parcel #11-11-40-412-001). The purpose of the original PUD application was to permit the use of business & professional offices to the existing assembly use, which is not permitted in the CN zoning district.

The property was previously owned by the First Congregational Church of Ypsilanti and has been in use as a church since the large building's construction in the 1890s. In 1979, the church was granted permission from the HDC to relocate the house located at 212 N Adams to expand their parking area; that house is now the Parish House Inn at 103 S Huron St. The smaller building was constructed in the late 1980s. At the time of the smaller building's construction, a conditional use permit was sought and granted for operation of the church in a residential zone (then R4).

The purpose of this PUD amendment application is to permit the installation and use of the EV Arc charging stations. Section 122-708 regulates the revision of already approved PUDs. The applicant installed EV Arc charging stations which constitute a minor change to the approved plans, requiring review and approval from the Planning Commission.

Staff do want to highlight that the minor amendment provisions in Section 122-708 are onerous and add additional regulatory requirements that do not align with community values, the master plan, nor adaptive reuse

principles. Many minor changes, such as changes in landscaping, lighting, and the addition of accessory structure (i.e. EV Arcs, Carports, sheds) can easily be reviewed administratively. The Planning Commission should consider reviewing these requirements to ensure that we do not add unnecessary regulatory burdens.

Figure 1: Site Aerial (March 2024)



Figure 2: 218 N. Adams Site Conditions - Facing North (January 2026)



Figure 3: Land Use and Zoning of the Surrounding Area

	LAND USE	ZONING
NORTH	Residential (4 unit)	Core Neighborhood (CN)
EAST	Residential (2 unit)	Core Neighborhood (CN)
SOUTH	Parking Lot (First United Methodist Church)	Core Neighborhood (CN)
WEST	Residential (single family)	Core Neighborhood (CN)

SITE PLAN: CRITERIA AND REVIEW

§122-311

STANDING

§122-311(a)

The applicant is legally eligible to apply for site plan review, and all required information has been provided.

REQUIREMENTS

§122-311(b)

"The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located."

As technology evolves, municipalities increasingly face the realities of rigidity and outdated ordinances. Ultimately, our alternative energy ordinance provides flexibility by including provisions for “other methods;” however, it relies on staff and the Planning Commission to make an interpretation with minimal recourse to defend legally as it may be arbitrary.

Figure 4: Alternative Energy

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
<p>§122-513 Alternative Energy</p>	<p>Detached accessory photovoltaic structures, when mounted top-of-pole for outdoor lights, are permitted in all zoning districts. In no instance may such panels exceed 20 feet in height.</p> <p>Other methods. Other methods of alternative energy production may be submitted to the City Planner and, at their discretion, may be approved, approved subject to another City department(s) review, approved subject to Planning Commission review, or denied</p>	<p>4 EV Arc charging stations have been installed.</p>	<p>No changes are proposed; EV Arc charging stations are 15.3 ft. Compliant.</p>

Items to be Addressed:
 None.

BUILDING LOCATION AND SITE ARRANGEMENT §122-311(c)

"All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter."

Items to be Addressed:
 None. The Adaptive Reuse Planned Unit Development process supports reuse of existing buildings. The only changes are the installation of the EV Arc charging stations.

SITE ACCESS, TRAFFIC, AND PARKING §122-311(d)

"With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout. Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and

structures, neighboring properties, pedestrian and bicyclist safety, access to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the City building code."

Items to be Addressed:

None. The Adaptive Reuse Planned Unit Development process supports reuse of existing buildings, and parking capacity was not reduced. The only changes are the installation of the EV Arc charging stations.

ENGINEERING & STORMWATER

§122-311(f), §122-311(g)

(6) Adequate services and utilities including sanitary sewers shall be available or provided, with sufficient capacity to properly serve the development. Appropriate measures will be taken to ensure that site drainage will not adversely affect adjoining properties or the capacity of the public storm drainage system, or nearby bodies of water. Provisions shall be made to accommodate stormwater and prevent soil erosion. All stormwater management facilities, including but not limited to storm sewers and detention/retention facilities, shall be designed in accordance with the "Rules of the Washtenaw County Water Resources Commissioner," together with any special provisions established by the city.

(7) Natural resources will be protected to the maximum feasible extent. The proposed development will not cause soil erosion or sedimentation problems, and will respect floodways or floodplains on or in the vicinity of the subject property.

Engineering plan review is not required for this development as no impervious surface is being added, no major utility changes are envisioned, and no grade changes or steep slopes are present on the site.

Items to be Addressed:

None.

SCREENING

§122-311(h)

"The site plan shall provide reasonable visual and sound privacy for all dwelling units on or adjacent to the property. Fences, walks, barriers, and landscaping shall be used, as appropriate, for protection and enhancement of the property. All outdoor storage of materials, loading and unloading areas, and refuse containers shall be screened or located so as not to be a nuisance. Outdoor lighting shall be shielded so as to not adversely affect neighboring properties or traffic on adjacent streets."

Items to be Addressed:

None.

PHASING

§122-311(i)

"Separate phases of development shall be in logical sequence, and each phase shall stand alone so that no one phase will depend upon a subsequent phase for adequate access, public utility services, drainage, or other improvements."

Items to be Addressed:

Not applicable.

OTHER DEPARTMENT AND AGENCY APPROVALS

§122-311(j)

"Site plans shall conform to all applicable requirements of state and federal statutes, including health and pollution laws, fire or explosion hazards, toxic and hazardous materials, and barrier-free requirements. Site plan

approval may be conditioned on the applicant receiving necessary county, state, or federal permits before a local building permit or occupancy permit is granted."

Building Department: All building codes apply to the structure.

Department of Public Works: Any work done within the right-of-way will require a right-of-way permit from the Department of Public Works.

MASTER PLAN CONSIDERATIONS

§122-311(k)

"An objective of site plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of site plan review to improve the quality of existing developments as they are expanded, contracted, or redeveloped in keeping with sound site development standards of this chapter and city master plan."

Ypsilanti is Sustainable. The installation of these solar charging stations expands upon EV infrastructure, contributing to reduced carbon emissions.

STAFF RECOMMENDATIONS

Staff recommend that the Planning Commission **approve** the amendment to the Adaptive Reuse Planned Unit Development for the installation of 4 EV Arc Charging Stations at 218 N. Adams with the following findings:

Findings:

1. The application substantially complies with Sections 122-309, 122-311, and 122-708.

Joshua Burns
City Planner, Community Services Division

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Completed applications are to be submitted to the Building Department.

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All permits, fees, and factsheets can be found at cityofypsilanti.com/permits.

pursued if there's a desire to adjust where buildings are able to be located on a lot, how many parking spaces are required for certain spaces and uses, or anything else contained in the text of the zoning code.

Applying for a Text Amendment

Anyone may apply to amend the text of the zoning ordinance using the attached application. Generally, text amendments are considered justifiable if they meet a list of criteria provided in section 362 of the Zoning Ordinance. Those criteria include, *but are not limited to*:

- The amendment is consistent with the Master Plan;
- The amendment is consistent with the purpose of the Zoning Ordinance;
- The amendment will correct an error or oversight in the Zoning Ordinance.

Review Process and Timeline

Once your application is received, staff will schedule a public hearing. If your application is complete and received by 4:00 p.m. on the third Wednesday of the month, it will be heard in front of Planning Commission at their regular meeting at 7:00 p.m. on the third Wednesday of the following month. During the intervening time, staff will review the application and place a notice in the Washtenaw Legal News.

At their meeting, the Planning Commission will hold a public meeting, where the public is invited to address them about the proposed rezoning. They will also hear a staff report about the amendment's appropriateness, and invite the applicant to speak. With the information they gather at this meeting, they make a recommendation to City Council.

City Council will generally hear the text amendment request and the Planning Commission recommendation at their regularly scheduled meeting on the second Tuesday of the following month. There is another public hearing at this meeting, advertised again in the Washtenaw Legal News, and the text amendment is addressed as the first reading of an ordinance change. The ordinance must be read and approved a second time before it is considered adopted, and will take effect 30 days after adoption. This 30 day period allows for a protest under §122-363.



Zoning Amendment Request

Proposed Amendment to the Ypsilanti Zoning Ordinance (CN-Mid District) To Allow Arts Studios & Nonprofit Creative Workshops

Submitted by: Dzanc House (Dzanc Books) — Nonprofit Artist & Writer Residency, Community Arts Organization

Address: 402 S. Huron Street, Ypsilanti, MI

Requested Action: Amendment to the CN-Mid zoning district to allow arts and crafts studios and nonprofit creative workshops as permitted or special uses.

Overview

Dzanc House respectfully submits this request following a Cease-and-Desist notice issued after a meeting of the planning commission on November 5th, referencing Ypsilanti Zoning Ordinance §122-203(a), which currently classifies arts and crafts studios as a prohibited use in the CN-Mid district. We are grateful to the Mayor and City Council for their thoughtful consideration of our situation and for lifting the cease-and-desist order, allowing our organization to continue operating while this matter is addressed.

Although the order was not enforced, its issuance underscored a regulatory misalignment that places our organization—an established nonprofit artist residency and literary arts space—at ongoing risk of being unable to sustain essential programs involving printmaking, book arts, and small-scale creative production.

Because Dzanc House is already operating in full alignment with the low-impact, neighborhood-serving intent of the CN-Mid district, we are requesting a focused amendment to clarify and update the ordinance so that nonprofits like ours can legally continue these activities.

While this amendment would ultimately benefit numerous community arts efforts across Ypsilanti, this request is being made to address the immediate and direct impact on Dzanc House and to provide regulatory clarity moving forward.

Background: Impact on Dzanc House

Dzanc House (Dzanc Books) operates as an artist residency, literary arts organization, and community education space in Ypsilanti. Our programming includes:

- artist and writer residencies
- book arts and printmaking
- youth workshops and school partnerships
- public literary events
- nonprofit-operated risograph print studio

Our workshops and risograph were possibly cited under the current interpretation of CN-Mid's "arts and crafts studio" prohibition.

Why This Amendment Is Necessary

1. To Resolve the Issue Created by the Cease-and-Desist

The existing ordinance language is outdated and does not reflect current forms of safe, low-impact creative work. Dzanc House's print studio is:

- non-industrial
- low noise
- non-toxic
- community-serving
- fully in harmony with CN-Mid neighborhood character

Updating the ordinance provides a clear, lawful path for Dzanc House to continue existing programs.

2. To Affirm Dzanc House's Role in Ypsilanti's Cultural Landscape

Dzanc House contributes significantly to Ypsilanti through:

- free and low-cost workshops
- youth programs and developing partnerships with local schools
- artist and writer residency programming
- literary events and readings
- access to book arts and creative publishing tools

- increased foot traffic and vibrancy to the neighborhood and downtown

There has been **strong community support and advocacy** following the Cease-and-Desist, affirming public belief that Dzanc House is a valued and needed presence.



Requested Zoning Amendment

Dzanc House requests that the City amend the CN-Mid district (§122-203) to include:

1. Add as Permitted or Special Uses

- **Arts and Crafts Studio (Small-Scale, Low-Impact)**
Including risograph printing, book arts, letterpress, photography, textile arts, and hand-craft media.
- **Community Creative Workshop / Nonprofit Makerspace**
Limited to nonprofit or community-serving organizations.
- **Small-Scale Creative Production (<2,000 sq ft)**
With low noise, non-hazardous materials, no industrial machinery.

2. Add Definitions to §122-203

To remove ambiguity and provide clear standards:

- **Arts and Crafts Studio (Low-Impact)**
- **Community Creative Workshop / Nonprofit Makerspace**
- **Small-Scale Creative Production**

These definitions are designed to protect residents while giving nonprofits like Dzanc House a lawful path to operate.

Community Context

While this request specifically addresses Dzanc House and the zoning conflict created by the Cease-and-Desist, the amendment would also:

- support local artists, writers, youth, educators
- align with Ypsilanti's identity as an arts-driven city
- allow CN-Mid to function as intended: walkable, local-serving, mixed-use

- expand safe, low-impact creative access across neighborhoods
- prevent future enforcement conflicts for similar organizations

Conclusion & Request

Dzanc House respectfully asks that the Planning Commission and City Council:

Initiate an amendment to the CN-Mid district to include small-scale arts and crafts studios, nonprofit workshops, and low-impact creative production as allowed uses.

This update will address the specific zoning issue affecting Dzanc House while also better aligning the ordinance with the creative, inclusive, and neighborhood-based character of Ypsilanti.



January 21st, 2026

**Text Amendment Staff Review
Arts & Crafts Studios in CN-Mid District**

GENERAL INFORMATION

**Action
Requested**

Proposed zoning text amendment to allow arts & crafts studios as permitted (by right) or special uses in the CN-Mid District.

Arts and crafts studios are defined in Sec. 122-203(a) (Definitions) of the City's Zoning Ordinance as *"facilities that are used as work space for an artist or crafter or an instruction place for the study of an art or craft. Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography. Craft uses include the handmade production of articles other than food, such as pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work, metalworking or casting, and similar items."*

Per Sec. 122-362 of the Zoning Ordinance, text amendments are considered justifiable if they meet a list of criteria including, but not limited to, the following:

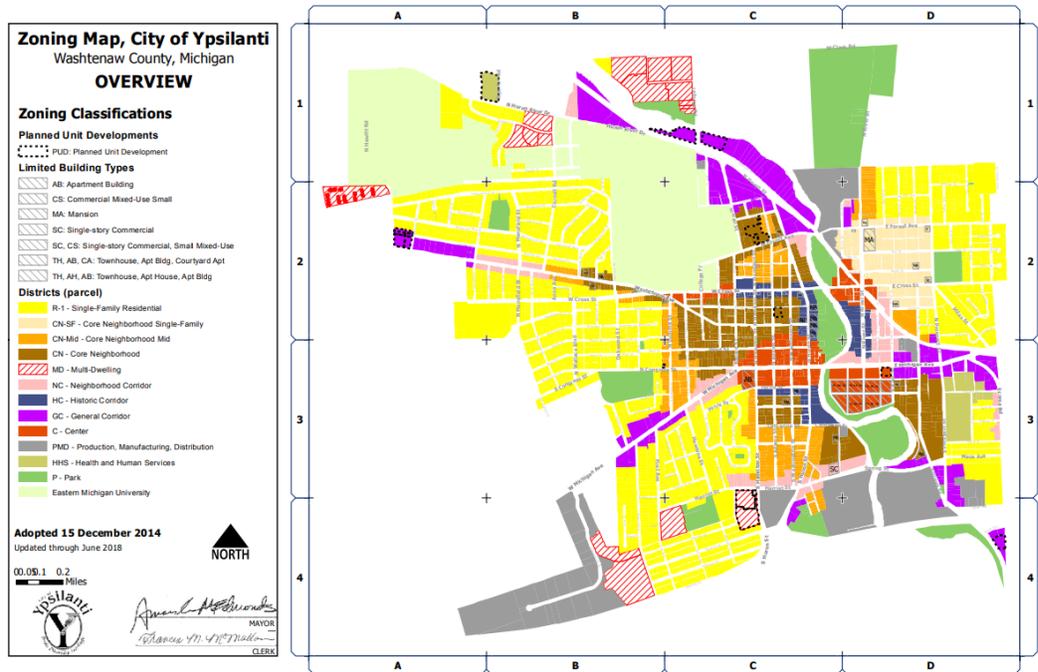
i. The amendment is consistent with the Master Plan;

The applicant did not indicate how their proposal aligns with the Master Plan (MP), but staff believes the use is encouraged as part of the MP's Guiding Values and Implementation:

- Proposed ZTA is aligned with the Guiding Value, *"Ypsilanti is a great place to do business, especially the green and creative kind. The City of Ypsilanti will create a business environment that fosters the creativity and energy personified by City's best known businesses, while attracting new businesses and fostering locally grown enterprises. Green and sustainable business, like those that have already developed in Ypsilanti, will be encouraged."* Relevant question in the decision making matrix is, *"Does this action create a business environment that fosters creativity?"*
- Under Economic Development Policies, the MP states, *"the City has identified the following emerging sectors as industries aligned with its Guiding Values and the needs of its residents: small manufacturing and craft production, creative economy, renewable energy, and food." (pg. 69)* The proposed use seems to be aligned with this policy.

- Under Chapter 11 Implementation, the MP states that community building is key for everyday operations. Part of that implementation included project-based learning, specifically for youth. (pg. 81)
- ii. The amendment is consistent with the purpose of the Zoning Ordinance; and**
- The proposed amendment to make Arts & Craft Studios (or the similar use requested in proposed revision of use definitions) a permitted or special use in the Core Neighborhood Mid (CN-Mid) District. Core Neighborhood Mid is described as the following in the Zoning Ordinance:
- iii. The amendment will correct an error or oversight in the Zoning Ordinance.**
- Not applicable.

Arts & Crafts Studios are currently allowed as a special use in the Core Neighborhood Zoning District (Sec. 122-411), indicated by the brown areas on the City's Zoning Map. Two of the CN districts are closely located to the location of 402 S Huron St.



The proposed amendment includes the following sections of the Ordinance:

- Section 122-203.a (Definitions)

Though the application did not specify these amendments, City staff determined that the request in zoning text amendment would necessitate amendments to the following sections:

- Section 122-441. (Subdivision I: Core Neighborhoods (CN-Sf, CN-Mid, CN) Permissible Uses.

SUMMARY

The City of Ypsilanti is committed to improving our zoning systems, protecting public interest, and updating the ordinance to reflect the most appropriate land uses, considering public utilities, road access, and the established development pattern. It is the purpose of this document to fully explore the requested zoning text amendment, and determined if the proposed amendment would indeed be appropriate. Based on the request described in the application, City Staff has made an amended proposal that would encompass the requested zoning text amendment in the application, as the application only specifies Sec. 122-203.a as the relevant text of the ordinance for the amendment.

The conclusion of City Staff after review of the zoning text amendment includes the following proposed changes to the Zoning Ordinance:

- (1) Adding "literature" as a categorical example of "Arts" included in the current Arts and Craft Studios definition.
- (2) Adding Arts and Crafts Studios uses as a special use in the Core Neighborhood-Mid (CN-Mid) Zoning Districts.

The proposed updates would both satisfy the intent of the applicant (to expand permissible use for Arts and Craft Studios in CN-Mid Districts), while also aligning with the Guiding Values and Implementation Strategies outlined in the City's Master Plan and meeting a majority of the standards for Zoning Text Amendments.

BACKGROUND

The applicant turned in their Zoning Text Amendment Application on December 18, 2025. After a letter from staff informed Dzanc House that the use was not allowed in the CN-Mid district, they took the matter to City Council, the City Manager, and the Mayor. At the November City Council Meeting, the City Manager stated that they would have until December 18th to turn in the materials requested by the City Planner. Dzanc House turned in their Zoning Text Amendment Application on December 18th.

DISCUSSION

This matter has not yet been discussed by the Planning Commission.

CURRENT ORDINANCE

Section 122-203.a (Definitions)

Arts and crafts studios means facilities that are used as work space for an artist or crafter or an instruction place for the study of an art or craft. Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography. Craft uses include the handmade production of articles other than food, such as pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work, metalworking or casting, and similar items.

Subdivision I: Core Neighborhoods (CN-Sf, CN-Mid, CN)

Sec. 122-440. Purpose.

Core neighborhoods are built on a grid street network connected to the adjacent business districts. They border center districts or other core neighborhoods. These neighborhoods have a range of residential building types, with religious institutions, schools, stores and automobile filling stations intermixed. There are three types of core neighborhoods:

- (a) Core Neighborhood Single Family (CN-SF). These neighborhoods are east of Depot Town and north of Michigan Avenue, known as the historic eastside. Housing types include mansions, estates, houses, and cottages. Residential uses are restricted to single-family; neighborhood businesses are limited.
- (b) Core Neighborhood Mid (CN-Mid). These neighborhoods generally abut the Core Neighborhoods, and offer a less dense and less intense residential area with opportunities for accessibly-placed low-intensity walkable, neighborhood businesses. Housing types range from mansions to cottages, with multiple-family and single-family uses. This zoning may also be used as a transition zone between single-family districts and mixed use districts.
- (c) Core Neighborhoods (CN). These neighborhoods directly border center districts and have a variety of housing types, ranging from cottages to apartment buildings. This district affords opportunities for accessibly-placed walkable, neighborhood businesses.

Sec. 122-441. Permissible Uses. (272)

In the Core Neighborhood districts, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	CN-SF	CN-MID	CN	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL					
Single-Family Detached Dwelling	P	P	P		
Single-Family Attached Dwellings	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In "townhome" building type only. In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Accessory Dwelling Unit	A	A	A		
Two-family dwelling units	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Multiple Family Dwellings, maximum of 4 units per building	--	S	P		
Multiple Family Dwellings, more than 4 units per building	--	--	S		
Apartments located above ground floor of permitted nonresidential uses	--	--	P		
Home Occupation	A	A	A		Section 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	S	S	Up to 12 children	Section 122-521

Adult foster care family homes	A	A	A	1-6 adults, day care and 24 hour care	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group residence and Roominghouses	--	--	S		Section 122-530
Group living with support staff, not licensed by State of Michigan	--	--	S		Section 122-556
Adult foster care small & group homes, adult congregate facilities	--	S	S	7 or more adults. Licensed by State of Michigan.	Section 122-511
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	--	--	S		
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Park	P	P	P		
Indoor recreation	--	--	A		Section 122-533
Primary & Secondary Schools (public & private)	S	S	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private)	S	S	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S	S	S		Section 122-550
Private assembly, including banquet hall	--	--	S		
Municipal, county, regional, & state service uses	S	S	S		Section 122-542
Public Art	A	A	A		
SERVICES					
Bed & Breakfast or Inn	S	S	S		Section 122-520
Child Care Center	S	S	S		Section 122-521
Funeral Homes	--	S	S		
Nursing Homes	--	S	S		Section 122-543
Medical or Dental Offices, less than 5,000 square feet	--	S	S		
COMMERCIAL					
Arts & crafts studios	--	--	S		
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	S	S		
Farmers' Market	A	A	A		When accessory to a non-residential use.
Garage Sales	A	A	A		Section 122-528
RESTAURANTS					

Carry-out and/or delivery restaurant	--	--	S		
Café or coffee shop	--	--	S		
AUTO-ORIENTED					
Automobile Filling Station - no repair	S	S	S		Section 122-515
Automobile Share Parking	--	--	A		
INFRASTRUCTURE					
Essential Services	P	P	P		Section 122-524
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513
GARDENS/COMMUNITY GARDENS					
Community gardens	P	P	P		Section 122-529
Passive solar building	A	A	A		<ul style="list-style-type: none"> • Must meet accessory building regulations for building type. • Maximum square footage is 800 square feet.
Toolhouses, sheds, and other similar buildings for the storage of domestic supplies	A	A	A		Must meet accessory building regulations for building type.

PROPOSED ORDINANCE

See the proposed text. Red text with strikethrough is being deleted; green text underlined is proposed to be added. Sections shall be renumbered accordingly.

Requested Definition Amendments/Additions by Applicant

<p>Section 122-203.a (Definitions)</p> <p>Arts and crafts studios means facilities that are used as work space for an artist or crafter or an instruction place for the study of an art or craft. Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography. Craft uses include the handmade production of articles other than food, such as pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work, metalworking or casting, and similar items.</p> <p><u>Arts and crafts studio (new definition requested; not provided)</u></p> <p><u>Community Creative Workshop / Nonprofit Makerspace (new definition requested; not provided)</u></p> <p><u>Small-Scale Creative Production (new definition requested; not provided)</u></p>

Proposed Definition Amendment by City Staff

<p>Section 122-203.a (Definitions)</p> <p>Arts and crafts studios means facilities that are used as work space for an artist or crafter or an instruction place for the study of an art or craft. Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), <u>literature</u>, and photography. Craft uses include the handmade production of articles other than food, such as pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work, metalworking or casting, and similar items.</p>

Requested Amendment for Arts and Craft Studios Permissible Use in CN-Mid District by Applicant

Subdivision I: Core Neighborhoods (CN-Sf, CN-Mid, CN)

Sec. 122-440. Purpose.

Core neighborhoods are built on a grid street network connected to the adjacent business districts. They border center districts or other core neighborhoods. These neighborhoods have a range of residential building types, with religious institutions, schools, stores and automobile filling stations intermixed. There are three types of core neighborhoods:

- (a) Core Neighborhood Single Family (CN-SF). These neighborhoods are east of Depot Town and north of Michigan Avenue, known as the historic eastside. Housing types include mansions, estates, houses, and cottages. Residential uses are restricted to single-family; neighborhood businesses are limited.
- (b) Core Neighborhood Mid (CN-Mid). These neighborhoods generally abut the Core Neighborhoods, and offer a less dense and less intense residential area with opportunities for accessibly-placed low-intensity walkable, neighborhood businesses. Housing types range from mansions to cottages, with multiple-family and single-family uses. This zoning may also be used as a transition zone between single-family districts and mixed use districts.
- (c) Core Neighborhoods (CN). These neighborhoods directly border center districts and have a variety of housing types, ranging from cottages to apartment buildings. This district affords opportunities for accessibly-placed walkable, neighborhood businesses.

Sec. 122-441. Permissible Uses. (272)

In the Core Neighborhood districts, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	CN-SF	CN-MID	CN	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL					
Single-Family Detached Dwelling	P	P	P		
Single-Family Attached Dwellings	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In "townhome" building type only. In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Accessory Dwelling Unit	A	A	A		
Two-family dwelling units	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Multiple Family Dwellings, maximum of 4 units per building	--	S	P		
Multiple Family Dwellings, more than 4 units per building	--	--	S		
Apartments located above ground floor of permitted nonresidential uses	--	--	P		
Home Occupation	A	A	A		Section 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	S	S	Up to 12 children	Section 122-521

--S

Adult foster care family homes	A	A	A	1-6 adults, day care and 24 hour care	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group residence and Roominghouses	--	--	S		Section 122-530
Group living with support staff, not licensed by State of Michigan	--	--	S		Section 122-556
Adult foster care small & group homes, adult congregate facilities	--	S	S	7 or more adults. Licensed by State of Michigan	Section 122-511

Carry-out and/or delivery restaurant	--	--	S		
Café or coffee shop	--	--	S		
AUTO-ORIENTED					
Automobile Filling Station - no repair	S	S	S		Section 122-515
Automobile Share Parking	--	--	A		
INFRASTRUCTURE					
Essential Services	P	P	P		Section 122-524
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513
GARDENS/COMMUNITY GARDENS					
Community gardens	P	P	P		Section 122-529
Passive solar building	A	A	A		<ul style="list-style-type: none"> • Must meet accessory building regulations for building type. • Maximum square footage is 800 square feet.
Toolhouses, sheds, and other similar buildings for the storage of domestic supplies	A	A	A		Must meet accessory building regulations for building type.

STANDARDS FOR AMENDMENTS §122-362(a)

(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

City staff believes the proposed zoning text amendment, as amended by the City Staff, meets the following standards:

- (1) *The proposed amendment is consistent with the guiding values of the Master Plan; and*
- (2) *The rezoning is consistent with description and purpose of the proposed district; and (Staff Note: This is not a rezoning.)*
- (3) *The proposed amendment is consistent with the intent of this Zoning Ordinance; and*
- (4) *The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and*
- (5) *The proposed amendment will preserve the historic nature of the surrounding area and of the City; and*
- (10) *The proposed amendment will not result in the creation of significant nonconformities in the City.*

City staff believes the proposed zoning text amendment, as amended by the City Staff, is not applicable to the following standards:

- (6) *The proposed amendment will enhance the natural features and environmental sustainability of the City; and*
- (7) *The proposed amendment will protect the health, safety, and general welfare of the public; or*
- (8) *The proposed amendment is needed to correct an error or omission in the original text; or*
- (9) *The proposed amendment will address a community need in physical or economic conditions or development practices.*

CONCLUSION

Request to Amend/Add Definitions (Sec. 122-203.a)

- **“Arts and Crafts Studio” – requested amendment to include risograph printing, book arts, letterpress, photography, textile arts, and hand-craft media.** Staff believes that the current definition adequately encompasses these uses and does not recommend amending this definition. The uses specified in the request are interpreted by the Zoning Administrator to fall within related specified uses in the current definition:
 - **“Risograph”** – Current definition: “Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography.”
 - **“Book arts”** – Current definition: “Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography.” If any amendment were to be suggested for the current Arts and Crafts Studios definition, Staff would suggest to add “literature” as an additional categorical example of “Arts.”
 - **“Letterpress”** – Current definition: “Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography.”
 - **“Photography”** – Current definition: “Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography.”
 - **“Textile arts”** – Current definition: “Craft uses include the handmade production of articles other than food”
 - **“Hand-craft media”** – Current definition: “Craft uses include the handmade production of articles other than food”
- **“Community Creative Workshop / Nonprofit Makerspace” – requested to add a new definition to describe nonprofits or community-serving organizations.** Staff’s recommendation is to not add this definition, as it does not specify a use, but rather identifies a specific business structure. For example, a for-profit business could have the same use as a non-profit, and is, therefore, irrelevant to differentiate for the purpose of zoning. Additionally, the current Arts and Crafts Studio definition encompasses creative workshops and makerspaces. Current definition: “Facilities that are used as work space for an artist or crafter or an instruction place for the study of an art or craft.”
- **“Small-Scale Creative Production” – requested to add a new definition that describes facilities for small-scale creative production that are low-noise, use non-hazardous materials, and use no industrial machinery that total no more than 2,000 sq feet.** Staff’s recommendation is to not add this definition, as (1) “production” is specifically accounted for in the current Arts and Crafts Studios definition, and (2) the proposed restrictions (small scale, low-noise, non-hazardous materials, and no industrial machinery) are redundant to the City’s current nuisance ordinance.

Overall, Staff believes that if the intent of the applicant is to allow for similar creative uses in the CN-Mid Zoning District, adding new related uses and further defining Arts and Crafts Studios actually further restricts like entities from fitting within the definitions and allowing their use. The Planning Commission may choose to amend the current Arts and Crafts Studios definition to expand upon the categorical examples of “Arts” by adding “literature.”

Request to Add Arts and Craft Studios as a Permitted or Special Use in CN-Mid Zoning Districts (Sec. 122-441 (Permissible Uses))

- The Purpose of Core Neighborhoods is defined as the following in Sec. 122-440: “The Core neighborhoods are built on a grid street network connected to the adjacent business districts. They border center districts or other core neighborhoods. These neighborhoods have a range of residential building types, with religious institutions, schools, stores and automobile filling stations intermixed.
 - a) Core Neighborhood Single Family (CN-SF). These neighborhoods are east of Depot Town and north of Michigan Avenue, known as the historic eastside. Housing types include mansions, estates, houses, and cottages. Residential uses are restricted to single-family; neighborhood businesses are limited.
 - (b) Core Neighborhood Mid (CN-Mid). These neighborhoods generally abut the Core Neighborhoods, and offer a less dense and less intense residential area with opportunities for accessibly-placed low-intensity walkable, neighborhood businesses. Housing types range from mansions to cottages, with multiple-family and single family uses. This zoning may also be used as a transition zone between single-family districts and mixed use districts.
 - (c) Core Neighborhoods (CN). These neighborhoods directly border center districts and have a variety of housing types, ranging from cottages to apartment buildings. This district affords opportunities for accessibly-placed walkable, neighborhood businesses.”

Currently, Arts and Craft Studios are permitted as a special use in the Core Neighborhoods Districts, but is not permitted in the CN-Mid or CN-SF Districts. After reviewing the purpose and definition of Core Neighborhood Mid, staff believes that Arts and Crafts Studios are generally a low-intensity use and could be allowed with review and approval by the Planning Commission as a special use. Staff believes that not all sites within the CN-Mid may be appropriate for Arts and Crafts Studios, and therefore does not believe they should be permitted by right.

Carrie Malas
Preservation Planner

Joshua Burns
City Planner



2025 Annual Report Ypsilanti Planning Commission

INTRODUCTION

The Planning Commission of the City of Ypsilanti is governed by the Michigan Planning Enabling Act, State of Michigan Public Act 33 of 2008, and by the City of Ypsilanti's Zoning Ordinance.

In 2025, the Planning Commission's membership was as follows –

Brian Jones-Chance (Chair)

Matt Dunwoodie (Vice Chair) (Liaison to the ZBA)

Michael Simmons (Resigned August 2025)

Mike Davis Jr.

Phil Hollifield

Carl Schier

Amanda Smith

Brian Jones-Chance

Michelle Marin

Greg Woodring (Joined March 2025)

Ingrid Lao (Joined December 2025)

Under the Planning Enabling Act, the Commission must provide an annual report to City Council, as the legislative body of the City. This report discusses –

1. The operations of the Commission during the past year,
2. The status of any on-going planning activities,
3. Recommendations to the legislative body related to planning and development.

PLANNING DEPARTMENT OPERATIONS

In 2025, the Planning Department experienced significantly higher volumes of applications, reviews, and inquiries, suggesting an improvement in economic investments within the community.

In May of 2025, Ellen Thackery, the former Preservation Planner, resigned. In June of 2025, the city hired Carrie Malas as the new Preservation Planner. Following her hiring, she has acquired her Citizen Planner certification from MSU Extension and has assisted in zoning matters, such as zoning text amendments, minutes, master plan review, etc.

In addition to experiencing higher volumes, interdepartmental cooperation with the Building Department has improved the general flow of applications, with the adoption of BSACloud, and collaborative enforcement. While enforcement has caused some backlash, our departments remain committed to eliminating blight, improving the health and safety of the community, and ensuring our ordinances are

applied across the board equally.

In 2026, the Planning Department intends to focus its efforts on the Master Plan update.

Affordable Housing Developments –

- 136 N. Washington | All PUD documents have been recorded with the County’s Register of Deeds. The developer needs to complete detailed engineering prior to applying for building permits. Last we heard, they are working on acquiring funding for the project.
- 220 N. Park | Almost all of the affordable units at Dorsey Estates have been sold, providing homeownership opportunities for people making between 40 and 80% area median income. Renovare continues to make significant progress on phase 2 of their development!
- 206-210 N. Washington | Avalon Housing purchased the property from the city earlier this year and demolished the blighted apartment building. Since then, the development is taking shape with much of its framing completed.
- 845-945 W. Clark | Huron Vista Apartments and the Residences at Huron have received CofOs for each building. Site work for the property is nearly complete; however, our engineers continue to work with the contractors to acquire the record drawings and complete the engineering process.

PLANNING COMMISSION OPERATIONS

The Planning Commission held 10 total meetings, acting on 39 items during 2025.

Applications

The Commission reviewed **13 site plans**. The Commission also reviewed **7 special use permits**. All of the site plan reviews and special use permit applications were eventually approved.

There was **1 Zoning Ordinance Text Amendment**, that was recommended for approval to the City Council. The City Council ultimately adopted that text amendment, and it went into effect on November 20th, 2025.

1. Dark Sky Compliance Ordinance: Sections 122- 203(A, C, F, G, H, L, M, O, S, W), 122-335(e)(8), 122-335(i)(7), 122-609, 122-665(b)(1)(a), (b)(3)(c), (b)(5)(i), and (d) were all amended.

Despite the approval of 1 Zoning Ordinance Text Amendment, the Planning Commission has considered and/or continue to work on **5 Zoning Ordinance Text Amendments**. They are as follows:

1. Tenting – Planning Commission recommended that City Council pursue alternative policy initiatives.
2. EMBs Revisited – Continuing into 2026.
3. Walk-Up Windows – Continuing into 2026.
4. Harm Reduction – Continuing into 2026.
5. Levels of Review – Continuing into 2026.

The Commission reviewed and recommended denial to the City Council for **1 conditional rezoning application**. The Commission found that the proposal failed to meet key concepts of the Master Plan and Zoning Ordinance. The City Council agreed and denied the application in its first reading.

1 Planned Unit Development was approved this year.

1. 908 N. Congress | Craft Manufacturing & Retail

1 Amended Planned Unit Development was approved this year. The purpose of the amendment was to approve a departure for a free-standing monument sign.

1. 611 W. Cross | Craft Manufacturing & Retail

Figure 1 Planning Applications by Type | Past Five Years

	2021	2022	2023	2024	2025
Site Plan Review	6	13	5	6	13
Site Plan Amendment	3	--	--	--	2
Special Use Permit	8	12	4	4	7
Zoning Map Amendment	--	--	--	--	--
Zoning Text Amendment	3	3	1	3	3
Master Plan Update/ Amendment	1	1	--	--	--
Planned Unit Development	--	--	--	2	1
Amend Approved PUD	--	--	--	--	1
Alley/Street Closure/Vacation	1	--	1	--	--
Change in Non-conforming Use	--	--	--	--	--
Capital Improvements Reviews	1	--	--	--	2
Special Topic Planning	2	2	--	--	--
Conditional Rezoning	--	--	--	--	1
Other	--	--	--	8	9
Total Applications / Deliberations	25	31	11	23	39

Figure 2 Planning Commission Actions by Year | Percent

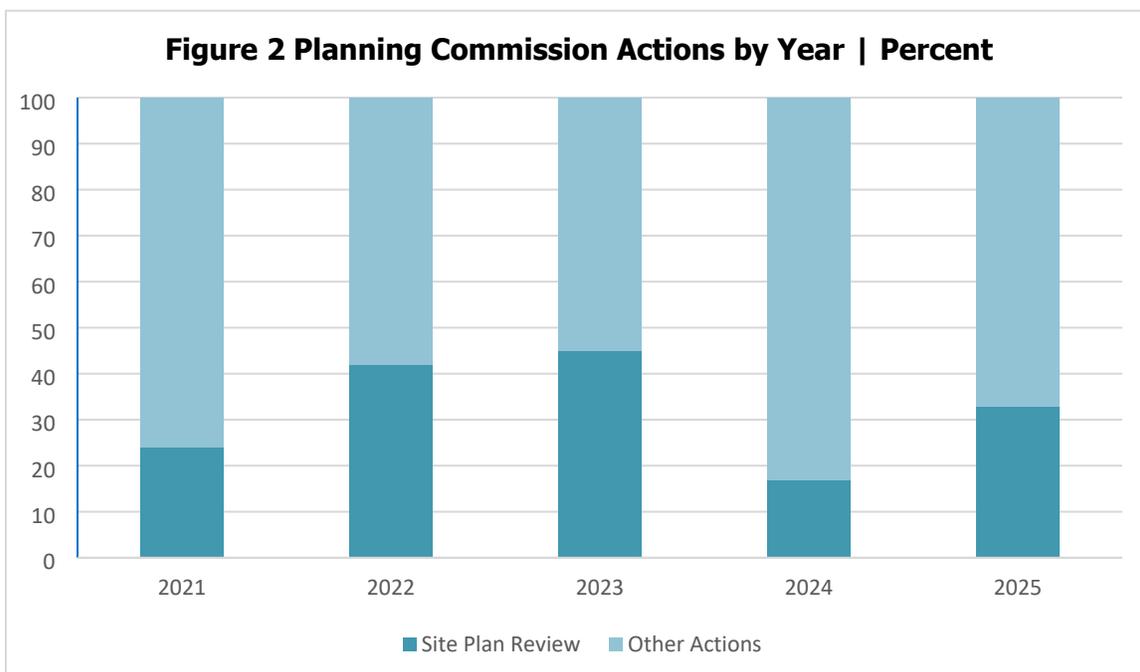


Figure 3 | Planning Decision Stats

Item	Decision/ Motion Date	Action	Key
Tenting	Denied March 19	ZTA	Purple
Dark Sky Compliance	Approved August 20	ZTA	
Walk-Up Windows	Denied November 19	ZTA	
915 W. Michigan	Approved May 21; Approved June 18	SUP	Dark Blue
1901 N. Huron River	Approved August 20	SUP	
775 S. Grove	Postponed August 20; Approved September 17	SUP	
402 S. Washington	Approved August 20	SUP	
1810 Washtenaw	Denied November 19	SUP	
611 W. Cross Amendment	Approved May 21	PUD	
908 N. Congress	Approved September 17	PUD	
1510 Washtenaw	Approved January 15	LSP	
326 E. Michigan	Approved April 16	SPR	
915 W. Michigan	Postponed May 21; Approved June 18	SPR	
1901 N. Huron River	Approved August 20	SPR	
775 S. Grove	Postponed August 20; Approved September 17	SPR	
402 S. Washington	Approved August 20	SPR	
421 Emmet	Approved August 20	SPR	
315 Washtenaw	Postponed August 20; Approved September 17	SPR	
599 S. Mansfield	Postponed September 17; Approved November 19	SPR	
401 E. Michigan	Approved November 19	SPR	
1810 Washtenaw	Denied November 19	SPR	
2024 Planning Commission Annual Report	Approved January 15	OTHER	Yellow
NMAC Term Corrections	Approved January 15	OTHER	
Appointment of NMAC's Chairperson (Dylan Goings)	Approved February 19	OTHER	
Approving NMAC's Bylaw Changes	Approved May 21	OTHER	
Capital Improvement Plan	Postponed May 21; Approved June 18	OTHER	
NMAC Reappointments	Approved June 18	OTHER	
PC Chairperson Election	Approved June 18	OTHER	
PC Vice-Chairperson Election	Approved June 18	OTHER	
487 Owendale Conditional Rezoning	Denied September 17	OTHER	
PC Bylaw Amendments	Approved November 19	OTHER	
2026 PC Meeting Schedule	Approved December 17	OTHER	

Action	#Decisions	
Zoning Text Amendment (ZTA)	3	
Special Use Permit (SUP)	7	
Special Planning Topic (SPT)	0	
Sketch Plan	0	
Site Plan Review (SPR)	13	
Planned Unit Development (PUD)	2	
Limited Site Plan Review (LSP)	2	
Other	12	
Total Items	39	

Master Plan Implementation

These goals and subtitles are taken directly from the Master Plan updates adopted in May 2021.

- Orange highlighting indicates that progress has been made and is ongoing.
- Green highlighting indicates that an item has been completed.

Action	Timeframe	Location	Safety	Diversity	Equity	Environmental Sustainability	Economy
Continue and expand the number, type, and location of festivals and events	Ongoing	All centers		x			x
Continue efforts to fill upper stories	Ongoing	All centers		x	x	x	x
Maintain and expand transportation options	Ongoing	Downtown	x		x	x	x
Draft a business attraction plan for Downtown, Depot Town and Cross Street	1-5 years	All centers		x			x
Encourage business and event activity during the day and evening	1-5 years	All centers	x	x	x		x
Marketing campaign for the City of Ypsilanti	1-5 years	All centers					x
Curbless "festival" street on Washington	1-5 years	Downtown	x		x		x
Use vacant storefronts for temporary retail uses	1-5 years	Downtown	x		x		x
Permanent year-round home for Downtown Farmer's Market	1-5 years	Downtown	x	x	x	x	x
Permanent year-round home for Depot Town Farmer's Market	1-5 years	Depot Town	x	x	x	x	x
Increase walkability (2-way streets & raised intersections)	1-10 years	Downtown	x		x		x
Curbless "festival" street on River and Cross Streets	1-10 years	Depot Town	x		x		x
Create a public space at new train station	1-10 years	Depot Town	x		x		x
Separate Cross and Washtenaw	1-10 years	Cross Street	x			x	x

Create a “front door” for EMU with reconfiguration of Cross and Washtenaw	1-10 years	Cross Street	x	x			x
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Neighborhoods

Action	Timeframe	Location	Safety	Diversity	Equity	Environmental Sustainability	Economy
Continue and increase rental inspections and enforcement	Ongoing	All neighborhoods	x		x	x	x
Assist continuation and expansion of EMU Live Ypsi program	Ongoing	All neighborhoods		x			x
Regulate the form of buildings to preserve the character of neighborhoods	Ongoing	All neighborhoods		x	x		x
Create “Eco-Districts” in neighborhood parks	1-10 years	All neighborhoods		x		x	
Re-survey of the Historic District	1-10 years	All neighborhoods			x	x	
Consider new opportunities for accessory dwelling units	1-5 years	All neighborhoods		x	x	x	x
Allow for density increases in residential zoning districts for the purpose of affordable housing.	1-10 years	All neighborhoods			x	x	x
Relax dwelling size, lot area, and lot dimensions requirements	1-10 years	All neighborhoods			x	x	x
Create visitability requirements	1-5 years	All neighborhoods	x	x	x		
Make corner lot duplexes allowable by-right	1-10 years	All neighborhoods			x	x	x
Revisit home occupation requirements and consider live-works	1-10 years	All neighborhoods		x	x	x	x

Preserve Bell-Kramer residential land uses	Ongoing	Central neighborhoods	x		x	x	
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Corridors

Action	Timeframe	Location	Safety	Diversity	Equity	Environmental Sustainability	Economy
Designate the appropriate building form for each corridor based on existing patterns and vision for that corridor	Form-based code	All corridors	x	x	x		x
Retain the mix of uses within each corridor but allow them throughout the area	Form-based code	All corridors		x	x		x
Reinforce the preservation of historic buildings	Form-based code	Historic corridors		x			x
Maintain River Street as a historic boulevard	Form-based code	Historic corridors	x	x			x
Require a pedestrian-friendly building form while allowing a mix of uses for both students and residents along Huron River Drive, Leforge & Railroad corridors	Form-based code	General corridors	x	x	x		x
Coordinate regulations for Washtenaw Avenue with the Washtenaw County Re-Imagine Washtenaw Plan	1-10 years	General corridors	x	x	x		x
Restore Harriet Street as the Main Street of adjacent neighborhoods	1-10 years	General corridors	x	x	x		x
Restore two-way function to Cross, Huron, and Hamilton Streets	1-10 years	Historic corridors	x		x	x	x

Districts

Action	Timeframe	Location	Safety	Diversity	Equity	Environmental Sustainability	Economy
Update regulations to create walkable areas at the border of the City and Campus	Form-based code	EMU	x	x	x		x

Create regulations that support the existing building form but assure access by all modes of transportation	Form-based code	Health & Human Services	x	x	x	x	
Allow renewable energy facilities, such as solar panels, on industrial land	Form-based code	Job Districts				x	x
Reduce minimum lot size and width in the industrial park to create more opportunity	Form-based code	Job Districts		x			x
Align economic development incentives and programs to encourage emerging sectors that align with the Guiding Values and the employment potential of residents	1-5 years	All Districts					
Create "Welcome to Ypsilanti" packages for new EMU students, including a web version	1-5 years	EMU		x	x		x
Encourage the use or redevelopment of unused parking lots	1-5 years	Health & Human Services & Job Districts		x		x	x
Create a "front door" for EMU in the area created by the reconfiguration of Cross Street and Washtenaw Ave.	1-10 years	EMU	x	x		x	x

LOOKING FORWARD

At the end of 2025, these planning projects remain in progress:

- Reviewing and updating the Master Plan to Implementation of more
- Zoning text amendments; however, we may be looking at an overhaul of the present Zoning Ordinance following Master Plan adoption – please keep this in mind.
- Implementation of Non-Motorized Transportation Plan policy recommendations.
- Re-development of Water Street

